



# Jeanine B. Settlement Agreement Report of the Division of Milwaukee Child Protective Services January - June 2018

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## **Table of Contents**

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### **Introduction** **Page 3**

1. Background to Jeanine B. Settlement Agreement
2. Format of report
3. Data

### **Section I. Remaining Enforceable Provision** **Page 4**

1. Placement stability

### **Section II. Provisions No Longer Subject to Enforcement** **Page 7**

1. Timeliness of ASFA compliance
2. “Belated” ASFA compliance
3. Length of stay in care
4. Reunification within 12 months of placement in out-of-home care
5. Adoption within 24 months of removal
6. Children in foster care are safe from maltreatment
7. Timeliness of referrals from access to the independent investigation agency
8. Timeliness of the assignment by the independent investigation agency to an independent investigator
9. Timeliness of the independent investigation agency completing the investigations
10. Caseload size for ongoing case management program
11. Face-to-face contact
12. Development of Special Diagnostic Assessment Centers

### **Section III. Other Process Indicators and Outcomes** **Page 10**

1. Timeliness of completing initial family assessments
2. Timeliness of initial health screens for children entering out-of-home care
3. Placement packet information
4. Children with updated annual medical and dental examinations
5. Timeliness of completing the initial permanency plan
6. Timeliness of judicial or Administrative Permanency Plan Reviews
7. Children re-entering out-of-home care within 12 months of leaving a prior out-of-home care episode
8. Turnover within Ongoing Case Management programs
9. Average number of children per caseload

# **Introduction**

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

This report provides information on the progress of the Division of Milwaukee Child Protective Services (DMCPS), formerly the Bureau of Milwaukee Child Welfare,<sup>1</sup> towards 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>2</sup> were named as defendants.

The complaint was a broad-based challenge to the administration of the Milwaukee County child welfare system, alleging 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 DMCPS to achieve specific outcomes regarding the permanency, safety and well-being of Milwaukee County children in out-of-home care. Only one of the numerous outcomes required in the Settlement Agreement has not yet been accomplished.

## **Format of Report**

This is the first semi-annual report for 2018. It includes outcomes of DMCPS's performance from January 1, 2018 through June 30, 2018.

This report is divided into three sections. The first section describes the performance towards meeting the **remaining enforceable provision**. The second section includes the status of **provisions that are no longer subject to enforcement**. DMCPS has been released from enforcement of these provisions after meeting the required benchmarks for two consecutive six-month periods, as provided in 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> On October 4, 2015, the Bureau of Milwaukee Child Welfare (BMCW) was renamed the Division of Milwaukee Child Protective Services (DMCPS).

<sup>2</sup> The Department was subsequently renamed the Department of Health and Family Services. Beginning in July 2008, responsibility for DMCPS, at that time known as BMCW, was transferred to the newly created Department of Children and Families.

## Annual Performance of Placement Stability, Remaining Enforceable Provision, CY 2003 – YTD 2018

§I.D.9 At least the following percentages of children in DMCPs custody within the period shall have had three or fewer placements during the previous 36 calendar months of their current episode in DMCPs 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-home care episode. Those children in DMCPs custody through the Wraparound Milwaukee program shall be excluded from this calculation. Initial assessment center placements also will be excluded from the calculation.

### Past Performance

### Current Performance

**CY 2003 Standard**  
**>=80%**

**CY 2004 Standard**  
**>=82%**

**CY 2005 – YTD 2018 Standard**  
**>=90%**

CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010	CY 2011	CY 2012 <sup>3</sup>	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	YTD 2018
Result	Result	Result	Result	Result	Result	Result	Result	Result	Result	Result	Result	Result	Result	Result	Result
76%	72%	72%	73%	75%	77%	78%	80%	82%	84%	87%	87%	88%	87%	87%	88%

<sup>3</sup> Note: The formula for this performance standard was modified effective July 1, 2012 pursuant to agreement among the parties and Court approval. The original formula was in effect for the first six months of 2012. The modified formula was used to calculate data in the second six months of 2012, forward.

