



# Jeanine B. Settlement Agreement Report of the Bureau of Milwaukee Child Welfare January to June 2012

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*Please note this information is embargoed from public release or publication until 12:00 p.m. on September 28, 2012.*

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## **Introduction**

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### **Background to Jeanine B. Settlement Agreement**

This report provides information on the progress of the Bureau of Milwaukee Child Welfare (BMCW) in meeting the requirements of the Jeanine B. Settlement Agreement.

In 1993 the American Civil Liberties Union Children's Rights Project (now Children's Rights, Inc.) filed suit in the Federal District Court for the Eastern District of Wisconsin on behalf of an estimated class of 5,000 children who were receiving child welfare services in Milwaukee County. The Milwaukee County Executive, the Director of the Milwaukee County Human Services Division, the Governor and the Secretary of the Department of Health and Social Services<sup>1</sup> were named as defendants.

The complaint was a broad-based challenge to the administration of the Milwaukee County child welfare system, stating that it failed in its obligation to provide adequate child welfare services to children and families. The complaint alleged that the State failed to adequately supervise and fund the Milwaukee County system.

In response to the lawsuit and to improve the safety and well-being of children, the state of Wisconsin assumed direct responsibility for administering and funding Milwaukee County child welfare effective January 1, 1998. The lawsuit subsequently continued only against the state defendants. In 2002, the parties reached a settlement of the litigation. The Settlement Agreement requires BMCW to achieve specific outcomes regarding the permanency, safety and well-being of Milwaukee County children in out-of-home care. Only two of the numerous outcomes required in the Settlement Agreement have not yet been accomplished.

### **Format of Report**

This is the first semi-annual report for 2012. It includes outcomes of BMCW's performance from January 1 through June 30, 2012.

This report is divided into three sections. The first section describes the performance towards the **remaining enforceable provisions**, and includes the two remaining enforceable provisions which were not met as of CY 2011. The second section includes the status of **provisions that are no longer subject to enforcement**. These provisions are no longer enforced because BMCW was in compliance with the provisions for two consecutive six-month periods as stipulated in the terms of the Settlement Agreement. The third section includes the status of **non-enforceable process indicators and outcomes** inclusive of safety, well-being and permanency objectives included in the Settlement Agreement. This information was identified in previous reports as "monitoring items." Provisions that are no longer operative are excluded from this report. For example, Section I.B.5 of the Settlement Agreement is inoperative because the Subsidized Guardianship waiver was not obtained before January 1, 2003; thus the controlling requirement is I.B.4.

### **Data**

Most of the data presented in this report were generated from the electronic Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). To create a more streamlined document for the reader, the rounding of performance percentages (past and present) occurs in most instances.

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<sup>1</sup> The Department was subsequently renamed the Department of Health and Family Services. Beginning in July 2008, responsibility for BMCW was transferred to the newly created Department of Children and Families.

## Annual Performance of Remaining Enforceable Provisions, CY 2003 – YTD 2012

§ I.B.6 Of all reunifications with parents/caregivers, at least the following percentages of children shall be reunified within 12 months of entry into care.

CURRENT PERFORMANCE		PAST PERFORMANCE								
CY 2012 Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 – 2011 Standard							
>= 71%	Monitor Only	>= 65%	>= 71%							
YTD 2012 Result	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result	CY 2010 Result	CY 2011 Result	
71%	45%	63%	72%	71%	69%	64%	57%	61%	68%	

§ I.D.9 At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-care episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.

CURRENT PERFORMANCE		PAST PERFORMANCE								
CY 2012 Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 – 2011 Standard							
>= 90%	>= 80%	>= 82%	>= 90%							
YTD 2012 Result	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result	CY 2010 Result	CY 2011 Result	
82%	76%	72%	72%	73%	75%	77%	78%	80%	82%	

## **Section I. Remaining Enforceable Provisions**

### **Reunification within 12 months of placement in out-of-home care**

§I.B.6. At least the following percentages of children who are reunified with parents or caretakers at the time of discharge from BMCW out-of-home care within the period shall be reunified within 12 months of entry into out-of-home care.

BMCW met the performance standard for the first six-month period of 2012.

<b>CY 2012 Performance Standard</b>	<b>First Six-Month (Jan-Jun)</b>	<b>Second Six-Month (Jul-Dec)</b>	<b>YTD 2012 Annual Performance</b>
>= 71%	71%	NA	71%

**A. 2012 YTD reunification performance is 71 percent meeting the standard of 71 percent.**

YTD 2012 performance (71 percent) met the performance standard for the second consecutive six-month period. The data in Table 1.1 show historical reunification performance since 2003.

