

**THE TECHNICAL ASSISTANCE
COMMITTEE**

IN THE CASE OF

BRIAN A. v. HASLAM

**SUPPLEMENT TO THE
JANUARY 30, 2015 MONITORING REPORT**

April 7, 2015

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I. INTRODUCTION

This Supplement to the January 2015 Monitoring Report contains additional information which the Technical Assistance Committee (TAC) provided to the parties on a number of provisions covered in the January 2015 Monitoring Report to help inform the “maintenance discussions.”

Based on the combination of the information presented in the January 2015 Monitoring Report and the additional information included in this Supplement, the parties have agreed that the following 22 provisions of the Settlement Agreement should be designated in “maintenance”:

- III.C (Multiple Investigations Involving a Particular Caregiver for a Particular Class Member)
- IV.B.2 (Intensive Family Based Services to Support Transition Home)
- V.C.3 (New Supervisor Training)
- V.D.3 (New Supervisor Training)
- V.F (Department Review of Provider Training Curriculum)
- V.J (Caseload Limits)
- V.N (File Maintenance and Documentation)
- VI.A.1.f (Limits on Placement of Children in Group Care Facilities with Capacity Greater Than Eight Beds)
- VI.C (Ensuring Access to Reasonable and Appropriate Education)
- VI.F (Ensuring a Full Range of Independent Living Services for Older Youth)
- VI.G (Maintaining a Central Office Child Placement and Private Provider Division)
- VIII.D.1 (Requirement of Prompt FOCUS Team Review of Each Child Entering Full Guardianship)
- VIII.D.3 (FOCUS Process for Children without Permanent Families Identified: Required Action Steps)
- VIII.D.4 (Individual Tracking and Monitoring and Outcome Data Analysis and Reporting)
- IX.B.3 (Exit Interview Requirement)
- X.A (Elements of the Statewide Information System)
- X.B (Elements of the Statewide Information System)
- X.C (Elements of the Statewide Information System)
- XI.E.7 (Quality Assurance Oversight Related to Overdue Initial Permanency Plans)
- XI.E.8 (Quality Assurance Oversight Related to Overdue Annual Permanency Plan Update)
- XVI.A.5 (Reentry into Foster Care)
- XVI.B.1 (Parent-Child Visits)

The parties have also agreed to postpone maintenance discussions related to Sections III.A and VI.B until after the issuance of the June 2015 Monitoring Report to allow the TAC to present additional information in that Report to assist the parties in the assessment of the Department’s performance related to those two provisions.

II. SUPPLEMENTAL INFORMATION

IV.B.2 Availability of Intensive Family Services for a Transition Period

The TAC has interpreted this provision to encompass short term, **intensive therapeutic in-home counseling and support to facilitate the transition home for children with behavioral health needs that pose special parenting challenges.**

As part of a multi-faceted approach to monitoring this provision, the TAC examined and made reference in its January 2015 Monitoring Report to a set of cases that were reviewed in the 2013-14 Quality Service Review (QSR). The TAC was asked to provide additional information to help the parties better understand the TAC's approach to selecting and analyzing these QSR cases.

The TAC identified two QSR indicators which were most likely to identify cases relevant to this provision: *Emotional and Behavioral Well-Being* and *Successful Transitions*. The TAC reviewed every QSR case that scored unacceptable for *Emotional & Behavioral Well-Being* (because those children/youth would likely have behavioral health needs that pose special parenting challenges) to see whether in any of those cases the lack of intensive family services was preventing the child from being transitioned home. The TAC also reviewed every QSR case that scored unacceptable for *Successful Transitions* to determine whether the transition in question was a transition home (rather than a school transition or a transition to another DCS placement) and if so whether it was a lack of intensive family services for a transition period that accounted for the case being scored unacceptable.

The January 2015 Monitoring Report identified a total of 42 cases in the 2013-14 QSR that scored unacceptable for one or both of these indicators, but concluded that "in 30 of these 42 cases, reunification with a parent was not imminent, and the issues resulting in the unacceptable score for these indicators were therefore unrelated to the availability of intensive home based services to support reunification." The TAC was asked to provide additional detail to help understand the reasons that those 30 cases were excluded.

The following table shows the breakdown of the cases that scored unacceptable for the indicators of *Emotional and Behavioral Well-Being* and *Successful Transitions* during the 2013-14 QSR year and shows the number of cases from each of those categories included and excluded from the TAC's review.

QSR Indicator	# Unacceptable	# included in TAC IV.B.2 Review	# excluded from TAC IV.B.2 Review
Successful Transitions only	28	10	18
Emotional & Behavioral Well-Being only	8	1	7
Both Successful Transitions AND Emotional & Behavioral Well-Being	6	1	5
TOTAL	42	12	30

For the 30 cases excluded from the TAC review, the following table shows the reasons for exclusion (for cases excluded for multiple reasons, the case was assigned a category based on the primary reason for exclusion).

QSR Indicator	TOTAL excluded from TAC Review	Children in Full Guardianship or Sole Adoption Goal	Transitions score unrelated to reunification (e.g., involved a transition to a resource home or a school transition)	Transition home not appropriate to consider because of birth parents' current circumstances (e.g., parents are in prison; parents are not participating in permanency plan)	Plan is Exit to Relative (but not a relative from whom the child had been removed) and unacceptable transition score unrelated to intensive family services)	The child continues to have significant emotional and behavioral issues that need to be addressed before transition home will be appropriate
Successful Transitions only	18	4	5	6	3	0
Emotional & Behavioral Well-Being only	7	1	NA	4	0	2
Both Successful Transitions AND Emotional & Behavioral Well-Being	5	2	NA	2	0	1
TOTAL	30	7	5	12	3	3

V.C.3 and V.D.3 Requirement of Supervisory Training and Competency Assessment for DCS Case Manager Supervisors

In the January 2015 Monitoring Report, the TAC described the Department's revised and more robust and intense approach to supervisor training and included data (through November 15, 2014) on the time it has taken for new supervisor candidates to complete that training. The TAC has been asked both to update that information through March 2015 and to address specifically the question of whether the TAC has concerns about supervisor candidates who have taken more than six months to complete their new supervisor training.

At the time that the current Settlement Agreement provision was drafted, the parties had contemplated that new supervisors would simply attend 40 hours of classroom training and that this kind of traditional training could reasonably be accomplished within six months of promotion. In 2013, the TAC endorsed the Department's decision to adopt a more rigorous and personnel-intense approach to new supervisor training. Instead of having a single trainer standing in front of a class, each new candidate, in addition to participating in group discussions led by a master trainer, is expected to receive a significant amount of individual coaching and mentoring from their supervisors, culminating in a "high stakes" panel assessment. However, successfully completing this more rigorous training within six months of promotion is substantially more challenging than delivering a 40-hour classroom course within six months.

