

MINUTES

Braam Oversight Panel
Red Lion, Rainier Room
SeaTac, WA
June 22, 2010

Panel Members: John Landsverk (Chair), Jan McCarthy, Jeanine Long, Dorothy Roberts, Jess McDonald

Panel staff: Carrie Whitaker

Plaintiffs' Attorneys: Casey Trupin, Erin Shea McCann

Attorney General's Office: Steve Hassett, Carrie Hoon

DSHS Staff: Denise Revels Robinson, Elizabeth Jones, Deborah Purce, Tammy Cordova, Joel Odimba, Myra Casey, Barb Putnam, Kevin Kukas, Rich Pannkuk, Becky Smith, Nick Fuchs, Nancy Anderson, Margaret Wilson

Others: Jennifer Strus, Susan Brook, Mason Burley, Nicholas Oakley, Jim Theofelis, John Tarnai, Janis Avery, Phoebe Sade Anderson, Laurie Lippold, Mary Meinig

Note: The minutes are a general summary of discussion and do not attempt to document every comment. The minutes are supplemented by the attached power point presentations and handouts referenced during the meeting.

John Landsverk called the meeting to order at 1:05pm. He noted that the scheduled end of the Braam agreement is only one year away.

Updates from Denise Revels Robinson, Assistant Secretary, Children's Administration

Denise Revels Robinson introduced several of the CA staff members in attendance, including Nick Fuchs from the FamLink team; Regional Administrators Joel Odimba and Myra Casey; Becky Smith, Acting Director of Field Operations; Barb Putnam; and Rich Pannkuk, Budget Director.

Many of Denise's updates below are summarized on a brief handout, available on the Panel's website with the meeting minutes:

http://www.braampanel.org/MinutesJune10_CAhandout.pdf

Update on Transformation Design Committee

Denise gave an update on the work of the Transformation Design Committee, and reminded the group that the HB2106 legislation called for a two phase process: in the first phase, CA is to reduce the number of contracts and convert to performance contracting; in the second phase, supervising agencies will provide case management in two demonstration sites (one east of the mountains, one west of the mountains). She noted that materials, minutes and presentations from the June 2010 Transformation Design Committee meetings would be available on the Join Hands for Children website by the end of the week.

(<http://www.joinhandsforchildren.org/meetings/061410.shtml>)

Denise noted that several issues have come up in the Legal and Practice Advisory Committee related to private agencies' questions about legal representation and liability. Steve Hassett explained that the committee had asked the Attorney General's office (AGO) for guidance on several issues, and the AGO had provided a letter in response. He noted that the key point in the AGO's response was that, although the legislation calls on the AGO to provide representation in dependency matters to supervising agencies, this does not create an attorney-client relationship between the provider and the AGO. The AGO's client continues to be the state agency with placement and care authority for children-- DSHS. Steve indicated that this clarification will be helpful in figuring out things like insurance requirements for contracts and the details of representation issues.

Jeanine Long asked whether providers currently carry liability insurance, and whether they are held liable for damage awards. Steve indicated that providers do carry insurance, but that most current contracts are narrower in scope than the contracts planned under HB2106. As the scope of contracts expands, agencies' legal risks may also increase, and therefore they may need to carry more insurance. He also reminded the group that Washington state waives sovereign immunity and is a joint and several liability state, which creates a high level of exposure for both private agencies and the state. He predicted that the contract changes will make it more attractive to sue private agencies as a pathway to the state and its more significant resources, and that private agencies could be held liable to the extent of their insurance coverage. Denise clarified that there may be different issues during the two phases of the HB 2106 legislation, due to different responsibilities of master contractors (phase 1) and supervising agencies (phase 2—responsible for case management).

Denise noted that the Department and the Transformation Design Committee are working with national consultants on this process—Charlotte McCullough and Mary Armstrong, who are members of the committee, and Tony Broskowski, who was recently hired to work with CA on risk modeling and developing a payment model. She noted that this process represents a major change both externally and internally, and that it will dramatically change how CA does its work and the type of infrastructure needed to monitor contracts, assure quality services, and evaluate agencies and outcomes. She noted that there is no new funding to support the realignment of infrastructure and that CA has begun reassigning staff to build the necessary capacity.

Denise indicated that the Department was preparing to issue a request for proposals (RFP) for the Phase I Master Contractors in September or October, and that responses would be due about 8 weeks later. She also noted that David DeVillar Fox is now the internal lead on this effort. Denise indicated that the Department continues its extensive efforts to communicate with partners and stakeholders, including agencies, tribes, and foster parents. Quarterly presentations are also given to the Children's Legislative Oversight Committee.

Denise updated the group with good news about funding. She stated that she and Secretary Susan Dreyfus had been contacted by a group of philanthropists with an interest in child welfare. They had been asked to present their vision and needs to the group. In April the group had committed funding to allow CA to conduct a statewide needs assessment of availability of services, gaps, and strengths. The assessment will be conducted by Partners for Our Children over the next several months and will be used to inform the RFP. In addition, Denise and Susan

presented to the philanthropy group on the need for funding for start up for master contractors and training related to this process. The last part of the funding request was a request for investment in front-end services to keep children safe at home and prevent removal. She commented that this is a unique and excellent opportunity for private investment in public child welfare, and she is very excited about the prospects.

Budget Update

Rich Pannkuk provided an update on the budget, which has been finalized since the time of the Panel's last meeting in March. He highlighted several line items and explained the difference between the maintenance level budget (to maintain current services) and the policy level budget (for programs/ services above and beyond maintenance level). He noted that the single largest change in the CA budget was a \$14.4 million caseload adjustment increase, to reflect increases in per capita costs and adoption support payments. On the other side, there was a total of \$9.6 million in cuts to the policy level budget. As a result, CA's total budget increased by \$3.4million, driven by the increase to the maintenance level adjustment.

