

DMCPS Contract Program Requirements for the Provision of Residential Care Center Services

I. Contract Program Requirements as of 6/17/2013.

A. The Contractor will provide quality Residential Care for children which best meets the individual needs of the child by:

1. Following all licensing requirements according to DCF Chapter 52;
2. Providing a safe and quality residential center;
3. Creating and maintaining open and supportive communications among all parties to reach a final goal of permanence;
4. Adhering to and supporting the principles of the Adoption and Safe Families Act (ASFA) which mandates timely permanence for all children in out-of-home care;
5. Participating in Family Teaming Meetings and crisis stabilization meetings as needed;
6. Participating in the development of the Child and Adolescent Needs and Strengths (CANS) survey with the child placing agency and all other identified parties;
7. Completing a written, dated and signed admissions screening report to the DMCPS or identified representative which will include a preadmission review and identification of the prospective resident's primary presenting problems and a statement recommending reasons for or against admission based on the ability of the center to meet the needs of the child(ren).
8. Establishing, whenever possible, a pre-placement visit for the prospective child(ren) and whenever possible, shall include the parent or guardian to participate. The center will provide the prospective child(ren) and their parent(s) or guardian with an orientation to the center's programs.
9. Within 30 days, the Contractor will conduct an initial assessment of the child(ren)'s treatment and service needs and based on this assessment, a treatment care plan that addresses these needs will be written and provided to the parent/guardian and DMCPS representative.
10. Programming will include, but should not be limited to, addressing age appropriate educational issues; medical, dental, and mental health issues; alcohol and other drug abuse education; developing independent living skills; teaching reproductive health awareness, education on domestic violence, sexual abuse/assault; and locating community resources for recreational activities and health care.
11. The child(ren)'s treatment care plan will be reviewed and updated at least once every 3 months and copies will be provided to the parent/guardian and DMCPS representative.

B. Placements in Residential Care Center are expected to be short term to address specific needs of the child.

C. During a child's placement in a Residential Care Center, the Contractor will arrange for, encourage, support and cooperate in assisting the child to maintain contact with his or her biological or adoptive family and siblings through regular visitation and family interaction as required in the court order, permanency plan, or case plan. Visitation Plans will be maintained in the child's case file with documentation related to visits.

D. Children will be protected from potential threats to their safety. The following shall apply:

1. There shall be no maltreatment by agency staff, other children in the center, or others.
2. The use of corporal punishment is prohibited. However, physical restraint may be used in the event of an emergency as defined by DCF 52 licensing guidelines.
3. Training on the dynamics of high-risk behavior and its prevention and management shall be provided to all direct care staff.
4. Internal staff will be responsible for reporting on allegations of abuse and neglect as stipulated in Section IV of this document.
5. Age-appropriate children shall participate in crisis stabilization and planning.
6. Age-appropriate children shall participate in aftercare, transitional, and permanency planning.
7. The agency workforce should be culturally competent and able to support the children in their diverse cultural and lifestyle backgrounds.
8. The Contractor must provide or arrange transportation to and from all medical/mental health/dental appointments and all court-ordered services.

II. Performance Standards and Accountability

A. The Contractor shall perform all services consistent with the documents constituting the Contract.

1. Performance standards will be developed regarding permanence, stability, safety and child well-being. The Contractor's performance will be a factor in determining placement referrals and contract renewal.
2. The Contractor will be responsible for documenting the following related to any child in its care:

B. The length of stay in the residential care center from placement to discharge; and

C. Where the child is discharged to, e.g., birth home, foster home, treatment foster home, another RCC, group home, or that the child is AWOL, etc.

D. The Department will evaluate Contractor performance based on outcomes developed by DCF.

E. Corrective action, or any other remedies available to the State under the Contract, may be required for failure to comply with the provisions of the Contract, including failure to follow DMCPSP Policies and Procedures, the Jeanine B. Settlement Agreement and associated corrective action plan, the Federal Child and Family Service Review's Program Improvement Plan (PIP).