Between May 1, 2013 and March 16, 2015, a total of 40 supervisors of *Brian A.* cases were enrolled in the current new supervisor certification program.¹ As of March 16, 2015, 29 of the 40 had completed the training and been certified; eight were in the midst of the training and not yet eligible for the panel assessment, and three were unable to successfully complete the process and are no longer in supervisory positions. Of the 29 supervisors who successfully completed the certification process, 14 did so within the specified time frame of six months or less; 12 completed the process within six to 10 months; and three completed the process in over 12 months.²

Eleven candidates were promoted between January 1 and June 30, 2014. Of the 11 candidates, 10 have completed the supervisory certification process, including receiving 40 hours of training. Seven candidates did so within six months, one within seven months, one within eight months,

¹ These data include all new supervisors of *Brian A.* cases.

² In one instance, the training was completed 13 months after the date of hire (the supervisor was hired into a supervisory position and completed pre-service training prior to beginning the supervisor certification process); the delay resulted from the supervisor (a CM4) going on extended leave between the pre-service training and supervisor certification; when the supervisor returned from leave, she began the supervisor certification process in earnest (and completed it in seven months). In another instance, training was completed 16 months after the date of the promotion; at the time of the promotion (to a CM3 position) the case manager was handling a full caseload and therefore was not assuming supervisory responsibilities; some additional factors (including a period of reconsideration by the case manager about whether she wanted to assume supervisory responsibilities, and a period when that case manager's supervisor was on leave) contributed to the delay. The third supervisor had been promoted almost 14 months before completing the supervisor training, but had not assumed supervisory responsibilities at the time of her promotion. After assuming supervisory responsibilities, that supervisor began the supervisor certification process and completed that process within six months.

and one within ten months. The final candidate is expected to complete the certification process in May 2015.³

Nine candidates were promoted between July 1 and December 31, 2014. Of those nine candidates, three have completed the supervisory certification process, including receiving 40 hours of training. Two candidates did so within six months and one within seven months. Of those who have not completed the training, four are still within six months of their promotion date and are on schedule to complete the training in that time; and two are less than 30 days beyond their target completion dates.

Of those 29 workers who have completed the supervisor training since May 2013, 14 (48%) have completed the new supervisor training within six months, and an additional 12 have completed the training in between six and ten months. The TAC has reviewed the circumstances of those new supervisors who have taken more than six months to complete the training. In each of those cases, the TAC concluded that the Department acted reasonably and appropriately and that the delays in time to completion were understandable.⁴ In order to maintain the integrity and rigor of the new supervisor training, the Department has to have the ability to adjust and manage supervisory training completion times in the manner that it does. There will always be a percentage of cases that will exceed six months, and the TAC views the current percentages of those cases to be well within what should reasonably be expected.

The TAC was also asked to specifically comment on both the allocation of training hours to the various training activities and the process by which the candidate's completion of those training hours and activities is documented and certified. The 40 total training hours are allocated as follows: 26 hours of course instruction allotted to a combination of self-paced individual coursework, along with guided discussion of the material led by a Master Trainer to be appropriate; 10 hours allocated to required coaching by the candidate's direct supervisor (or assigned coach); and four hours allotted to preparation for, conducting of, and debriefing with the candidate about the panel assessment. The TAC found this allocation of training hours to the various training activities to be reasonable and appropriate. The TAC has also reviewed the process by which completion of those required elements of the training are accounted for, documented, tracked and certified and found that the process ensures that each candidate has completed the 40 hours of required training before being certified.

V.F Department Review of Provider Training Curriculum

The January 2015 Monitoring Report described the revised and improved curriculum review and approval process that the Department has implemented to ensure that private provider case managers with comparable responsibilities to DCS case managers receive comparable training. The Department has identified the core competencies that it expects the private provider training to cover and each private provider, as part of the Department's Request for Quotation (RFQ)

³ The one supervisor who has not yet completed her supervisory certification process, who was promoted in May 2014, was on extended leave, and experienced a change in leadership upon return. She is now working with her interim Team Coordinator to complete her coaching hours.

⁴ The Office of Learning and Development tracks supervisory certification progress each month. For each of these 12 supervisors, a member of the TAC monitoring staff reviewed each candidate's progress and the factors contributing to the delays.

process, is required to indicate the training they provide for each identified competency. Under the current process, a DCS trainer from the Office of Learning and Development holds a face-to-face meeting with a representative of each agency who is familiar with that agency's training and during that meeting discusses and reviews with the agency representative the training modules identified in the relevant RFQ form to make sure that the core competencies are adequately covered in the training. Using a tool developed by the Office of Learning and Development, the DCS trainer documents the results of that review and discussion.

The TAC was involved in the discussions with DCS training staff as they developed the enhanced curriculum review process. The TAC reviewed the protocol for conducting the face-to-face meeting with the agency and the tool used to capture the information gathered in that meeting. TAC monitoring staff participated in a number of provider agency site visits and reviewed the written site visit findings for each and every current contract provider. For the seven agencies that required some technical assistance to address some deficit in their training curriculum before it could be approved, TAC monitoring staff reviewed the technical assistance plan and the documentation reflecting the completion of that plan and the approval of the curriculum.

The TAC finds that the training curricula of each of the current private contract agencies provide training on the core practice competencies that is comparable to that provided to DCS case managers for private provider staff who have comparable responsibilities to DCS case managers.

V.J Caseload Limits

The following table updates Table 5.1 from the January 2015 Monitoring Report to include *Brian A.* caseloads for October 2014 through January 2015. As discussed in the January 2015 Monitoring Report, the table presents the percentage of case managers carrying at least one *Brian A.* case whose total caseloads, according to the caseload tracking spreadsheets, were within the caseload limits established by the Settlement Agreement, statewide and by region, as of the end of each month for the period from January 2014 through January 2015. Data shown in the table are based on a count of custody children plus any non-custody *cases* for the months of January 2014 through April 2014 and a count of custody children plus non-custody *children* for the months of May 2014 through January 2015.⁵

⁵ TAC monitoring staff have been actively involved in the design and implementation of the regional caseload tracking process and have validated the accuracy of the data (including the child counts for mixed caseloads) through review of the data, spot checks, and telephone interviews. The TAC will continue to report, at least quarterly, *Brian A.* caseloads based on the number of children, unless and until the Department establishes a mixed caseload measure pursuant to Section V.J of the Settlement Agreement. As of January 31, 2015, 34 (7%) of the 517 case managers carrying a *Brian A.* case had mixed caseloads; these caseloads consisted of primarily *Brian A.* children with a small number (one or two) non-custodial children for reasons that are consistent with best practice.