## **Section I. Remaining Enforceable Provision**

### **Placement Stability**

I.D.9. At least the following percentages of children in DMCPs custody within the period shall have had three or fewer placements during the previous 36 calendar months of their current episode in DMCPs 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-home care episode. Those children in DMCPs custody through the Wraparound Milwaukee program shall be excluded from this calculation. Initial assessment center placements also will be excluded from the calculation.

DMCPs did not meet the performance standard for the first six-month period of 2018.

<b>CY 2018 Performance Standard</b>	<b>First Six-Month (Jan-Jun)</b>	<b>Second Six-Month (Jul-Dec)</b>	<b>YTD 2018 Annual Performance</b>
>= 90%	88%	NA	88%

**A. YTD 2018 placement stability performance is 88 percent whereas the standard is 90 percent.**

Performance during the first six-month period of CY 2018 (88 percent) has increased from the previous CY (87 percent) and remains below the standard of 90 percent. The data in Table 1.1 show historical performance since 2003.

*Table 1.1: Semi-annual and annual placement stability performance, CY 2003 – YTD 2018*

	<b>January - June</b>	<b>July - December</b>	<b>Annual Performance</b>
YTD 2018	88%	NA	NA
CY 2017	87%	87%	87%
CY 2016	87%	86%	87%
CY 2015	88%	88%	88%
CY 2014	88%	87%	87%
CY 2013	87%	88%	87%
CY 2012 <sup>4</sup>	82%	86%	84%
CY 2011	81%	82%	82%
CY 2010	79%	81%	80%
CY 2009	78%	79%	78%
CY 2008	76%	78%	77%
CY 2007	74%	75%	75%
CY 2006	73%	73%	73%
CY 2005	71%	72%	72%
CY 2004	71%	73%	72%
CY 2003	75%	77%	76%

<sup>4</sup> Note: The formula for this performance standard was modified effective July 1, 2012 pursuant to agreement among the parties and Court approval. The original formula was in effect for the first six months of 2012. The modified formula was used to calculate data in the second six months, forward.

**B. 2018 YTD performance for the partner agencies was 87 percent and 88 percent and DMCPs Initial Assessment was 100 percent.**

The data in Table 1.2 show the monthly and semi-annual performance by each agency for year-to-date 2018.

- CHWCS (Children’s Hospital of Wisconsin Community Services) achieved a semi-annual performance rate of 87 percent.
- SaintA achieved a semi-annual performance rate of 88 percent.
- DMCPs Initial Assessment achieved a semi-annual performance rate of 100 percent.

*Table 1.2: Placement stability performance by agency and by month, January through June 2018*

	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Semi-Annual Performance</b>
<b>CHWCS</b>							
Percentage of children with three or fewer placements	86%	87%	87%	87%	88%	88%	<b>87%</b>
<b>SaintA</b>							
Percentage of children with three or fewer placements	88%	88%	88%	88%	89%	89%	<b>88%</b>
<b>Initial Assessment</b>							
Percentage of children with three or fewer placements	100%	100%	100%	100%	100%	100%	<b>100%</b>
<b>DMCPs Totals</b>							
Children with three or fewer placements	1,764	1,762	1,800	1,812	1,789	1,813	
Children in OHC	2,029	2,016	2,050	2,060	2,024	2,049	
Percentage of children with three or fewer placements (monthly)	87%	87%	88%	88%	88%	88%	
Percentage of children with three or fewer placements (cumulative)	87%	87%	87%	88%	88%	88%	<b>88%</b>
Children with four or more placements	265	254	250	248	235	236	