Denise noted that legislation during the session requires agencies to furlough employees for ten specified days during FY10. However, the law provides for exemptions that include much of CA's staff, including front line social workers and supervisors, DLR staff, staff with responsibility for after hours/ intake, regional licensors, CHET screeners, and FTDM facilitators. However, clerical personnel are not exempt.

Casey Trupin raised the issue of Foster Care to 21 (FC to 21), noting that they had heard that the number of available slots would be cut from the original allocation of 150 to 83. He asked whether this is the case. There was discussion of the number of slots allocated compared with the number of slots utilized. Rich Pannkuk said that the budget funds 103 slots. Jim Theofelis noted that at one point over 100 youth were receiving support through Foster Care to 21.

John Landsverk asked for clarification as to which Braam action steps or compliance plans include FC to 21. Casey pointed to action steps in the original Braam agreement requiring the Department to offer support services to youth to age 21 and to propose legislation providing support to age 21. He noted that these action steps had been declared complete partly based on the FC to 21 program. He also noted that advocates and the state are working to take advantage of provisions in the federal Fostering Connections Act allowing states to claim federal funding for supporting youth to age 21. He commented that the criteria in Fostering Connections are less restrictive than the FC to 21 program and would allow more youth to benefit.

Steve Hassett expressed concern about bringing Fostering Connections into the discussion of requirements in the original Braam Agreement, given that the agreement was reached several years before Fostering Connections was passed.

Casey Trupin noted that plaintiffs had interpreted the requirements of the original agreement more broadly than either CA or the Panel, and had never felt that the FC to 21 program was sufficient to achieve compliance with these requirements because it provides support only to a limited percentage of youth aging out of care. If there are additional cuts to that program, plaintiffs would question whether the proportion youth ages 18-21 who are eligible for ongoing

support is so small that the Department should no longer be considered in compliance with the settlement agreement.

Jeanine Long noted that even though those action steps had been declared complete, the Panel could still ask for updates and reports to determine the extent of the problem. John Landsverk noted that this discussion appeared to be a point of information from Casey, not a formal request related to how the Panel handles these requirements. Casey agreed, and noted that plaintiffs may follow up on this issue in the future and ask that the Panel actively monitor these requirements.

Update on Legislative Session

Denise provided a brief overview of relevant legislation from the 2010 session. She highlighted SHB2680, which revises the state's guardianship statute to allow for the dismissal of the underlying dependency when a guardianship is granted by the court. She said that this is a great opportunity for legal permanency for children living with relatives.

Denise also highlighted HB2735, which requires CA to notify children of their right to request counsel and to ask if the child wants counsel. She acknowledged Casey Trupin and Erin Shea McCann for their advocacy for this legislation.

John Landsverk asked whether the guardianship legislation would clarify the question that the Department, plaintiffs and Panel had often debated in the past as to whether children in guardianships are members of the Braam class. Steve Hassett and Casey Trupin agreed that when a dependency is dismissed, the child is clearly no longer a member of the Braam class.

Other updates

Denise noted that the Child and Family Services Review (CFSR) on-site visit will take place during the week of September 13-17. The Department has been very actively planning and preparing for this process and will submit its statewide self-assessment to the federal office in early July. She noted that the on-site review will take place in King, Spokane, and Whatcom counties.

Denise said that CA is receiving technical assistance from the National Resource Center for Child Protective Services to redesign safety assessment tools and provide staff training on child safety. She noted that child safety is paramount, and this process helps focus and improve the Department's efforts in this area.

Denise noted that the Department has reached a voluntary agreement with the Office of Civil Rights (OCR) of the Department of Health and Human Services related to issues arising several years ago. Steve Hassett explained that OCR had found that the Department's race-based assignment of cases to the Office of African American Children's Services, created in King County in the 1990s as an effort to combat racial disproportionality, violated both the Civil Rights Act of 1964 and the MultiEthnic Placement Act.

Comments from Plaintiffs

Casey Trupin noted that plaintiffs continue to be pleased with the quality of reporting from Children's Administration, noting that communication and information-sharing have greatly

improved. He also noted improvement in key areas such as CHET screening and monthly visits over the past few years, and he credited Denise's leadership as well as leadership from the Regional Administrators on these issues. He pointed out that there continue to be areas in which progress is not being shown in Braam, and plaintiffs have ongoing concerns about FamLink's accuracy and the difficulty of analyzing trends over time in some areas given the change from CAMIS to FamLink. He also expressed concern regarding budget reductions, particularly in the area of behavioral rehabilitation services. Casey also indicated that plaintiffs would like to ensure that there is alignment between the HB2106/ performance contracting process and Braam.

Finally, Casey noted that from plaintiffs' perspective, there is no question that the Braam settlement agreement will continue after June 2011. The only question will be the form and structure of the Braam process. He indicated that plaintiffs would be reaching out to a wide group of stakeholders for input on this subject in the coming months.

Braam Data by Race/ Ethnicity

Carrie Whitaker gave a power point presentation summarizing the Panel's April 2010 informational report on race and ethnicity and the Panel's next steps on this subject. *See power point presentation:* http://www.braampanel.org/MinutesJune10_Braamracedata.pdf

John Landsverk noted that while the Panel reserves the right to create compliance measures in areas in which racial disparity is observed, it has chosen not to do so at this time. The Panel intends to look at race/ ethnicity as part compliance plans for outcomes for which disparity is evident, and views the issue of reducing disparity within the context of increasing overall performance. He noted that the Panel had identified three outcomes for which the data show significant and consistent disparity, and has asked CA to provide more information in these areas. The identified outcomes are placement of children with all siblings, placement of children with some/ all siblings, and frequency of runaways. In all of these areas, outcomes for African American children were markedly worse than for White children during all years for which data are available.