Of Case Managers Carrying at Least One <i>Brian A. Case</i> , Percentage Meeting Caseload Requirements as of the Last Day of Each Month													
Region	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15
Davidson	91%	94%	97%	100%	97%	97%	94%	97%	100%	97%	100%	93%	97%
East	97%	100%	95%	97%	97%	97%	97%	97%	100%	100%	100%	97%	100%
Knox	100%	100%	100%	100%	100%	100%	98%	96%	100%	96%	94%	96%	100%
Mid Cumberland	97%	98%	98%	96%	98%	100%	100%	100%	96%	96%	96%	94%	98%
Northeast	90%	98%	100%	94%	90%	95%	98%	90%	100%	100%	100%	100%	100%
Northwest	100%	98%	95%	100%	68%	77%	94%	100%	100%	100%	100%	100%	100%
Shelby	100%	98%	95%	100%	100%	100%	97%	100%	100%	98%	100%	98%	97%
Smoky Mountain	87%	94%	86%	98%	83%	86%	96%	100%	100%	100%	98%	96%	94%
South Central	100%	97%	100%	100%	100%	100%	100%	100%	100%	100%	94%	100%	97%
Southwest	100%	100%	97%	100%	83%	83%	100%	100%	100%	100%	100%	100%	100%
Tennessee Valley	98%	94%	98%	100%	98%	100%	96%	93%	96%	96%	98%	96%	98%
Upper Cumberland	99%	96%	94%	94%	98%	92%	94%	96%	98%	93%	94%	94%	95%
Statewide	95% n=551	97% n=545	96% n=542	98% n=533	93% n=528	95% n=510	97% n=517	98% n=523	99% n=527	98% n=516	98% n=508	97% n=503	98% n=517

For January 2015, the breakdown of compliance with the *Brian A.* caseload standards by case manager position is as follows:

- Case Manager 1: 92.8% (77/83)
- Case Manager 2: 99.7% (389/390)
- Case Manager 3: 88.6% (39/44)⁶

Section VI.F Ensuring a Full Range of Independent Living Services for Older Youth

The TAC has been asked to be more explicit about its assessment of the adequacy of the resources to make independent living services available to every eligible child. The TAC has also been asked to provide some additional data on the level of participation of older youth in the Youth Villages Transitional Living Program and Extension of Foster Care (EFC) compared to the total population eligible for those services.

The Settlement Agreement requires that: “DCS shall have a full range of independent living services and shall provide sufficient resources to provide independent living services to all children in the plaintiff class.”

In the January 2015 Monitoring Report, the TAC provided detailed information on the range of the IL services that DCS makes available to older youth in care. These services come in many forms—provided by resource parents as part of their normal caregiving responsibilities; by congregate care facilities as required under their contracts; through informal supports in the communities in which youth live; through the State’s commitment to extend foster care beyond age 18 and to support youth in post-secondary education and employment programs; through four resource centers in different parts of the state; and through specialized contracts, the most significant being the Transitional Living Program operated by Youth Villages. Tennessee is recognized nationally as a leader in its attention to the older youth population and its evidenced-based work in partnership with Youth Villages to offer transition services to all older youth exiting care.

The biggest challenge to serving older youth transitioning from foster care is engaging the youth in transition planning and services. In most states, the availability of resources to support all

⁶ As of January 31, 2015, there were no CM1s with more than 18 children, no CM2s or non-supervising CM3s with more than 21 children, and no CM3s supervising 1 or 2 with more than 11 children. The following is a description of each non-compliant caseload in the January 2015 data, by region:

- Davidson: one non-supervising CM3 with 21 *Brian A.* children
- East: one CM2 with 21 *Brian A.* children
- Shelby: two CM1s, each with 16 *Brian A.* children
- Smoky: one CM1 with 17 *Brian A.* children; one CM3 supervising 3 with 10 *Brian A.* children; one CM3 supervising 3 with two *Brian A.* children
- South Central: one CM1 with 17 *Brian A.* children
- TN Valley: one CM3 supervising 1 with 11 *Brian A.* children
- Upper Cumberland: one CM1 with 19 *Brian A.* children; one CM1 with 16 *Brian A.* children and two non-custody children; one CM3 supervising 1 with 11 *Brian A.* children

eligible youth who are transitioning to independence is also a challenge, but not so in Tennessee where the resources exist through the combination of Extension of Foster Care and the Transitional Living Program to serve any youth who can be engaged in those services. Because the Youth Villages program is supported through a combination of state and private funding, Youth Villages is able to make services and supports available through their private funding to older youth even when that youth is not otherwise eligible for the federally funded EFC services and supports.

The success of the Department's efforts to better engage young people transitioning from foster care to adulthood is reflected in the increases in the number of young adults receiving Extension of Foster Care services. During the first eight months of fiscal year 2014-15, 594 young adults were served through EFC, compared to 507 young adults served during the first eight months of fiscal year 2013-14. On February 28, 2015, there were 335 young adults receiving EFC services, compared to 261 children on February 28, 2014.

During fiscal year 2013-14, there were 490 class members who turned 18 while in DCS custody. Of those, 344 opted for continued services and supports through Extension of Foster Care and/or the Youth Villages Transitional Living Program.

It is, of course, not realistic to expect that every child who turns 18 while in foster care would opt to continue to receive services and supports. Because the Transitional Living Program and Tennessee's Extension of Foster Care program can only serve those who reside in Tennessee, young people who enlist in the military and are stationed out of state or who enroll in out of state job corps programs or who choose to move out of state at age 18 for other reasons, would be among those who age out without being enrolled in EFC or the Youth Villages program.