## 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	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	YTD 2018
§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 allowable Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care. * final performance standard >= 90%	77%	88%	29%	79%	85%	<b>90%</b>	88%	90%	82%	87%	89%	91%	91%	88%	97%	94%
§I.B.3 ... children in DMCPs 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 ... * final performance standard >= 90%	88%	93%	<b>93%</b>	89%	90%	95%	95%	90%	91%	100%	100%	100%	100%	100%	100%	0%**
§I.B.4 ... percentage of children in DMCPs out-of-home care ... for more than 24 months ... calculated against a baseline of 5,533 children in DMCPs out-of-home care. * final performance standard <=25%	44%	30%	23%	<b>18%</b>	18%	18%	16%	14%	11%	12%	11%	11%	12%	14%	13%	12%
§I.B.6 ... percentage of children who are reunified with parents or caretakers at the time of discharge... shall be reunified within 12 months of entry into out-of-home care. * final performance standard >= 71%	45%	63%	72%	71%	69%	64%	57%	61%	68%	<b>65%</b> <sup>5</sup>	70%	62%	58%	54%	58%	69%
§I.B.7 ... adoption is finalized ... within 24 months of entry into care. * final performance standard >= 30%	14%	16%	22%	32%	<b>34%</b>	38%	33%	37%	32%	34%	35%	34%	32%	33%	26%	31%

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

\*\* Belated ASFA involves two children with permanency goal of TPR/Adoption and it is anticipated their petition for TPR will be filed with the court within the next period.

<sup>5</sup> DMCPs met the performance standard for two consecutive six-month periods (July – December 2011 and January – June 2012), as required for release from provision. Data point reflects 2012 annualized performance.

Provisions No Longer Subject to Enforcement (cont.)	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	YTD 2018
§I.C.1 ... Children in DMCPs 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.	0.57%	0.79%	0.81%	0.15%	0.93%	<b>0.39%</b>	0.40%	0.24%	0.22%	0.23%	0.15%	0.24%	0.15%	0.22%	0.18%	0.15%
* final performance standard <=0.60%																
§I.C.2 ... reports within the period alleging abuse or neglect of a child in DMCPs custody shall be referred to the independent investigation agency... within three business days.	99%	99%	99%	<b>97%</b>	98%	95%	99%	98%	97%	99%	98%	98%	97%	97%	97%	99%
* final performance standard >= 90%																
§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 DMCPs.	99%	99%	99%	<b>96%</b>	98%	100%	100%	100%	100%	100%	100%	100%	98%	99%	98%	99%
* final performance standard >= 90%																
§I.C.4 Determination of the independent investigation within 60 days of receipt of the referral.	98%	98%	99%	<b>98%</b>	96%	100%	100%	100%	99%	98%	100%	97%	97%	94%	99%	100%
* final performance standard >= 90%																
§I.D.1-2 DMCPs shall ensure that Ongoing Case Managers have caseloads not to exceed an average... of 11 families per case carrying manager per site ... (Average)	10	10	10	<b>10</b>	12	11	11	10	9	8	9	9	8	8	8	8
§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%	98%	99%	98%	98%	98%	98%	98%
§I.D.7 ... By December 31, 2003, DMCPs 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%	100%	98%	98%	98%	99%	96%

**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 through June 2018)**

- §I.B.2 Of the 323 children reaching 15 of the last 22 months in out-of-home care, 304 (94 percent) children had a Termination of Parental Rights (TPR) petition filed or an allowable ASFA exception documented.
- §I.B.3 Of the 2 children in DMCPs 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, 0 children (0 percent) belatedly had a TPR petition filed or an allowable exception documented.
- §I.B.4 On average each month, 688 (12 percent) children in DMCPs out-of-home care were in care for 24 or more months (measured against the baseline of 5,533 children).
- §I.B.6 Of the 255 children reunified with parents or caretakers, 177 (69 percent) were reunified within 12 months of entry into out-of-home care.
- §I.B.7 Of the 134 children with a finalized adoption, 41 (31 percent) of the finalizations occurred within 24 months of the child’s entry into care.
- §I.C.1 Of the 2,749 children in an out-of-home care placement, 4 children (0.15 percent) were the victims of child abuse or neglect by staff of a facility required to be licensed (one child with an unlicensed non-relative, one child with an unlicensed relative, and two children in court-ordered-kinship).
- §I.C.2 Of the 115 reports referred to the independent investigation agency, 114 (99 percent) were referred within three business days.
- §I.C.3 Of the 115 reports referred for independent investigation, 114 (99 percent) were assigned to an independent investigator within three business days of the referral from DMCPs.
- §I.C.4 Of the 99 investigations completed by the independent investigative agency, 99 (100 percent) of the determinations were completed within 60 days of receipt of the referral.
- §I.D.3 Of the 12,521 (cumulative total) expected monthly face-to-face contacts, 12,297 (98 percent) were achieved.
- §I.D.7 ... The Centers were developed prior to December 31, 2003. Of the 96 placement episodes, 92 (96 percent) were within the established timelines.
- §I.D.1-2 DMCPs 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 8.1 cases and 8.3 cases per Ongoing Case Manager.