Denise responded that Children's Administration has made a strong commitment to address overrepresentation of minority children in foster care and disparate outcomes for children of color. She noted that this was one of her priorities when she came to Washington, and that it is not acceptable that children of color are not faring as well as White children. Denise indicated that work on racial disproportionality is part of everything CA does, and is a lens through which CA examines all policies and programs.

Denise indicated that CA intends to examine data on sibling separation and runaways more closely in order to try to understand the factors underlying the disparity. She stated that CA is forming an internal workgroup including both data and program staff in order to conduct additional analysis. Based on that, CA will be prepared to come back to the Panel with additional strategies to address these disparities.

Steve Hassett agreed that the disparity on these outcomes is evident. He noted that the next step will be to try to understand causes of the disparity. For example, he stated that previous efforts to understand sibling separation have shown that one reason siblings are separated is

because half-siblings are placed with different sets of relatives. He thought it would be useful to look at whether this occurs more frequently for African American children and might be a cause of the disparity. With respect to runaways, he suggested that an important step would be to look at the age distribution of African American and White children in foster care to see whether the African American group may include a larger proportion of older youth who are more likely to run away. He stated that it is important to understand the cause of the disparity in order to remedy it.

Jeanine Long noted that youth often run away to friends and family, and she asked whether there is any evidence that youth who are separated from their siblings are the same children who run away, perhaps to reconnect with their families. She asked the Department to look at this issue. Dorothy Roberts agreed that it seems possible that there is some linkage between these outcomes.

Steve Hassett agreed that this should be examined, and he suggested that it would also be useful to look at placement type by race. He noted that youth in group homes are more likely to be reported as runaways for short episodes.

With respect to timelines, Steve indicated that the CA workgroup was just now being formed. CA will report back on when it will be able to provide additional information and discuss strategies.

Casey Trupin pointed out that the monthly visits outcome also showed disparities. He observed that all children of color, with the exception of Asian/ Pacific Islander children, received fewer monthly visits. Jess McDonald suggested that this could be linked to the runaway issue, as youth on runaway status do not receive monthly visits.

John Landsverk summarized that in the future the Panel may require CA to address issues of disparity in compliance plans for outcomes for which the Panel has concluded that the data show significant and consistent disparity.

Health Screenings

Denise Revels Robinson provided an update on CA's efforts to build capacity for initial health screening for children entering foster care. She noted that 182 medical providers, covering all regions, have been identified to perform initial health screens.

Jess McDonald asked how these efforts are being received in the medical community. Denise indicated that community medical providers have been very supportive.

John Landsverk asked for clarification as to what it means for a provider to have been "identified" to conduct initial health screens. He asked what exactly these providers have committed to do. Dr. Nancy Anderson, Medicaid Purchasing Administration, indicated that providers do not need a special contract, but that providers have received billing instructions detailing how they will be reimbursed for this service and have shown capacity to conduct these screens within a short timeframe. Jan McCarthy asked whether these physicians have received any training regarding what it means to conduct an initial health screen. Dr. Anderson indicated that a letter has been developed to provide instructions to providers conducting these screens,

and a form is in the process of being updated. Joel Odimba, regional administrator from region 4, indicated that region 4's regional medical consultant has offered training to physicians on medical issues related to child abuse and neglect.

Jeanine Long noted that 182 providers have been identified to provide this service, and she asked how often the service is actually being provided. Elizabeth Jones indicated that screens are being conducted, and that CA is building capacity to report on this. She stated that FamLink has a field to collect this information, and that staff are being notified about how to document these screens. Nancy Anderson noted that the instructions to providers direct them to bill for this service with a specific modifier, but she noted that it is difficult to ensure the modifier is used on a consistent basis. The group noted that between FamLink and the Medicaid billing data, there will be two sources of data to help provide information on how often children entering foster care receive an initial health screen. Jeanine said that the Panel is anxious to receive data on the number of children receiving initial health screens and the timeframe for receiving the screens. Denise said that it would be provided.

Dr. Nancy Anderson provided an update on the Fostering Well-Being Program (*see power point presentation at http://www.braampanel.org/MinutesJune10_CApresentation.pdf slides 10-14*). She noted recent work with regions to improve collaboration between social workers and regional medical consultants. She also provided an update on the work of the care coordination unit.

Dorothy Roberts asked for clarification on the role of the regional medical consultants. Dr. Anderson explained that there is a regional medical consultant working 25-50% time in each region. They serve as resources for social workers, provide education to other practitioners about the health needs of kids in foster care, serve as liaisons between the child welfare and medical communities, and work to find medical homes for children in foster care. She noted that although they are all practicing pediatricians in their communities, their work with DSHS does not involve seeing children clinically.

Jan McCarthy asked whether the 182 providers identified to perform initial health screens will be able to meet the need. Denise replied that this is one of the issues they are still working to understand. Nancy indicated that the regions differ with respect to how many medical providers will accept children on Medicaid, and noted that capacity can be difficult to measure.

John Landsverk asked regional administrators to comment on the availability of medical providers for children in foster care. Joel Odimba, region 4, noted that there has been extensive work in King County to connect with local providers and that there are a lot of resources to serve children in foster care. Myra Casey, region 6, noted that her region is very large and spread out, and resources differ across this area. She noted that in many areas, it can be difficult to find doctors willing to accept Medicaid.