There are also children who are on runaway status when they turn 18 and therefore cannot be enrolled. And many children, after being presented with the options to continue to receive services, simply choose not to enroll, even in situations in which that decision to forego continuing supports may not be in their best interests. In recognition of the fact that young people who are on runaway status when they turn 18 or who opt out of extended services when they turn 18 may not be exercising good judgment, Tennessee makes it very easy for young people who do not enroll in EFC or the Youth Villages program at age 18 to reconsider that decision and "opt in" at any time between then and the time they turn 21. The Department has also assigned a staff member responsibility to attempt to follow up with young people who have "opted out" at age 18 to find out how they are doing and see if they might want to reconsider.⁷

The Department is working to better understand the circumstances of those young people who decline the services and supports available through EFC and Youth Villages. As part of this effort, the Office of Independent Living conducted a targeted review of the 64 children who turned 18 years old between December 2, 2014 and January 16, 2015 while in DCS custody

⁷ The Department's Innovative outreach to engage youth who are eligible for IL services and supports is not limited to children aging out of care at 18. The Department conducts outreach to older youth and young adults related to other services as well. For example, the Department recently sent a letter to the 235 children who, since 2012, achieved permanency at or after the age of 16 through adoption or subsidized permanent guardianship to remind them of their eligibility for Education Training Vouchers and other services.

without achieving permanency. Fifty (78%) of those children opted to receive EFC and/or Transitional Living Program services and supports. The Department reviewed the cases of the 14 remaining children and found that five declined to accept services and supports; four were on runaway when they turned 18; three moved out of state; one had transitioned to the Department of Intellectual and Developmental Disabilities (DIDD); and one had resources in excess of \$45,000.⁸

The TAC independently conducted a similar review of the 42 children who turned 18 years old between November 1, 2014 and November 30, 2014 while in DCS custody without achieving permanency. Thirty-two (76%) of those children opted to receive EFC and/or Transitional Living Program services and supports. The TAC monitoring staff reviewed the cases of the 10 remaining children and found that: four declined to accept services and supports; one was on runaway; two moved out of state; one had transitioned to the Department of Intellectual and Developmental Disabilities (DIDD); one was referred to a community provider who would be his payee for SSI, provide case management services, and financial/life skills instruction; and one child, based on a delinquency charge incurred prior to his 18th birthday, was transferred to an adult jail when he turned 18.

The TAC is satisfied that the Department does provide a full range of independent living services, that it has provided sufficient resources to provide those services to all children in the plaintiff class who qualify for them, and that the Department is actively working to engage with and encourage older youth to take advantage of the services and supports available to them.

VI.G Maintaining a Central Office Child Placement and Private Provider Division

The January 2015 Monitoring Report referenced a variety of sources of information available to placement specialists to support the placement process. The TAC was asked to provide some additional detail about the automated information available from TFACTS that contains readily accessible data related to child placement.

The TFACTS Mega Report, which is distributed weekly, contains placement information on each child in custody, including the resource home or congregate care facility in which the child is placed. The Mega Report can be manipulated, using Excel, to produce, among other things, a table showing each congregate care facility serving a DCS child and for each congregate care facility, the number of DCS children in that placement.⁹

The Resource Home Mega Report, which is also distributed weekly, lists all approved resource homes, both DCS and private provider (including homes with an expedited approval). The

⁸ This amount of resources exceeds the EFC income eligibility requirement. While ordinarily young people with substantial financial resources would not end up being served by Youth Villages, Youth Villages, when drawing on its private funding, is not subject to this EFC requirement.

⁹ As discussed in greater detail in Section VI.A.1.f of the January 2015 Monitoring Report, placement in a congregate care facility can be recommended by a regional specialist but cannot be made without review and approval by the Regional Administrator and, the Regional Mental Health Consultant, in most cases.

Resource Home Mega Report includes basic information on each home, including the approved capacity of the home and the number of custodial children placed in the home as of the day of the report.

For additional information on specific resource homes, staff can access the TFACTS Resource Home Files, which are individual electronic files on each resource home. The information accessible from the TFACTS Resource Home File includes:

- basic demographic information about the home and all members of the home,
- the home study with facts about the family, assessment and approval information,
- the status and history of the home (when they were approved, if they have ever been closed or suspended), and
- the number of children for whom they are approved.

The resource home file also includes under the “preferences” tab information relevant to the resource parent’s range of experience serving (and ability and willingness to serve) certain “categories” of children. The experience, ability and willingness of resource homes is captured in one of four designations:

- “demonstrated ability and willingness” to serve,
- “some previous experience or training and willing to” serve,
- “no past experience or training but willing to learn,” and
- “not willing to parent children who experience this condition or display this behavior.”

The “categories” of children include:

- age groups (infant, toddler, middle childhood, teenagers),
- language,
- gender and sexuality,
- medical needs (seven separate medical needs rated, including, for example, special dietary needs, pregnancy, encopresis),
- physical health needs (special accommodation for physical disability, hearing impaired or deaf, visually impaired or blind),
- developmental needs (autism, developmental disability),
- behavioral and emotional needs (11 separate sub-categories including temper tantrums, impulsivity, depression, anxiety, and psychosis), and
- risk behaviors (22 behaviors including physical aggression, suicide risk, substance abuse, delinquent behaviors and runaway).

The preference tab also captures the resource parent’s ability and willingness to serve a child who needs a “stay at home” parent, who has parents in prison, who is part of a sibling group, and/or who requires frequent visits and contact with their birth families.

Finally, the preference tab captures the ability and willingness of the resource parent to serve a child for whom extracurricular activities are very important, and specifically gauges (using a

different four point scale) the resource parents' interest and willingness to support a child's exposure to/interest in a variety of specific activities (including team and individual sports; outdoor recreation including, hiking, biking and camping; and music, both listening and learning an instrument).

VIII.D.3 FOCUS Process for Children without Permanent Families Identified: Required Action Steps

The TAC was asked to provide some further explanation for the way in which it approached its evaluation and analysis of FOCUS case practice for the 28 children in the targeted review sample who maintained that they did not want to be adopted. The TAC was also asked to comment more specifically about the quality of the individual recruitment plans of the 47 other children in the targeted review who were open to adoption.

1. Children Who Maintained They Did Not Want to Be Adopted

In looking at the three areas of activity required by the Settlement Agreement—implementation of an Individual Recruitment Plan (IRP), registry of a child on AdoptUsKids, and utilizing archaeological digs, family searches and interviews to build a strong Child and Family Team—the TAC recognized that for those children who are saying that they do not want to be adopted, the Department would not be expected to implement a plan to get the child adopted over his or her objection, and would not necessarily be expected to register the child on AdoptUsKids. For this reason, the TAC included these 28 children in the analysis of the requirements related to the archaeological dig but limited the analysis of the IRP requirement and the AdoptUsKids requirement to those cases in which the child was open to adoption.

The TAC did, however, review those 28 cases to determine how the Child and Family Team was responding to those children in full guardianship who maintained that they did not want to be adopted. The TAC expected to see at least some evidence that the Child and Family Team had explored with each child the reasons the child did not want to be adopted and continued to provide opportunity for the child to reconsider the decision. The TAC expected that in at least some of those 28 cases, there should be some recruitment efforts, notwithstanding the child's expressed opposition to being adopted, while in others, where a child was particularly adamant in his/her opposition to adoption, such efforts would be disrespectful and inappropriate. Reviewers found what they considered to be reasonable and appropriate approaches to permanency planning, including some recruitment efforts tailored to the individual circumstances of the child that were respectful of the child's wishes, in each of those 28 cases.¹⁰

As would be expected given the deference being paid to the expressed wishes of each of these children, all 28 were older children: two were age 15; nine age 16; thirteen age 17; and four age 18.