III. Alleged Child Maltreatment While in Placement

- A. The Division of Milwaukee Child Protective Services supports a child protection system that is comprehensive, child-centered, family-focused and community-based; incorporates all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect; and promotes physical and psychological recovery and social re-integration in an environment that fosters the health, safety, self-respect and dignity of the child.
- B. All agency staff should be knowledgeable with regard to child abuse and neglect prevention, intervention and treatment while being cognizant of ethnic or racial minorities and diverse geographic areas within the community.
- C. The agencies need to provide training to agency staff with regard to the prevention of maltreatment while a child is in their care. Agency staff training must include:
 - 1. Training to identify when abuse or neglect has occurred.
 - 2. Training detailing the legal duties of such personnel and their responsibilities to protect the legal rights of the child.
 - 3. Training detailing protocols for staff regarding mandated reporting of child abuse or neglect.
 - 4. Training detailing situations of substance abuse, domestic violence and neglect.
 - 5. Training regarding the confidentiality of all records in order to protect the rights of the child and the child's parents.
 - 6. Training detailing the reporting of medical neglect, procedures or programs, or both to provide for the coordination and consultation with individuals designated by and within appropriate health-care facilities; and the prompt notification by individuals designated by and within appropriate healthcare facilities of cases of suspected medical neglect.
- D. The agency must have procedures in place outlining the immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect and to ensure their placement in a safe environment.
- E. The agency must continually improve the skills and qualifications of the direct line and supervisory staff providing services to children.
- F. All confidential records shall be made available to individuals who are the subject of the report; Federal, State or local government entities, or any agent of such entities; child abuse citizen review panels; child fatality review panels; a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose.

IV. Additional Reporting Requirements Related to Maltreatment in a Residential Care Center

- A. The staff person that witnessed the alleged maltreatment will follow the Residential Care Center's procedures to report the alleged maltreatment to Child Protective Services as well as notifying the DMCPSC case manager and other parties as outlined in their current license.
- B. Any substantiated maltreatment in a residential care center will require the agency to submit a Corrective Action Plan to DMCPSC within 30 days of being notified of the substantiation.

V. CAPTA Appeal Process

- A. The following provisions outline the appeals process for those against whom a substantiated finding of child maltreatment has occurred:
- B. Under the Federal Child Abuse Prevention and Treatment Act (CAPTA) and corresponding Wisconsin State law, the Division of Milwaukee Child Protective Services is required to have an appeal process by which persons against whom a substantiated finding of child maltreatment has occurred have a right of access to an appeal process.
- C. The purpose of an appeal is to allow a person against whom such a finding has been made to have the substantiation decision reviewed and have the opportunity to present additional information for DMCPSC's consideration.
- D. The Department of Children and Families has set forth guidelines regarding the appeal process. DMCPSC's policies and procedure follow the DCF guidelines.
- E. When a person is identified and named as a child maltreater, that person has certain constitutional rights which must be safeguarded and respected. This includes the right to a notice as to whom he/she is accused of maltreating and information regarding what the allegations are which led to the substantiation. This will generally mean that the person is entitled to a copy of the Initial Assessment report (with the identifying information about the reporter redacted).
- F. There is no requirement under Wisconsin or Federal law that an actual maltreater be identified when abuse or neglect is substantiated. It is legally sufficient to substantiate the abuse/neglect without substantiating a named maltreater.
- G. An individual cannot be substantiated as the maltreater unless either DMCPSC or law enforcement has actually interviewed the person as part of the investigation and given him/her an opportunity to present his/her response to the allegations.

VI. Necessary Resources

- A. Except as detailed elsewhere in the Contract as obligations of the Department, the Contractor shall provide the personnel and any materials and resources necessary for the performance of the services.

- B. All current and newly hired staff must successfully complete and comply with the core competencies and staff professional development requirements for their employment position in order to provide quality services and support successful outcomes for children. This includes compliance with strategies for increasing the tenure of agency staff, supervisors and managers including career ladders recognizing length of service, attainment of graduate degrees or professional certification, additional skills, experiences or competencies.

VII. Compliance with DMCPD Required Meetings

Contractors are expected to attend all residential care-related program and contract meetings convened by DMCPD. If attendance is not possible by any staff member, the Contractor must notify the assigned DMCPD staff prior to the meeting of the agency's inability to attend.