Margaret Wilson, Children's Health Nursing Coordinator with the Medicaid Purchasing Administration, provided an update on first quarter 2010 activities in the Fostering Well-Being program. *See power point presentation at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 3-9*

Jan McCarthy asked how many children are in need of care coordination, both for children newly placed and for children already in placement. Margaret replied that care coordination was not up and running during the first quarter, and that there will be more data on that question in the next and subsequent quarters.

Jess McDonald commented on his experience in Illinois. He noted that Cook County had a rich array of health care resources that were available to children in foster care, but that the struggles in the rest of the state related to developing a network and refining billing procedures were very similar to the work underway in Washington. He commended the state for its excellent efforts.

Educational Outcomes for Children in Foster Care—Mason Burley, Washington Institute for Public Policy

Mason Burley of the Washington State Institute for Public Policy (WSIPP) presented data from three studies related to educational attainment for children in foster care that WSIPP has published over the last six months. The studies address graduation and drop out rates, WASL scores, and the educational advocates program.

See power point presentation at http://www.braampanel.org/MinutesJune10_WSIPPpresentation.pdf

Mason noted that replicating these studies over time can be difficult, due to changes in the standardized tests being administered in Washington as well as changes in data. However, in studies over the past decade, WSIPP has found that children in foster care meet educational standards as measured on standardized tests at about half the rate of the general student population.

John Landsverk observed that some of the data presented suggest that children in foster care for a longer period show better educational outcomes than those in care for a very short period of time, and wondered whether foster care placement may play a buffering role. Jess McDonald pointed out that this may be connected to the phenomenon of short-term stays in foster care, and he noted that when children are removed from and returned to their families very quickly, it is very disruptive and may affect their educational performance. Mason agreed, but clarified that the data exclude children with stays in foster care of less than 90 days. Casey Trupin commented that he was not sure that he agreed with John's conclusion about the buffering role of foster care and noted that there may be other factors at play. John agreed that this is just one possible interpretation.

Mason presented data showing the wide gap between WASL scores for children in foster care and the general population. He noted that WSIPP has reviewed research literature on the most successful, powerful educational interventions, and that even the most effective programs produce fairly modest achievement gains. Children in foster care generally score in the 23rd to 29th percentile on standardized tests; research suggests that even the most powerful educational interventions would raise this to only the 29th to 38th percentile. Bringing foster children to the same level of performance as the general population average (the 50th percentile) is very difficult.

Mason noted that WSIPP has now received matched data for the 2008-2009 school year and will be able to update these analyses.

Jess McDonald asked whether the data had been examined for differences in outcomes for children placed with relative caregivers compared to foster parents. Mason said the report examined this and a number of additional variables, and that this did not turn out to have a significant effect.

Dorothy Roberts and Jess McDonald asked about analysis by school district, noting that some school districts show poor educational performance overall, not just for foster children and that children in foster care may frequently be enrolled in poor performing schools. Dorothy asked whether it is possible that their progress is determined as much by where they live and what school they attend as by the fact that they are in foster care. She suggested that comparing children in foster care to students in the same school districts would be useful. Mason agreed that this context would be helpful. He noted that analysis at the level of the school district and other subcategories can be statistically difficult because of the small number of youth in foster care.

Jeanine Long asked about analysis based on the child's age at the time of entry to foster care, noting that it seemed likely that interventions might be more successful with younger students. Mason stated that he had conducted some analysis by age and had not found significant effects.

Education Data in FamLink- Kevin Kukas, Children's Administration

Kevin Kukas gave a presentation on the education pages that were released in March 2010 in FamLink. *See power point presentation at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 15-22*

Kevin noted that the new educational section of FamLink now captures and maintains information on current and historical educational status. Workers can access different screens to enter information on school, enrollment status, efforts to keep the child in the same school, grades, suspensions, testing, special education services, record requests, and referrals. In addition, there is a new education plan that is aligned with the judicial checklist and intended to be used with the ISSP.

Kevin noted that these pages are new to CA social workers, and training has been conducted over the past couple of months.

Data on attendance, truancy, suspensions & expulsions- Barb Putnam, Children's Administration

Elizabeth Jones noted that efforts are underway to train staff in using the new FamLink education pages. However, until data are consistently entered, the best source of data related to the action step on attendance, truancy, suspensions and expulsions comes from the reports from Treehouse on educational advocates.

Barb Putnam introduced Janis Avery and Phoebe Sade Anderson from Treehouse, which runs the educational advocates program. She presented data on youth referred to the education

advocates program for issues related to suspensions and expulsions (*see power point at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 23-29*). The data show that about 15% of referrals to education advocates are for reasons related to suspension and expulsion. Education advocates are very successful in reducing the severity and duration of suspensions and expulsions for youth referred for this reason.

Dorothy Roberts asked whether all children who are suspended or expelled are referred to Treehouse and therefore reflected in these data. Barb replied that it is not possible to know what proportion of children is referred, but that it does not represent all children suspended or expelled.

Barb noted that CA has provided a lot of training on educational issues over the past several years and has developed extensive resources for foster parents and social workers. As a result, social workers are doing more basic educational advocacy themselves, as are caregivers. Overall, it seems that schools are more sensitive to the needs of children in foster care.

Barb pointed out several systemic issues related to suspensions, including discipline issues in special education classes and the vulnerability of the middle school/ 9th grade ages on this issue.

Update on education workgroup- Barb Putnam, Children's Administration

Barb noted that the education workgroup had recently convened, and included representation from WSIPP, Office of the Superintendent of Public Instruction, Treehouse, CA regional education leads, Braam plaintiffs' counsel (Casey Trupin and Bryn Martyna), Braam Panel staff (Carrie Whitaker), and the Attorney General's Office (Carrie Hoon). *See power point presentation at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 30-36*

Barb's presentation summarized the workgroup's discussion, recommendations, and next steps.