¹⁰ The TAC only briefly alluded to the results of that aspect of the review in a footnote in the January 2015 Monitoring Report.

Consistent with good adoption practice, 25 of the children had received some adoption counseling—counseling that at a minimum seeks to address the grief and loss issues that frequently arise when parental rights are terminated and that is intended to help children be open to considering adoption. There were only three youth who had not received adoption counseling:

- a 17-year-old who adamantly refused to consider adoption, was determined to live with his sister and grandfather (whom the Department could not approve as a placement), and opted for Extension of Foster Care upon turning 18;
- a 17-year-old with a history of frequent runaway, who, the Department ultimately discovered, often stayed with a particular woman while on runaway; when the woman learned that the child was in DCS custody (the child had concealed this from the woman), she agreed to go through PATH classes to become a resource parent and the child was placed with her;
- a 16-year-old who is only willing to consider being adopted by the resource parent with whom she is currently living, and that resource parent is not currently willing to adopt the child.

Notwithstanding that all 28 children were asserting that they did not want to be adopted, 16 of them allowed the Department to engage in some recruitment activities on their behalf, including registration on AdoptUsKids and other recruitment websites, creating videos and producing other child specific recruitment materials. All 16 had IRPs that included these kinds of exploratory activities, but in each case, until and unless the young person changed his or her position, there was a limit on the Department's ability to pursue adoption.

There were an additional two youth who were with families in an approved Planned Permanent Living Arrangement (PPLA).

The remaining 10 children from this group of 28 refused to allow the Department to engage in any adoption recruitment activities on their behalf. These included the three young people discussed above (who did not receive adoption counseling) and the following additional seven children:

- An 18-year-old who was frequently on runaway status and had a long history of substance abuse, including addiction to methamphetamine. At one point she had been approved for PPLA, but then ran away. While she was on runaway status, her younger brother was adopted. When she returned, she was placed in residential treatment. The Child and Family Team recruited her younger brother's family to switch providers so that they could be a placement for her when she was released from treatment. The family was willing to adopt her. However, she ran away and aged out while on the run.
- An 18-year-old who had experienced a failed adoption and only wanted to be returned to his birth family. There was a no contact order against the biological mother, who had since moved to Florida. The youth insisted on returning to Florida to live with his family

and a few days before he turned 18 the Department allowed him to fly to Florida to go live with his grandmother.

- A 17-year-old who had experienced a failed adoption and did not want to be adopted. The child was frequently on runaway status and incurred delinquency charges while on the run. Harmony located the child's biological mother in another state and there was some communication between the mother and the youth; however, that communication was terminated at the insistence of the youth. At the time of the review, he was held in detention awaiting disposition having been adjudicated delinquent, and was subsequently placed at Mountain View.
- A 17-year-old who wanted to live with his birth family and for whom ICPC approvals of out-of-state family members were sought, but all were denied. At the time of the review (fall 2014), the youth had been in his resource home since 2012 and the plan was for him to remain with the resource parent until he aged out of care.
- A 16-year-old who was only willing to be placed with birth family. The Department sought ICPC approval of a number of prospective out-of-state relatives, but all were denied.
- A 16-year-old who is determined to return to his biological mother when he turns 18. He was placed at a residential treatment center at the time of the review and the team was focused on getting him stable.
- A 15-year-old who, at the time of the review, was placed in a level 4 facility because of episodes of hallucination, paranoia, and suicidal thoughts. The Child and Family Team members decided to wait until he is stabilized before again approaching him about allowing some recruitment.

2. Individualized Recruitment Plans

As discussed in the January 2015 Monitoring Report, the protocol permitted, but did not require, the members of the FOCUS review team to identify strengths and opportunities for improvement of the individual recruitment planning and plan implementation. Reviewers noted strengths in 40 of the 47 cases;¹¹ reviewers noted opportunities for improvement in 29 of the 47 cases.¹² Those

¹¹ Strengths identified included: the team met regularly; the plan was regularly reassessed; the team tracked and adjusted as things changed in the child's life; the plan was detailed; the plan clearly outlined action steps; there were detailed logs of activities conducted; the action steps identified were specific and measureable; the team was implementing diversified recruitment efforts, ideas, and strategies; there were frequent team meetings and plan reviews; the plans were youth-guided; in cases when adoption was not likely or not the shared plan, the team was still using the IRP to plan for other individualized outcomes (independent living, return to birth family); and clear roles and responsibilities for each team member were identified and outlined.

¹² Opportunities for improvement identified included: teams needed to meet and update the IRPs more frequently; create more organized, detailed, and clear plans that reflect the youths' needs and desires; and clarify everybody's roles and responsibilities.

reviewers who chose to do so captured the strengths and opportunities for improvement in narrative notes. For this reason, there was limited ability to quantify this information.

However, at the end of each regional review, during a “debriefing session,” each reviewer presented the salient facts of the case and the assessment of FOCUS case practice in that case. In addition to the specific questions used to produce quantifiable data, the reviewers were asked to rate the overall quality of case planning and plan implementation in each case. Using the QSR ratings as a point of reference, each reviewer was asked to rate overall case planning and plan implementation as “acceptable” (the equivalent of a 4 or higher QSR score) or “unacceptable” (the equivalent of a 3 or lower QSR score). The reviewers found the overall case planning and plan implementation acceptable in every case reviewed. In each case they found conscientious work being done and in each case reasonable specific actions being taken in an effort to overcome barriers to permanency.

That is not to say that IRPs were being actively implemented in every case reviewed. As discussed in the subsection above, for children who maintained that they did not want to be adopted, the Department was often limited in the recruitment activities that the young person would allow. And there were certainly cases in which the Child and Family Team was focused on stabilizing the child and dealing with immediate crises, and therefore little specific recruitment activities were being carried out. However, in each of these cases, the FOCUS review teams concluded that the Child and Family Team was acting appropriately by focusing on the immediate needs for stabilization, which the team viewed as a pre-requisite for further recruitment. And in one case, no recruitment planning had been possible because the Department was focused on trying to locate the child, who had been on runaway status for 18 months. At the time of the review, the child had just recently been apprehended and the child was placed in a PTC and undergoing a full reassessment.

Case planning for many of the children in full guardianship with no family identified is often extremely challenging and the prospects for permanency often appear bleak. However, as the case reviews have reflected, the Department is succeeding in achieving permanency for a significant number of these children; and in every case reviewed, the team was working reasonably and diligently to implement a plan that was clearly shaped by the individual circumstances of that child and appropriately focused on overcoming the barriers to permanency.