*Table 1.1: Semi-annual and annual reunification performance, CY 2003 – YTD 2012*

	<b>January - June</b>	<b>July - December</b>	<b>Annual Performance</b>
<b>YTD 2012</b>	<b>71%</b>	NA	71%
<b>CY 2011</b>	66%	<b>71%</b>	68%
<b>CY 2010</b>	57%	64%	61%
<b>CY 2009</b>	56%	58%	57%
<b>CY 2008</b>	66%	61%	64%
<b>CY 2007</b>	64%	74%	69%
<b>CY 2006</b>	70%	72%	71%
<b>CY 2005</b>	69%	75%	72%
<b>CY 2004</b>	59%	68%	63%
<b>CY 2003</b>	44%	47%	45%

**B. 2012 YTD performance for the agencies was 67 percent and 69 percent and BMCW Initial Assessment was 100 percent.**

The data in Table 1.2 show the monthly and semi-annual performance by each agency for 2012.

- Children's Service Society of Wisconsin, Inc. (CSSW)<sup>2</sup>, achieved a semi-annual performance rate of 67 percent.
- Integrated Family Services, Inc. (IFS), achieved a semi-annual performance rate of 69 percent.
- BMCW Initial Assessment achieved a semi-annual performance rate of 100 percent.

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<sup>2</sup> In CY 2004, Children's Service Society of Wisconsin, Inc. (CSSW) became part of Children's Hospital of Wisconsin. Subsequent to this review period, CSSW changed its name to Children's Hospital of Wisconsin – Community Services.

*Table 1.2: Reunifications January through June, 2012.*

	Jan	Feb	Mar	Apr	May	Jun	Semi-Annual Performance
<b>Agency - CSSW</b>							
Number of reunifications	34	29	19	24	25	43	174
Number of children reunified within 12 or fewer months	25	23	14	12	15	27	116
Percentage reunified in 12 or fewer months	74%	79%	74%	50%	60%	63%	<b>67%</b>
<b>Agency - IFS</b>							
Number of reunifications	15	21	25	15	20	31	127
Number of children reunified within 12 or fewer months	8	15	21	9	18	17	88
Percentage reunified in 12 or fewer months	53%	71%	84%	60%	90%	55%	<b>69%</b>
<b>Initial Assessment</b>							
Number of reunifications	8	6	1	2	3	8	28
Number of children reunified within 12 or fewer months	8	6	1	2	3	8	28
Percentage reunified in 12 or fewer months	100%	100%	100%	100%	100%	100%	<b>100%</b>
<b>BMCW Totals</b>							
BMCW Total reunifications	57	56	45	41	48	82	329
Number of children reunified within 12 or fewer months	41	44	36	23	36	52	232
Percentage reunified in 12 or fewer months	72%	79%	80%	56%	75%	63%	<b>71%</b>

## Placement Stability

§I.D.9 At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-home episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.

BMCW did not meet the performance standard for the first six-month period of 2012.

CY 2011 Performance Standard	First Six-Month (Jan-Jun)	Second Six-Month (Jul-Dec)	CY 2011 Annual Performance
>= 90%	82%	NA	82%

**A. 2012 YTD placement stability performance is 82 percent whereas the standard is 90 percent.**

Although below the standard of 90 percent, performance during the first six-month period of CY 2012 (82 percent) was maintained at the highest level of any six-month period since the start of the Settlement Agreement. The data in Table 1.3 show historical performance since 2003.

*Table 1.3: Semi-annual and annual placement stability performance, CY 2003 – YTD 2012*

	January - June	July - December	Annual Performance
<b>YTD 2012</b>	82%	NA	82%
<b>CY 2011</b>	81%	82%	82%
<b>CY 2010</b>	79%	81%	80%
<b>CY 2009</b>	78%	79%	78%
<b>CY 2008</b>	76%	78%	77%
<b>CY 2007</b>	74%	75%	75%
<b>CY 2006</b>	73%	73%	73%
<b>CY 2005</b>	71%	72%	72%
<b>CY 2004</b>	71%	73%	72%
<b>CY 2003</b>	75%	77%	76%

**B. 2012 YTD performance for the agencies was 78 percent and 85 percent and BMCW Initial Assessment was 98 percent.**

The data in Table 1.4 show the monthly and semi-annual performance by each agency for 2012.

- CSSW achieved a semi-annual performance rate of 78 percent.
- IFS achieved a semi-annual performance rate of 85 percent.
- BMCW Initial Assessment achieved a semi-annual performance rate of 98 percent.