Jess McDonald asked about special education services when students transition from 8th grade to high school, and he asked whether it is possible to track this population to see whether services are lost after this transition. Mason Burley replied that most of the data WSIPP has received is for students in grade 9-12, but it might be possible to look at this issue in the future.

John Landsverk noted that education is a very difficult issue for child welfare systems. He pointed out that youth entering foster care are often already far behind their peers developmentally and educationally. It can be difficult for the child welfare system to work with schools to make up for these deficiencies. He suggested that attendance and disciplinary actions may be the easiest things to impact, but that improving educational performance will be more difficult. He expressed appreciation for Mason and Barb's presentations and for the extensive work being done on this issue.

Barb Putnam noted that some schools have implemented the Compassionate Schools curriculum, which is an approach rooted in the adverse childhood experiences research and includes training for school staff in understanding trauma. A school in Tacoma has cut its suspension rate by close to 95% after implementing this approach.

Jan McCarthy asked whether the education plans, which ask about suspensions, attendance, etc, will be a data source for the action step on this subject. Kevin Kukas explained that the education plan itself is more of a summary, but that FamLink does have fields to track these data by term. Elizabeth Jones explained that CA is building capacity, but that these data entry requirements are new for social workers and are in addition to many other priorities for data entry that social workers are being asked to address. Jess McDonald agreed that data entry can be very burdensome for social workers, and he suggested that the Panel may need to have patience regarding receipt of these data.

Barb Putnam told the group that the education advocates program had not been cut, due to efforts in the legislature to preserve funding and as a result of Janis Avery's success in obtaining private funding to continue the program at its current level.

Public Comment

John Landsverk asked for comments or questions from the audience. There were none, and the meeting was adjourned at 4:55pm.

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Panel staff: Carrie Whitaker

Plaintiffs' Attorneys: Casey Trupin, Erin Shea McCann

Attorney General's Office: Steve Hassett, Carrie Hoon

DSHS Staff: Denise Revels Robinson, Elizabeth Jones, Deborah Purce, Tammy Cordova, Joel Odimba, Myra Casey, Randy Hart, Nancy Sutton, Marty Butkovitch (by phone), Pleas Green (by phone), Becky Smith, Nick Fuchs, Melissa Sayer, Mark Nelson

Others: Jim Theofelis, John Tarnai, Cynthia Forland, Patrick Dowd, Sydney Forrester

Note: The minutes are a general summary of discussion and do not attempt to document every comment. The minutes are supplemented by the attached power point presentations made during the meeting.

John Landsverk called the meeting to order at 9:05am.

September Braam Panel Meeting

John noted that the Panel's September meeting would be rescheduled because the date conflicts with the CFSR on-site visit. There was discussion of cancelling the September meeting and replacing it with an additional meeting in January, but this was rejected because it would conflict with the legislative session.

The Panel's next public meeting will be on September 28-29.

Compliance plan for Sibling Separation Outcomes

John Landsverk noted that the Panel had tentatively approved CA's revised compliance plan related to sibling separation, but had been waiting for the discussion on racial/ ethnic disparities for this outcome before reaching a final decision. Jan McCarthy proposed that the plan could be approved if the Department provides written confirmation of the approach discussed at the previous day's meeting—that the Department will convene a workgroup to further analyze the causes for the disparity and the data and develop strategies to address the racial disparities. In addition, the Department would need to provide specific dates for these activities. Other Panel members agreed to this proposal, provided that CA includes specific dates.

Steve Hassett indicated that the requested information could be provided in a letter to the Panel within the next week. He also noted that the letter would state that his office would repeat the informal survey of social workers regarding why siblings were separated, and that they would add a question about the race of the child to that process.

Frequency of Reporting on Braam Outcomes

John Landsverk recognized the attendance of the regional administrators at the meeting:

- Marty Butkovitch, Region 1 (by phone)
- Pleas Green, Region 2 (deputy representing Ken Nichols, by phone)
- Randy Hart, Region 3
- Joel Odimba, Region 4
- Nancy Sutton, Region 5
- Myra Casey, Region 6

John Landsverk stated that the Panel had sent CA a letter to request more frequent data reporting for a specific set of Braam outcomes, largely because the scheduled end of the 7 year settlement agreement is so close (July 2011). He indicated that the Panel had reviewed data for all outcomes, and had requested this expanded reporting schedule for outcomes for which there is a large gap between the benchmark and most recent performance. The Panel had asked for monthly and/or quarterly reports, depending on the outcome. John noted that the Panel had received a letter from Steve Hassett in response to this request, in which Steve summarized a number of data issues and proposed alternative reports and timeframes.

John noted that Steve's letter had asked for clarification of the Panel's intentions in requesting these data. He quoted the following section of Steve's letter:

"If the intention of the Panel is use the additional reports to see if CA is implementing the strategies set forth in various compliance plans and whether they are having any appreciable effect in improving performance without having to wait for annual performance data, CA is in full accord with this goal. Hopefully, some of the alternative reports we suggest below are consistent with this purpose. However, if the intent is to use the additional reports to monitor compliance on a shortened time frame, CA believes that this would be inconsistent with the Settlement Agreement, which provides for monitoring of "annual benchmarks." III.5.a. This would also represent a substantial departure from the procedures established in the Panel's Revised Implementation Plan."

John stated that the Panel's intention was consistent with the first part of Steve's statement—the Panel had requested more frequent data in order to determine whether progress is being made without having to wait for annual performance data. John clarified that the Panel did not intend to use the data to monitor compliance more frequently or for shorter periods.

John stated that Steve's letter suggested that data could be provided in most of these areas, but with some changes in timelines and alternative reports. He said that he would be willing to work with CA and plaintiffs to discuss specifics timelines and alternatives.