VIII.D.4 Requirement of Individual Tracking and Monitoring and Outcome Data Analysis and Reporting

The TAC was asked to provide some further analysis related to children and youth disrupting placements while in full guardianship.

1. Placement Disruption for Children Who Enter Full Guardianship with a Family Identified or an Anticipated Family Identified

For children who enter full guardianship with a family identified or an anticipated family identified, placement disruption is not a significant issue impeding permanency. This is reflected in the analysis presented in the May 2014 Monitoring Report of two FOCUS entry cohorts.

The vast majority of children entering with either a family identified or anticipated family identified do in fact exit to permanency, and most do so within 12 months of entering full guardianship.

Of the 231 children who appeared on the FOCUS tracking and the “TAC Full Guardianship Report” in the first quarter of 2013, 118 were initially listed as having an adoptive family identified, 64 were initially listed as having an anticipated family identified, and three were initially listed as having an approved PPLA goal.

- Of the 118 children with a family identified, 112 (95%) have exited custody: 111 (94%) to adoption (105 in 12 months or less and six in more than 12 months); and one (1%) to emancipation.
- Of the 64 children who had an anticipated family identified, 58 (91%) have exited custody: 57 (89%) exited to adoption (55 within 12 months and two in more than 12 months); and one (2%) exited to emancipation.

Of the 363 children who appeared on the FOCUS tracking and the “TAC Full Guardianship Report” in the second quarter of 2013, 195 children were listed as having an adoptive family identified and 89 children were listed as having an anticipated family identified.

- Of the 195 children with a family identified, 194 (99%) have exited custody: 191 (97%) exited to adoption (all within 12 months or less); one exited to permanent guardianship; one exited to live with a relative/kin; and one child aged-out.
- Of the 89 children who were listed as having an anticipated family identified, 72 (81%) have exited custody: 71 (80%) have exited to adoption (70 in less than 12 months and one adopted in 13 months); and one (1%) exited to emancipation.

From these two cohorts there were a total of 30 children/youth who remained in full guardianship as of February 6, 2014. Twenty continued to be designated as having a family identified or an anticipated family identified, and one was identified as “approved PPLA.” Examination of the individual circumstances of the 30 children from each of these cohorts who remained in full guardianship found the following:

- Remaining barriers to permanency for the 20 children who continued to be designated as family identified or anticipated family identified were: timelines associated with the ICPC process (eight children); the negotiation of the adoption subsidy (one child); a decision to wait until all children in a sibling group were legally free or all placed in the same resource home so that the resource parent could adopt all the children at the same time (seven children from two sibling groups); and the resource parent and/or child changed their mind about adoption and the team is either working to stabilize the home or

recruiting a new home (four children).

- There were nine children who had been re-designated as “no family identified.” Five of those nine children had been placed in residential programs for purposes of stabilization; one, who remained in the resource home when her brother disrupted and was placed in a residential facility, had been re-designated “no family identified,” although the resource family was still considered a potential adoptive placement for her; two children had been re-designated because the resource parents who had originally indicated an interest in adoption had reconsidered; and in one case the team had recently selected a family and there were plans to start visits between the child and the family.

2. Placement Disruption for Children in Full Guardianship with No Family Identified

Children who enter full guardianship with no family identified or who, as was the case of the nine children discussed above, enter with a family identified or anticipated family identified status and are re-designated as “no family identified” generally experience placement moves. None of the 75 children who were the subject of the targeted review discussed in Section VIII.D.3 were in the same placement at the time of the review as they were when they entered full guardianship.

In some cases, placement moves reflected positive developments toward permanency. For example, of the 75 children who had been designated as “no family identified” at the time the sample was pulled:

- five children had adoptive “families identified” (an intent to adopt had been signed);
- four children had approved PPLA permanency goals; and
- eight children were with “anticipated” adoptive families (an intent to adopt had not yet been signed, but the team expected that the child would be adopted by that family).

In other cases, placement moves were from resource home placements that had disrupted to congregate care settings.

While the targeted review was focused on barriers to permanency for children in full guardianship with no family identified, the factors discussed as barriers to permanency are often the same factors that contribute to placement disruptions. Children who remain in the FOCUS process with “no family identified” for extended periods of time generally present some of the most significant challenges to both finding a potential adoptive home and maintaining the stability of that potential adoptive home. Some of these children have complex medical needs requiring specialized and/or long-term care; some have behavioral or mental health issues that require on-going or periodic mental health treatment and monitoring; a significant number are in congregate care settings for periods of time.

The current FOCUS process ensures that appropriate attention is being paid to factors that contribute to placement disruption for children in full guardianship.

X. Statewide Information System

Section X of the Settlement Agreement provides that:

- A. *DCS shall establish and maintain a statewide computerized information system for all children in DCS custody that is accessible in all regional offices and into which workers shall be able to directly enter data. The statewide computerized information system shall ensure data integrity and user accountability. The system shall have the necessary controls to prevent the duplication of data and to reduce the risk of incorrect or invalid data.*
- B. *This system shall include uniform data presentation, including but not limited to AFCARS elements from DCS for all children in the plaintiff class. This system shall be audited periodically to ensure the accuracy and validity of the data. This system shall provide an immediately visible “audit trail” to the data base administrators of all information entered, added, deleted or modified, and shall have necessary security to protect data integrity. This system shall be capable of providing system-wide reports.*
- C. *An intensive data clean-up process shall ensure the accuracy of all data, including but not limited to data on all individual children in the plaintiff class, in the statewide computerized information system.*

In the May 2014 Monitoring Report and the June 2014 TFACTS Update, the TAC found that TFACTS at that time met most of the Settlement Agreement requirements related to its statewide automated computerized information system and that the Department was taking appropriate steps to meet the remaining requirements in subsequent months. The last major obstacle facing the Department at that time was the limitation of its automated caseload reporting capacity. A redesign of the TFACTS case assignment function was necessary to overcome that obstacle and that redesign was scheduled for release in December 2014.

In advance of the September 19, 2014 Status Conference, the TAC requested that, rather than consider moving portions of Section X into maintenance at that time, the parties wait until after the case assignment redesign had been implemented, and the caseload reporting capacity issue had been addressed, and Section X as a whole could be considered for maintenance.

The TAC is now fully satisfied that the Department’s statewide computerized information system meets all of the Settlement Agreement requirements. The TAC has verified its findings with respect to TFACTS in multiple ways, most significantly through access to and the almost daily use of the TFACTS data system by the TAC monitoring staff. Starting from a place in 2012 when the TAC and other outside assessors found much that was wrong with TFACTS implementation, the state has wisely invested the time and skilled resources to accomplish the necessary changes and now has the internal capacity to sustain a computerized information system that meets its internal management needs and provides the information necessary to monitor the Settlement Agreement and report to the public on the Department’s performance.

