



WISCONSIN DEPARTMENT OF
CHILDREN AND FAMILIES

Jeanine B. Settlement Agreement Report
of the
Division of Milwaukee Child Protective Services
January – June 2016

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Table of Contents

Introduction **Page 3**

1. Background to Jeanine B. Settlement Agreement
2. Format of report
3. Data
4. Annual performance of remaining enforceable provision, CY 2003 – YTD 2016

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 physical 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

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,¹ 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 Services² 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 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 2016. It includes outcomes of DMCPS's performance from January 1, 2016 through June 30, 2016.

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 stipulated 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.

¹ On October 4, 2015, the Bureau of Milwaukee Child Welfare (BMCW) was renamed the Division of Milwaukee Child Protective Services (DMCPS).

² 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 Remaining Enforceable Provision, CY 2003 – YTD 2016

§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 2016
Standard
≥90%**

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	CY 2012 ³ Result	CY 2013 Result	CY 2014 Result	CY 2015 Result	YTD 2016 Result
76%	72%	72%	73%	75%	77%	78%	80%	82%	84%	87%	87%	88%	87%

³ 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.

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 2016.

CY 2016 Performance Standard	First Six-Month (Jan-Jun)	Second Six-Month (Jul-Dec)	YTD 2016 Annual Performance
>= 90%	87%	NA	87%

A. YTD 2016 placement stability performance is 87 percent whereas the standard is 90 percent.

Performance during the first six month period of CY 2016 (87 percent) has decreased by 1 percent from the previous CY (88 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 2016

	January - June	July - December	Annual Performance
YTD 2016	87%	NA	NA
CY 2015	88%	88%	88%
CY 2014	88%	87%	87%
CY 2013	87%	88%	87%
CY 2012 ⁴	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%

⁴ 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. 2016 YTD performance for the partner agencies was 86 percent and 87 percent and DMCPs Initial Assessment was 99 percent.

The data in Table 1.2 show the monthly and semi-annual performance by each agency for year-to-date 2016.

- CHWCS (Children’s Hospital of Wisconsin Community Services) achieved a semi-annual performance rate of 86 percent.
- SaintA achieved a semi-annual performance rate of 87 percent.
- DMCPs Initial Assessment achieved a semi-annual performance rate of 99 percent.

Table 1.2: Placement stability performance by agency and by month, January through June 2016

	Jan	Feb	Mar	Apr	May	Jun	Semi-Annual Performance
CHWCS							
Percentage of children with three or fewer placements	86%	85%	86%	87%	86%	86%	86%
SaintA							
Percentage of children with three or fewer placements	87%	87%	87%	87%	88%	87%	87%
Initial Assessment							
Percentage of children with three or fewer placements	100%	100%	96%	100%	100%	100%	99%
DMCPs Totals							
Children with three or fewer placements	1,727	1,738	1,739	1,774	1,733	1,717	
Children in OHC	1,993	2,005	2,006	2,031	1,985	1,981	
Percentage of children with three or fewer placements (monthly)	87%	87%	87%	87%	87%	87%	
Percentage of children with three or fewer placements (cumulative)	87%	87%	87%	87%	87%	87%	87%
Children with four or more placements	266	267	267	257	252	264	

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	YTD 2016
§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 $\geq 90\%$	77%	88%	29%	79%	85%	90%	88%	90%	82%	87%	89%	91%	91%	89%
§I.B.3 ... children in DMCPSC 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 $\geq 90\%$	88%	93%	93%	89%	90%	95%	95%	90%	91%	100%	100%	100%	100%	92%
§I.B.4 ... percentage of children in DMCPSC out-of-home care ... for more than 24 months ... calculated against a baseline of 5,533 children in DMCPSC out-of-home care. * final performance standard $\leq 25\%$	44%	30%	23%	18%	18%	18%	16%	14%	11%	12%	11%	11%	12%	14%
§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 $\geq 71\%$	45%	63%	72%	71%	69%	64%	57%	61%	68%	65% ⁵	70%	62%	58%	57%
§I.B.7 ... adoption is finalized ... within 24 months of entry into care. * final performance standard $\geq 30\%$	14%	16%	22%	32%	34%	38%	33%	37%	32%	34%	35%	34%	32%	32%
§I.C.1 ... children in DMCPSC 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. * final performance standard $\leq 0.60\%$	0.57%	0.79%	0.81%	0.15%	0.93%	0.39%	0.40%	0.24%	0.22%	0.23%	0.15%	0.24%	0.15%	0.11%

⁵ DMCPSC 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.