*Table 1.4: Placement stability: performance January through June, 2012*

	Jan	Feb	Mar	Apr	May	Jun	Semi-Annual Performance
<b>Agency - CSSW</b>							
Percentage of children with three or fewer placements	79%	79%	79%	79%	79%	77%	<b>78%</b>
<b>Agency - IFS</b>							
Percentage of children with three or fewer placements	86%	85%	85%	85%	85%	85%	<b>85%</b>
<b>Initial Assessment</b>							
Percentage of children with three or fewer placements	100%	100%	100%	96%	96%	97%	<b>98%</b>
<b>BMCW Totals</b>							
Children with three or fewer placements	1,591	1,570	1,571	1,580	1,572	1,531	
Children in OHC	1,934	1,912	1,919	1,928	1,916	1,881	
Percentage of children with three or fewer placements (monthly)	82%	82%	82%	82%	82%	81%	
Percentage of children with three or fewer placements (cumulative)	82%	82%	82%	82%	82%	82%	<b>82%</b>
Children with four or more placements	343	342	348	348	344	350	

Note: The formula for this performance standard was modified effective July 1, 2012 pursuant to agreement among the parties and Court approval.<sup>3</sup> The original formula was in effect for the six months covered by this report. The data in this report were calculated using the original formula.

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<sup>3</sup> Modified I.D.9. Measure – At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements during the previous 36 calendar months of their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caregiver after an intervening placement during the same out of care episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation. Initial assessment center placements also will be excluded from the calculation (Specified percentages remain the same).

## Section II. Provisions No Longer Subject to Enforcement

Provisions No Longer Subject to Enforcement	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010	CY 2011	YTD 2012
§I.B.2 Children reaching 15 of the last 22 months in out-of-home care ... Termination of Parental Rights (TPR) petition filed ..., or an available Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care. * 2005 performance standard >= 90%	77%	88%	29%	79%	85%	<b>90%</b>	88%	90%	82%	89%
§I.B.3 ... children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed ..., an exception documented ... * 2005 performance standard >= 90%	88%	93%	<b>93%</b>	89%	90%	95%	95%	90%	91%	81%
§I.B.4 ... percentage of children in BMCW out-of-home care ... for more than 24 months ... calculated against a baseline of 5,533 children in BMCW out-of-home care. * 2005 performance standard <=25%	44%	30%	23%	<b>18%</b>	18%	18%	16%	14%	11%	13%
§I.B.7 ... adoption is finalized ... within 24 months of entry into care. * 2005 performance standard >= 30%	14%	16%	22%	32%	<b>34%</b>	38%	33%	37%	32%	29%
§I.C.1 ... children in BMCW custody shall be free of substantiated abuse or neglect allegations within the period by a foster parent or staff of a facility required to be licensed. * 2005 performance standard <=0.60%	0.57%	0.79%	0.81%	0.15%	0.93%	<b>0.39%</b>	0.40%	0.24%	0.22%	0.20%
§I.C.2 ... reports within the period alleging abuse or neglect of a child in BMCW custody shall be referred to the independent investigation agency for independent investigation within three business days. * 2005 performance standard >= 90%	99%	99%	99%	<b>97%</b>	98%	95%	99%	98%	97%	97%
§I.C.3 ... reports referred for independent investigation ... shall be assigned to an independent investigator within three business days of the independent investigation agency's receipt of the referral from BMCW. * 2005 performance standard >= 90%	99%	99%	99%	<b>96%</b>	98%	100%	100%	100%	100%	100%
§I.C.4 Determination of the independent investigations within 60 days of receipt of the referral. * 2005 performance standard >= 90%	98%	98%	99%	<b>98%</b>	96%	100%	100%	100%	99%	98%
§I.D.1-2 BMCW shall ensure that Ongoing Case Managers have ... <u>caseloads not to exceed 11 families per case carrying manager per site ... (Average)</u>	10	10	10	<b>10</b>	12	11	11	10	9	10
§I.D.3 By January 1, 2003... meets 90% compliance with monthly face-to-face contact.	90%	97%	97%	<b>97%</b>	96%	92%	94%	96%	97%	97%
§I.D.7 ... By December 31, 2003, BMCW developed special diagnostic/assessment centers for children ... Placement in such centers follows applicable state law.	NA	81%	82%	79%	76%	76%	78%	<b>97%</b>	100%	100%

**KEY:** **Bold** values in cells indicate that the performance met the standard for that period allowing for release from the provision.