At the Plaintiffs' request, the TAC has in the nine subsections below identified each discrete substantive element of Section X, and for each element provided an analysis of the requirements imposed and the TAC's assessment of the Department's performance on each element.

1. *DCS shall establish and maintain a statewide computerized information system for all children in DCS custody that is accessible in all regional offices and into which workers shall be able to directly enter data.*

The Department has implemented TFACTS, which is a "statewide computerized information system" that includes data on "all children in DCS custody," "is accessible in all regional offices," and that allows workers "to directly enter data" into the system and review and access information from it. The TAC has validated the Department's performance on this commitment by having access to TFACTS, using it to review data on individual children, reviewing aggregate data produced from TFACTS on "all children in DCS custody," and by visiting regional offices in person, confirming that it is accessible to workers in each and that workers can directly enter data into the system and that they use the system to record, track and review case activities.

2. *The statewide computerized information system shall ensure data integrity and user accountability.*

"Data integrity" refers to the ability of the system to ensure that when data is entered it is stored and returned correctly when it is subsequently viewed. The TAC has validated that TFACTS meets this requirement. For each monitoring report issued under the Settlement Agreement, the TAC receives, reviews, and independently validates the data produced from TFACTS before it issues the report to the Court and the public. The TAC is also involved in the ongoing, day-to-day data validation efforts of the Department, giving the TAC additional confidence that the system is designed to and is able to ensure data integrity. Moreover, the TAC undertook a review of TFACTS targeted to the specific question of whether data entered into the system was returned correctly. This review of TFACTS, which included among other things a survey of case managers, corroborated the TAC's assessment that the system is able to ensure data integrity.

The provision regarding "user accountability" requires that the system ensure that actions performed in the database can be traced to a specific user of the system. Ordinarily this is done by providing unique user identification names and credentials to log in to the system. TFACTS does this as well, which the TAC has validated through use of the system, review of the system, and interviews with Department staff.

3. *The system shall have the necessary controls to prevent the duplication of data and to reduce the risk of incorrect or invalid data.*

These "necessary controls" include "guardrails" that ensure that certain data elements must be entered, must be entered in a certain format (*i.e.*, a date field must be entered as MM/DD/YYYY rather than a text box), highlighting certain data elements to identify them as important to enter, or automatically providing a range of possible selections to ensure that a selection that is not logically permissible is not made. TFACTS includes examples of all of these types of guardrails.

The TAC has validated the existence of all of these guardrails through interviews with Department staff and hands-on, daily use of TFACTS.

4. *This system shall include uniform data presentation, including but not limited to AFCARS elements from DCS for all children in the plaintiff class.*

As discussed in the May 2014 Monitoring Report and the June 2014 TFACTS Update, the TAC interprets the Settlement Agreement requirement that there be “uniform data presentation” of the federal “AFCARS elements” to require DCS to adopt one of the practices that the General Accountability Office noted that child welfare systems across the nation had employed to improve AFCARS data quality:

To improve data reliability, some states have designed their information systems with special features to encourage caseworkers to enter the information. Four states responding to our survey and 3 states we visited designed their SACWIS with color-coded fields to draw attention to the data elements that caseworker are required to enter. For example, the AFCARS data fields in Oklahoma’s system are coded red until the data are entered, after which the fields change to blue.

Most States Are Developing Statewide Information Systems, but the Reliability of Child Welfare Data Could Be Improved, GAO Report 03-809 (July 2003).

In TFACTS, all AFCARS-required data elements are uniformly labeled in bold red font, as opposed to non-AFCARS elements that are labeled in blue font. In addition, in the event that a user is unable to see color, the AFCARS elements are also all labeled with a “+.” That uniform presentation of the AFCARS elements meets the requirements of the Settlement Agreement. The TAC has validated that this requirement is met by reviewing the TFACTS system itself.¹³

5. *This system shall be audited periodically to ensure the accuracy and validity of the data.*

This provision requires the Department to regularly review the data in TFACTS to ensure it is accurate and valid. As discussed in the April 2013 TFACTS report, the Department regularly sends out a series of data reports to regional offices and requires that those offices review the reports to identify any issues with data accuracy or validity so they can be addressed. In

¹³ Even though it is beyond the requirements of the consent decree, which requires only that AFCARS elements are presented in a uniform color, Plaintiffs’ counsel requested that the TAC include an update on the progress that the Department has made in implementing the modifications in AFCARS reporting required by the Children’s Bureau of the Federal Administration of Children and Families (ACF) and set forth in the AFCARS improvement plan which was approved by the Children’s Bureau in April of 2014.

At the outset, it is important to note that this only relates to what and how data is reported from TFACTS to the ACF. It does not relate to and is distinct from the reporting required pursuant to the Settlement Agreement.

As discussed in the June 2014 TFACTS update, in that plan the Department documented that it had already made the majority of the required changes to AFCARS reporting. The plan called for the Department to address the remaining changes “by early 2015.” Since June 2014, the Department has completed 34 additional modifications to support AFCARS reporting and 36 additional modifications are targeted for the next two months (April and May of 2015). This will leave 18 modifications to address the Children’s Bureau recommendations.

addition, the Department's Central Office team regularly reviews data regarding performance and identifies any issues with data accuracy or validity that must be addressed. The TAC has observed these efforts and, in fact, has been involved in them in the course of the day-to-day monitoring work. As a result, the TAC is satisfied that the Department periodically reviews TFACTS data to ensure it is accurate and valid.

6. *This system shall provide an immediately visible "audit trail" to the data base administrators of all information entered, added, deleted or modified,*

As discussed in the June 2014 report, TFACTS now has an "audit trail" that is immediately visible to the database administrators and that shows all information entered, added, deleted, or modified. The Department's lead database administrator demonstrated this functionality to the TAC, which confirmed that it documents when and by whom all information is "entered, added, deleted or modified."

7. *The system . . . shall have necessary security to protect data integrity.*

As discussed previously, the Department has retained an outside vendor to conduct a security threat assessment on TFACTS. The Department's outside security review efforts have identified 68 security items.¹⁴ Of those, five were accolades (security features that the review found were exemplary); 30 were security issues that have since been fixed (including 12 high priority, five medium priority, and 13 low priority); 20 items originated from the 2013 scan and have been closed as "unable to reproduce" (a standard practice in the industry); eight were found to be working as intended; and four are pending (including two high priority; and two low priority, one of which was the only remaining item from the 2013 scan). Those four remaining findings will be addressed by the end of September 2015.¹⁵

Based on its review of the list of security items and based on discussions about those security items with the Department's OIT staff, the TAC is satisfied that none of the security issues identified present the kind of vulnerability that would threaten the integrity of the child and family specific data that supports casework and is the source for aggregate reporting on class members.