Jeanine Long asked for clarification as to when updated data for the foster parent survey outcomes could be provided. Steve indicated that he had not wanted to include a specific date in the letter before talking to John Tarnai. Since writing the letter, he had learned from John Tarnai that it would be possible to provide a quarterly update on the outcomes in July 2010. In addition, John Tarnai had indicated that the data could be provided by race/ ethnicity within the foster parent survey budget already approved by the Department.

Jess McDonald suggested that data on the number of children receiving initial health screens should be added to the discussion of more frequent reporting. Denise Revels Robinson agreed.

John Landsverk noted that the Panel would like to review data on these selected outcomes at every public meeting, and would therefore like to receive these data at least two weeks before the public meetings. Steve replied that it may depend on when during the month a public meeting is scheduled. John said that the Panel will use the most recent data available in its discussions.

John also noted that, while the Panel did not intend to use these monthly and quarterly reports for compliance purposes, the Panel does plan to publish all available data as an addendum to the upcoming monitoring report. The Panel had discussed the idea of publishing an informational report in mid-November using all data available at that time. However, this would not be for compliance purposes. Reporting for compliance purposes will continue according to the regular schedule, with data due in January 2011 for a Monitoring Report to be issued in March 2011.

Casey Trupin stated that the plan sounded reasonable. John Landsverk indicated that another benefit of the more frequent reporting schedule would be that it would give the two parties the most up-to-date information possible as they consider how to move forward with the Braam process.

Carrie Whitaker clarified that the next step would be a technical assistance session involving CA/ AGO, plaintiffs, Carrie and John.

CA Presentation of Data: Monthly Visits

Joel Odimba, region 4, presented data on monthly visits (*see power point at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 40-42*). He noted that when data are examined on the basis of children receiving a visit each and every month for a full year, performance has been far short of the benchmark (14.8% in FY09). However, when looking at the proportion of children receiving a visit for a given month, there has been significant process, with performance currently over 90%.

Becky Smith said that all Regional Administrators have been working hard with staff to make sure visits happen monthly. R.A.s receive data weekly and are able to drill down in the data to find out exactly which children have not been visited and find out why. They then report this information back to Becky.

Jess McDonald referred to the April 2010 report, which showed 311 children who had not been visited. He noted that this is a fairly small number in each region, and he asked Becky for a sense of who these children are. Becky replied that there are some data integrity issues when information is not input in a timely manner. In addition, there are always some children on runaway status. Jess indicated that it would be very useful if the Department could compile the specific reasons for each of these children to show that they can account for all missed visits. All of the R.A.s provided additional information on reasons, indicating that reasons for missed visits included documentation and data entry errors, children on runaway status, and children placed out of state through the Interstate Compact on the Placement of Children (ICPC). Jess

stated that it would be helpful if the regions could provide details for each child who was not visited. Randy Hart noted that region 3 has the highest rate of monthly visits, but is still not perfect. In addition to the reasons mentioned by the other RAs, he noted that staff issues do arise. He gave an example of a social worker who was sick for a prolonged period and coverage had not been arranged, and another worker who did not conduct the monthly visits and then abruptly quit.

Jess asked for clarification about who is conducting the visits denoted as “visits by others”. Elizabeth replied that these represent staff at child-placing agencies or social workers in other states. She suggested that it may be possible to examine these more closely and ask the Panel to consider counting these visits as in compliance.

John Landsverk asked whether it is possible to retroactively change a code in FamLink if the visit is documented incorrectly. Becky Smith replied that it is possible to adjust the code, but the system does not give credit. John Landsverk noted that this is an important thing to look at, particularly given that the compliance measure is a cumulative measure for the entire year. If a data entry error is made and cannot be fixed, the case will appear out of compliance for the entire year.

Jess said that it is important to contextualize this measure. He encouraged CA to compile information to account for all missed visits in order to show the complete story. For example, he noted that there may be quite a large number of children placed out of state, and being able to cite this number would be helpful in demonstrating why 100% of children do not receive visits.

Jeanine Long stated that “attempted visits” should be counted as “no visits.” John Landsverk noted that attempted visits are not added into compliance figures. Nancy Sutton stated that is a helpful category to see from a manager’s perspective because it may affect follow up with staff. Casey Trupin stated that showing more categories, rather than fewer, is helpful because it helps to understand the reasons visits are not achieved for some children.

Jess McDonald stated that this “snapshot measure” showing the proportion of children visited each month is as important as the compliance measure, which requires a visit each and every month a child is in care. Again, he stated the importance of providing context and being able to explain the gap between performance of 14.8% for the compliance measure and over 90% for the monthly snapshot measure.

CA Presentation of Data: CHET Shared Planning Meetings within 60 days of entry

Elizabeth noted that CA had provided data to the Panel the previous week for the first time on this outcome. Data represent the fiscal year to date and are from FamLink. *See power point at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 43-46*

Elizabeth noted that there is significant regional variation on this outcome, ranging from 13% in region 6 to 68% in region 2. Myra Casey from region 6 said that these data had surprised her. She indicated that these shared planning meetings are being held, but that the region has a high standard for what is documented as a completed meeting. For example, the expectation in the region is that all key stakeholders in a case, including caregivers, will be involved. If not, the meeting is not documented as a completed shared planning meeting.

John Landsverk said that if the regional variation in performance is a result of regional variation in defining expectations, then there is a clear problem with consistency. He asked region 2 to comment on their approach to these shared planning meetings. Pleas Green from region 2 replied that there are weekly meetings of CHET screeners to make sure all information is entered timely and that meetings are held, completed, and documented in FamLink.