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

Provisions No Longer Subject to Enforcement (<i>cont.</i>)	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	YTD 2016
§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. * final performance standard >= 90%	99%	99%	99%	97%	98%	95%	99%	98%	97%	99%	98%	98%	97%	96%
§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. * final performance standard >= 90%	99%	99%	99%	96%	98%	100%	100%	100%	100%	100%	100%	100%	98%	100%
§I.C.4 Determination of the independent investigation within 60 days of receipt of the referral. * final performance standard >= 90%	98%	98%	99%	98%	96%	100%	100%	100%	99%	98%	100%	97%	97%	91% ⁶
§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	10	12	11	11	10	9	8	9	9	8	8
§I.D.3 By January 1, 2003...meets 90% compliance with monthly face-to-face contact.	90%	97%	97%	97%	96%	92%	94%	96%	97%	98%	99%	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%	97%	100%	100%	100%	98%	98%	97%

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

⁶ For 11 of the 13 late Independent Investigations, the Independent Investigation agency was asked by the Milwaukee Police Department to delay its assessments until the police had completed their related investigation. The 11 investigations were all related to the same provider. The Police Department asked for the delay in order to ensure that the Independent Investigations did not compromise the criminal investigation. The Independent Investigation agency kept in contact with DMCPs and the Police Department, and eventually received direction to complete the assessments.

Numbers Behind the Provisions No Longer Subject to Enforcement (January through June 2016)

- §I.B.2 Of the 325 children reaching 15 of the last 22 months in out-of-home care, 288 (89 percent) children had a Termination of Parental Rights (TPR) petition filed or an allowable ASFA exception documented.
- §I.B.3 Of the 12 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, 11 children (92 percent) belatedly had a TPR petition filed or an allowable exception documented.
- §I.B.4 On average each month, 752 (14 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 251 children reunified with parents or caretakers, 144 (57 percent) were reunified within 12 months of entry into out-of-home care.
- §I.B.7 Of the 102 children with a finalized adoption, 33 (32 percent) of the finalizations occurred within 24 months of the child’s entry into care.
- §I.C.1 Of the 2,681 children in an out-of-home care placement, 3 children (0.11 percent) were the victims of Child Abuse or Neglect by staff of a facility required to be licensed (three children).
- §I.C.2 Of the 131 reports referred to the independent investigation agency, 126 (96 percent) were referred within three business days.
- §I.C.3 Of the 131 reports referred for independent investigation, 131 (100 percent) were assigned to an independent investigator within three business days of the referral from DMCPs.
- §I.C.4 Of the 139 investigations completed by the independent investigative agency, 126 (91 percent) of the determinations were completed within 60 days of receipt of the referral.⁷
- §I.D.3 Of the 12,966 (cumulative total) expected monthly face-to-face contacts, 12,733 (98 percent) were achieved.
- §I.D.7 ... The Centers were developed prior to December 31, 2003. Of the 148 placement episodes, 144 (97 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 8.3 cases and 8.6 cases per Ongoing Case Manager.

Table 2: Caseload

	<i>Nov 2015</i>	<i>Dec 2015</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>
Open Cases			1,708	1,687	1,704	1,714	1,707	1,692
Active Ongoing Case Managers at End of Month			203	201	204	200	200	198
Monthly Average	8.3	8.2	8.4	8.4	8.4	8.6	8.5	8.5
Performance			8.3	8.3	8.4	8.4	8.5	8.6

⁷ See Footnote 6.

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	CY 2012	CY 2013	CY 2014	CY 2015	YTD 2016
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%	96%	90%	95%	91%	98%	85%	82%	95%
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%	69%	89%	86%	88%	75%	71%	83%	84%
Placement packets to foster parents	91%	85%	97%	73%	86%	88%	92%	97%	73%	77%	92%	92%	94%	92%
Annual medical exam	75%	74%	73%	85%	78%	80%	91%	91%	95%	94%	94%	91%	89%	92%
Annual dental exam	57%	65%	64%	78%	67%	68%	87%	87%	92%	86%	84%	76%	74%	79%
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%	82%	85%	87%	80%	84%	70%	76%	86%
Annual and Administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%	85%	95%	93%	93%	94%	93%	92%	94%
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%	8%
Ongoing Case Manager turnover	30%	39%	33%	26%	34%	35%	30%	25%	34%	25%	39%	34%	32%	15%
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	13.5

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 2016)

Of the 266 required family assessments, 252 (95 percent) were completed within 90 days.

Of the 320 expected initial health screens, 270 (84 percent) were completed within five business days.

Of the 50 children in the sample who changed placements or experienced their first placement, 46 providers (92 percent) received and signed for a copy of the Information for Foster Parent's Face Sheet and Checklist.

On average each month, 2,070 of 2,261 children (92 percent) were current with their annual medical exams.

On average each month, 1,494 of 1,880 children (79 percent) were current with their annual dental exams.

Of the 385 Initial Permanency Plans, 331 (86 percent) were completed within 60 days.

Of the 2,115 semi-annual and administrative permanency plan reviews, 1,992 (94 percent) were conducted timely.

Of the 431 children who entered out-of-home care, 36 children (8 percent) entered care within 12 months of a prior out-of-home care episode.

At the start of 2016, there were 210 Ongoing Case Managers. During the year, 38 Ongoing Case Managers separated from their position and 49 were hired.

On average each month, 201 Ongoing Case Managers worked with an average of 2,713 children.