## **Numbers Behind the Provisions No Longer Subject to Enforcement (January to June 2012)**

§I.B.2 Of the 243 children reaching 15 of the last 22 months in out-of-home care, 216 (89 percent) children had a Termination of Parental Rights (TPR) petition filed or an allowable ASFA exception documented.
§I.B.3 Of the 32 children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR petition previously filed or an allowable exception indicated, 26 children (81 percent) belatedly had a TPR petition filed or an allowable exception documented. This is a cumulative measure.
§I.B.4 On average each month, 693 (13 percent) children in BMCW out-of-home care were in care for 24 or more months (measured against the baseline of 5,533 children).
§I.B.7 Of the 113 children with a finalized adoption, 33 (29 percent) of the finalizations occurred within 24 months of the child's entry into care.
§I.C.1 Of the 2,496 children in an out-of-home care placement, 5 children (0.20 percent) were the victims of Child Abuse or Neglect by a foster parent (one child), staff of a facility required to be licensed (two children), or court ordered kinship provider (two children). This is a cumulative measure.
§I.C.2 Of the 73 reports referred to the independent investigation agency, 71 (97 percent) were referred within three business days.
§I.C.3 Of the 73 reports referred for independent investigation, 73 (100 percent) were assigned to an independent investigator within three business days of the referral from BMCW.
§I.C.4 Of the 66 investigations completed by the independent investigative agency, 65 (98 percent) of the determinations were completed within 60 days of receipt of the referral.
§I.D.3 Of the 12,897 (cumulative total) expected monthly face-to-face contacts, 12,462 (97 percent) were achieved.
§I.D.7 ... The Centers were developed prior to December 31, 2003. 100 of the 100 (100%) placement episodes were within the established timelines.

§I.D.1-2 BMCW shall ensure that Ongoing Case Managers have ... caseloads not to exceed 11 families per case carrying manager per site.... Compliance with this provision at any given point in time is measured by averaging the current monthly caseload average with the corresponding averages for the preceding two months. Performance was between 8.7 cases and 10.7 cases per Ongoing Case Manager.

	November 2011	December 2011	January 2012	February 2012	March 2012	April 2012	May 2012	June 2012
Open Cases			1,588	1,578	1,571	1,550	1,527	1,507
Active Ongoing Case Managers at End of Month			141	138	165	161	181	187
Monthly Average	9.6	9.3	11.3	11.4	9.5	9.6	8.4	8.1
Performance			10.1	10.7	10.7	10.2	9.2	8.7

### Section III. Process Indicators and Outcomes

Process Indicators (Previously - Monitor Only)	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010	CY 2011	YTD 2012
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%	96%	90%	95%	94%
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%	69%	89%	86%	<b>89%</b>
Placement packets to foster parents	91%	85%	97%	73%	86%	88%	92%	97%	73%	<b>76%</b>
Annual medical exam	75%	74%	73%	85%	78%	80%	91%	91%	95%	92%
Annual dental exam	57%	65%	64%	78%	67%	68%	87%	87%	92%	86%
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%	82%	85%	87%	81%
Annual and administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%	85%	95%	93%	93%
Re-entry within 12 months of a prior out-of-home care episode	9%	7%	7%	10%	11%	8%	8%	10%	8%	10%
Ongoing Case Manager turnover	30%	39%	33%	26%	34%	35%	30%	25%	34%	<b>16%</b>
Children per caseload (twelve month average)	19.5	18.5	17.0	18.4	21.9	20.9	20.2	17.1	15.7	15.9

**KEY:** Cells where the font is in **BOLD** indicate that performance has improved compared to the previous review period.

Numbers Behind the Process Indicators (January to June 2012)
Of the 232 required family assessments, 218 (94 percent) were completed within 90 days.
Of the 411 expected initial health screens, 365 (89 percent) were completed within five business days.
Of the 50 children in the sample who changed placements or experienced their first placement, 38 providers (76 percent) received and signed for a copy of the Information for Foster Parent's Face Sheet and Checklist.
On average each month, 2,052 of 2,235 children (92 percent) were current with their annual medical exams. <sup>4</sup>
On average each month, 1,543 of 1,785 children (86 percent) were current with their annual dental exams.
Of the 405 Initial Permanency Plans, 327 (81 percent) were completed within 60 days.
Of the 1,660 annual and administrative permanency plan reviews, 1,540 (93 percent) were conducted timely.
Of the 577 children who entered out-of-home care, 55 children (10 percent) entered care within 12 months of a prior out-of-home care episode.
At the start of 2012, there were 162 Family Case Managers. During the first six months, 41 Family Case Managers separated from their position and 94 were hired.
On average each month, 162 Family Case Managers worked with an average of 2,582 children.

<sup>4</sup> The numbers provided for the annual medical and dental exams may underestimate actual performance. The related data reporting issues are currently being researched.