John said that it would be useful for Panel to know that there is some consistent statewide definition of a shared planning meeting. Elizabeth agreed, and stated that the April 2010 policy rollout included guidance to staff on this issue.

Carrie Whitaker commented that the data exclude children in placement for less than 30 days, but that it seems that children in placement less than 60 days should be excluded.

CA Presentation of Data: CHET screens within 30 days of entry to care

Myra Casey, regional administrator from region 6, presented data on timely CHET screenings, noting that February 2010 performance of 83% represented a significant increase over previous periods. (see power point at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 47-49)

John Landsverk observed that while there has been great progress, some regional variation continues. He noted that region 3 has been consistently above the benchmark of 90%, while region 5's performance was 69%. Nancy Sutton, regional administrator from region 5, noted that performance in the region has been at 90% or above on the 3 CHET domains that are most within the screeners' control: emotional/ behavioral, connections, and developmental. However, she noted that obtaining medical and educational records continues to be a challenge. In addition, she noted that there was a vacancy during January and February. And she observed that region 5 has the highest volume of CHET screens to conduct of any region, over 90 per month.

Elizabeth Jones noted that CA continues to focus on obtaining timely educational and medical information.

Jeanine Long observed that the Department had said for years that obtaining timely educational and medical information was impossible and was outside its control. It is clear that efforts in recent years have been successful, as CA has been making excellent progress in these areas. Other Panel members echoed Jeanine's praise about the recent progress.

CA Presentation of Data: Referral to Early Intervention

Myra Casey, regional administrator from region 6, presented data on timely referrals to early intervention services. She showed data indicating that performance in February 2010 was 89%, an increase from 72% in FY09. Performance is very close to the 90% benchmark. (see power point at http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 50-52)

John Landsverk asked Marty Butkovitch, regional administrator from region 1, why performance in region 1 was lower than the statewide average (71% compared to 89%). Marty noted that

this outcome applies to a very small number of children per month, so missing just 1 or 2 referrals has a big affect on the percentages.

Jess McDonald stated that he was impressed with the progress being shown in these areas, and that staff should be told that they are doing an excellent job. John Landsverk stated that he appreciated how the Department had divided these data presentations up among the regional administrators. He said that their perspective, insight and forthrightness were very helpful.

CA Presentation of Data: Caseload Size

Elizabeth Jones noted that CA is still working on FamLink issues with respect to case assignment and calculating caseloads, and therefore the data should be considered estimates.

See power point presentation at

http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slides 54-75

Elizabeth noted that the strict assignment logic that will be used in FamLink to calculate caseload sizes are not being applied to the current caseload report provided to the Panel. Instead, Lee Doran is using a more flexible logic that he feels is more accurate. However, caseload sizes look very different depending on the assumptions made in running the data, and CA is still working to understand caseload issues and train staff on case assignment in FamLink. Elizabeth noted that CA is proposing a technical assistance session with the Panel to discuss measurement issues related to caseload size.

Steve Hassett noted that the current caseload measure includes all social workers who serve at least one member of the Braam class. Elizabeth noted that this pulls in many CPS caseworkers who have just a couple of placement cases that have not yet been transferred. Steve suggested that this could be possible topic for discussion in technical assistance.

Jan McCarthy asked whether the state has a caseload standard or goal for children who are not members of the Braam class. Denise Revels Robinson replied that her goal would be to achieve smaller caseloads for workers serving in-home cases, in order to allow more intensive contact with children and families in order to prevent placement when possible. With respect to investigations, Denise noted that the caseload expectation for CPS staff is 9 new referrals per month. Jess asked whether workers serving in-home services cases also serve placement cases. Denise replied that in many offices, there are blended caseloads.

Jeanine Long noted that the Panel members have great respect for Lee Doran's work with the data, and she asked whether he feels that it will be possible to provide caseload data in which he has confidence. Elizabeth replied that she believes that Lee feels that the data currently being provided represent the best possible estimate, but that improving the data will require partnership with the regions and leadership. Steve Hassett added that Lee can only work with what he can obtain from FamLink, which is only as accurate as the data being entered. Jeanine expressed concern that it sounds like there is not strong confidence in the data for such an important measure.

Casey Trupin noted that plaintiffs would like to be involved in any technical assistance discussion on the caseload measure. John Landsverk and Steve Hassett agreed. Steve added

that a technical assistance session is a starting point, and it may be necessary to form a workgroup.

Randy Hart, regional administrator from region 3, provided an overview of the data. He showed that the percentage of social workers with caseloads at or below 18 was about the same at the start and the end of FY10—72%. He also noted that this was the first time in five years that no new positions have been allocated to the Department, so any declines in worker caseloads are a result of reducing the number of children in care and/or improved management of caseload assignment and allocation of staff.

Randy noted that at the start of FY10, Children's Administration had taken a zero-based budgeting approach to the allocation of staff positions for the first time since 2005. The result of that process was a shift in staff resources from regions 2 and 6 to regions 4 and 5. Even after that process, he noted that region 5 continues to have the lowest proportion of caseworkers with caseloads under 18.

Nancy Sutton, regional administrator from region 5, noted that placements and referrals have increased in the region. She noted that in addition to receiving new positions in the budgeting process last year, there has been shifting of positions among offices within the region. In addition, she commented that intakes increased by 25% between the first quarter of 2009 and first quarter of 2010.

Jan McCarthy asked what percentage of children that CA has contact with end up entering placement. Nancy Sutton replied that the filing rate in region 5 used to be around 11%, but recently has been at 20%. Randy Hart noted that the statewide filing rate has historically been 12-13%.

Jess McDonald asked whether there had been a hiring freeze for casework positions at any point during FY10. Denise Revels Robinson replied that front-line social work positions are exempt from the freeze.