*Table 2: Caseload*

	<b>Nov 2017</b>	<b>Dec 2017</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>
Open Cases			1,678	1,673	1,650	1,650	1,637	1,626
Active Ongoing Case Managers at End of Month			203	203	204	209	196	194
Monthly Average	8.5	8.1	8.3	8.2	8.1	7.9	8.4	8.4
Performance			8.3	8.2	8.2	8.1	8.1	8.2

### Section III. Process Indicators and Outcomes

<b>Process Indicators (Previously - Monitor Only)</b>	<b>CY 2003</b>	<b>CY 2004</b>	<b>CY 2005</b>	<b>CY 2006</b>	<b>CY 2007</b>	<b>CY 2008</b>	<b>CY 2009</b>	<b>CY 2010</b>	<b>CY 2011</b>	<b>CY 2012</b>	<b>CY 2013</b>	<b>CY 2014</b>	<b>CY 2015</b>	<b>CY 2016</b>	<b>CY 2017</b>	<b>YTD 2018</b>
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%	96%	90%	95%	91%	98%	85%	82%	89%	85%	<b>88%</b>
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%	69%	89%	86%	88%	75%	71%	83%	88%	87%	<b>92%</b>
Placement packets to foster parents	91%	85%	97%	73%	86%	88%	92%	97%	73%	77%	92%	92%	94%	94%	97%	<b>100%</b>
Annual medical exam	75%	74%	73%	85%	78%	80%	91%	91%	95%	94%	94%	91%	89%	91%	93%	<b>94%</b>
Annual dental exam	57%	65%	64%	78%	67%	68%	87%	87%	92%	86%	84%	76%	74%	79%	81%	<b>84%</b>
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%	82%	85%	87%	80%	84%	70%	76%	86%	85%	<b>88%</b>
Annual and Administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%	85%	95%	93%	93%	94%	93%	92%	92%	96%	95%
Re-entry within 12 months of a prior out-of-home care episode	9%	7%	7%	10%	11%	8%	8%	10%	8%	9%	6%	6%	9%	7%	7%	9%
Ongoing Case Manager turnover	30%	39%	33%	26%	34%	35%	30%	25%	34%	25%	39%	34%	32%	29%	28%	<b>14%</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	14.2	13.6	15.5	13.6	13.2	13.3	<b>13.1</b>

**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 through June 2018)**

Of the 352 required family assessments, 310 (88 percent) were completed within 90 days.

Of the 483 expected initial health screens, 446 (92 percent) were completed within five business days.

Of the 100 children in the sample who changed placements or experienced their first placement, 100 providers (100 percent) received and signed for a copy of the Information for Foster Parent’s Face Sheet and Checklist.

On average each month, 2,116 of 2,250 children (94 percent) were current with their annual medical exams.

On average each month, 1,549 of 1,845 children (84 percent) were current with their annual dental exams.

Of the 553 Initial Permanency Plans, 488 (88 percent) were completed within 60 days.

Of the 2,237 Annual and Administrative Permanency Plan Reviews, 2,119 (95 percent) were conducted timely.

Of the 580 children who entered out-of-home care, 51 children (9 percent) entered care within 12 months of a prior out-of-home care episode.

At the start of 2018, there were 211 Ongoing Case Managers. During the year, 34 Ongoing Case Managers separated from their position and 37 were hired.

On average each month, 202 Ongoing Case Managers worked with an average of 2,641 children.