Jess McDonald asked whether CA has a policy of reinvesting savings from permanency by rewarding offices that have been successful in achieving permanency with lower caseload sizes. Randy Hart replied that this is a difficult challenge. Often offices in which permanency rates have been low and caseloads have risen are rewarded with more staff resources. The zero-based budgeting process during summer 2009 attempted to correct these incentives while still balancing this issue against the need to manage caseload sizes as a result of workload demands, Braam and federal requirements. As a result, the allocation formula looked at both permanency rates and the number of children in care in a given location.

Denise Revels Robinson noted that federal funding rules make it difficult to reward success in reducing the number of children in care, because title IV-E funding is lost when children leave care. Unless a state has a IVE waiver (Washington does not), the federal funding rules do not promote reinvesting savings from increased permanency in front-end, preventive services. Washington is supportive of national efforts to implement comprehensive federal finance reform. In addition, funding for front-end services was part of the Department's request to the group of philanthropists she had mentioned previously.

Randy Hart called the group's attention to data in the power point presentation showing the number of children exiting care (see http://www.braampanel.org/MinutesJune10_CApresentation.pdf, slide 61). He noted that 2009 had been a record year for adoptions, and that reunifications had held steady. In 2010, permanency numbers were not as high. After intensive efforts and resources had been invested in improving permanency rates during the past few years, many of the cases remaining in the system are more difficult. In addition, the total number of children in care has declined from a high of 10,411 in June 2007 to 9,256 in May 2010.

Jess McDonald commented on slide 62, which showed that nearly 40% of children who are placed remain in foster care for less than 60 days. He noted that this raises a question of whether all of these children should have been removed in the first place. Randy Hart noted that many of these removals are made by law enforcement and are not within CA's control. Jess commented that this can be hugely disruptive for children, and also creates significant workload implications for staff because of the intensity of case activities during the first few days and weeks of placement.

Steve Hassett provided an overview of data from the Administrative Office of the Courts on dependency and termination filings. He noted that over the past several years, there has been an average of approximately 350 dependency filings per month. However, this figure was 508, 487 and 554 for the months of March, April and May 2010 respectively. A spike in dependency filings for three consecutive months is quite unusual, and is of great concern. Filings have increased most in region 5, but the trend holds across the state. The economic downturn is one possible explanation, and there have been anecdotal reports from hospitals of increases in physical abuse.

Jess McDonald asked whether the Department had explored the issue of using accredited agencies to provide case management services as a tool to reduce caseloads. Denise Revels Robinson replied that this issue is being explored in the context of HB2106.

Jess McDonald urged CA leadership to convey to staff that the Panel is pleased with the improvements on a number of Braam requirements, and that this is the clear result of the hard work of social workers and supervisors. Denise indicated that a written communication would be sent to staff to provide an update on Braam progress, and she said that she appreciated the Panel's recognition of progress.

Casey Trupin said that plaintiffs also recognize progress in a number of areas that the Department had said for many years were not possible to address, such as monthly visits, caseloads and CHET. He expressed appreciation for the regional administrators and their leadership on these issues.

Jan McCarthy agreed that there had been progress in many areas, but she expressed concern about the trends CA had reported showing steady increases in CPS intakes and dependency filings. She noted that these are not Braam issues, but are still very important trends impacting children and families. Casey Trupin agreed with Jan's observation. He noted that although these are not directly related to Braam requirements, they do affect the Braam process because they

may impact the Department's ability to make progress on outcomes and comply with requirements. He thanked the Department for providing so much useful context and data beyond specific Braam issues.

Public Comment

Patrick Dowd from the Office of the Child and Family Ombudsman asked for clarification as to whether the data CA had presented on removals and exits from care included only children for whom a dependency had been established, or whether it would also include voluntary placements. Elizabeth Jones stated that the data had not examined legal status, so it would include all children.

Jim Theofelis of the Mockingbird Society echoed the positive comments from the end of the meeting, stating that it had been remarkable to contrast the tone and nature of these discussions with the Braam meetings from several years ago. He thanked Denise for her excellent leadership and for building on what Randy had accomplished as interim assistant secretary.

Jim commented that the runaway data discussed on the previous day provide insight into a very important issue. He echoed the comments from that discussion that youth are often running *to* something, not *away* from something, and that there could be a connection between the runaway issue and the problem of sibling separation. He also said that recent discussions in the HB2106 Transformation Design Committee meetings about core services highlight the need to connect Braam items to the HB 2106 process.

Jim expressed his support for the Foster Care to 21 program and for efforts to take advantage of the Fostering Connections provisions allowing federal funding to support youth age 18-21. He noted that research is clear that youth who are given the opportunity to remain in care will fare better on outcomes such as criminal behavior and early parenting. Jim also expressed appreciation for the education presentations on the previous day and urged the group to continue its focus on high school graduation.

Jim Theofelis commented on the data presented on the recent increases in dependency filings. He noted that Mark Courtney's analysis of reunification data suggests inconsistency around the state with respect to when dependency is filed.

Finally, Jim noted that it appeared the Braam process was finally yielding some results, and he expressed his support for continuing Braam beyond the original 7-year term so that these important outcomes continue to be monitored, particularly in the context of the changes coming with the implementation of HB 2106.

John Landsverk dismissed the meeting at 12:00pm.

Accompanying Handouts & Presentations

CA General Update: http://www.braampanel.org/MinutesJune10_CAhandout.pdf

CA Presentation: http://www.braampanel.org/MinutesJune10_CApresentation.pdf

Braam Race Data Presentation: http://www.braampanel.org/MinutesJune10_Braamracedata.pdf

WSIPP Education Presentation: http://www.braampanel.org/MinutesJune10_WSIPPpresentation.pdf