¹⁴ These 68 items are the combined list of findings from both the 2013 external security assessment and the more recent external security threat assessment conducted in August of 2014. All findings from the prior external assessment conducted in 2013 and referenced in the May 2014 Monitoring Report have been addressed, with the exception of one low priority item. Based on the fact that the finding was more of a "best practice" recommendation than one that would actually impact system security in any significant way, a decision was made to postpone action on that low priority item until after the 2014 assessment and then to fold that item into the work plan coming out of that assessment.

¹⁵ The two items listed as "high priority" relate not to a current security threat but to the need to upgrade in order to be able to continue to have ongoing support from the particular product vendor. A simplistic, but helpful analogy would be to those of us who had Microsoft Windows XP as our operating systems for our computers and received notice from Microsoft that they were no longer going to continue supporting Windows XP (and no longer updating our XP security protection), so we needed to upgrade to Windows 7 or Windows 8. The two "high priority" upgrades that the Department is on schedule to have completed by the end of September are, of course, much more sophisticated and much more complex to install; and the need to install them provides a great opportunity to incorporate some other system enhancements as they do the necessary work to accomplish the upgrades.

The TAC is confident that the requirement of “necessary security to protect data integrity” is being met by the processes that the Department has implemented and continues to implement to identify and respond to security threats.

8. *This system shall be capable of providing system-wide reports.*

This provision requires that the Department’s information system must be able to produce “system-wide reports,” which the TAC interprets to include those system-wide reports that an appropriately operated child welfare department would need to responsibly carry out its duties to the children and families it serves. As a general matter, TFACTS can produce system-wide reports regarding the range of areas of the Department’s work with children in the plaintiff class. The evidence of that can be found in the TAC’s comprehensive monitoring reports, which include a significant volume of data that has been and continues to be produced from TFACTS for the Department’s own management needs and for the TAC’s monitoring and reporting needs. The TAC receives these many reports first-hand and validates this data routinely as part of its ongoing monitoring and reporting.

As noted previously, the key system-wide aggregate report that the Department had been unable to produce sufficiently accurately from TFACTS (because of a problem with the case assignment function) was a system-wide caseload report. That deficiency was addressed through a December 2014 TFACTS release of a redesigned case assignment function and a significant data conversion and data cleanup effort that accompanied that release. The Department can now generate information from TFACTS that shows the number of children and families assigned to each worker across the state.¹⁶ That information can be used to assess compliance with all of the caseload standards included in the Settlement Agreement. The Department no longer has to rely on offices aggregating caseload information outside of TFACTS on spreadsheets, which was the method used previously to track caseloads.

The TAC has been intimately involved in the case assignment redesign process and the design of the caseload reporting produced from that redesigned process. In the time since the release of the case assignment redesign on December 13, 2014, the TAC has closely followed (and TAC monitoring staff have participated in) the data cleaning processes and the refinements made since the release in both the case assignment function and the caseload report. The TAC monitoring staff have engaged in a number of additional activities to validate the accuracy of caseload reporting, including:

- comparison of data from the TFACTS caseload report with the regions’ caseload spreadsheets and with other aggregate reporting from TFACTS;
- phone calls to team leaders to confirm the accuracy of the data in the aggregate report;

¹⁶ As reflected in the September 2014 Supplement Related to Caseloads and Caseload Reporting, prior to the implementation of the new case assignment function in December, caseloads were readily viewable in TFACTS (case managers could see their caseloads, supervisors could see the caseloads of those they supervised, etc.). However, the missing element at that time was that, without the needed modification of the case assignment function in TFACTS, the system was unable to provide accurate aggregate caseload count reports. As of December 2014 when the case assignment improvements were fully implemented, the Department can now provide those aggregate reports.

- involvement in discussions (via phone and email) between Central Office, IT staff, and regional staff about the issues identified by the regions as they use the report; and
- comparison of data from the TFACTS caseload report with the case assignment screens within TFACTS.

The TAC has reviewed and validated the new caseload report and the capacity that report gives both the Department and the TAC to produce accurate statewide aggregate caseload data and analysis from that report.¹⁷

The case assignment redesign has dramatically simplified the front end case assignment process and the case reassignment process for DCS staff. The new case assignment process eliminates the multiple “clicks” and screens needed to make case assignments and reassignments (including a time-consuming employee search). It also allows common data on children in sibling groups to be entered once for the entire sibling group, eliminating the need to enter that common data individually for each child. The redundant and overlapping case assignment roles that had caused confusion in the past have been replaced by a limited number of mutually exclusive case assignment roles that reflect the actual functions associated with those roles and are separated from security access administration. Guardrails have been created that eliminate a range of what had been common data entry errors under the old TFACTS case assignment function. When a case is assigned to a particular case manager, the system automatically accesses the staff database and “auto-populates” the case manager’s region, county, supervisor, and the case manager’s position (CM1, CM2, or CM3).

In addition, there have been improvements in the ease of access to up-to-date caseload information for case managers and their supervisors. Under the redesign, when a case manager logs onto TFACTS, the case manager’s caseload is the first screen that comes up and this caseload screen displays each of the individual children for whom that case manager is responsible. There is a quick link from the name of the child to the case recordings screen of the child’s TFACTS file, eliminating the need for multiple clicks to review and enter case recordings.

¹⁷ The TAC recognizes that some degree of on-going cleanup will continue to be necessary for a period of time to address some cases from the conversion which, because of the limits of even the most well-designed conversions, could not be cleanly converted. These cases will continue to appear as open cases in the new caseload reports until they are cleaned up. Because of the overall success of the conversion, these cases constitute a miniscule portion of the current caseload. Until those cases are corrected in TFACTS (which because of the strict security functions required to maintain data integrity have to be done on the “back end” by specially authorized OIT staff in response to a specific approved work ticket and pursuant to a priority determination), some case manager caseloads could, in the aggregate reporting, appear larger than they actually are.

In addition, there continues to be a “learning curve” in the field about how to take advantage of the more robust case assignment function. For example, as part of the report validation process, TAC monitoring staff spoke with a *Brian A.* team leader who, according to the caseload report, was assigned one *Brian A.* child. The team leader indicated that she had wondered why that child was appearing on her workload screen and did not realize that after she assigned the child to one of her case managers she had to be sure to end the original assignment to herself.

These issues are minor, easily recognized and accounted for, and pose no problems for the Department in terms of its day-to-day management needs. Their impact on the accuracy of *Brian A.* reporting, if not recognized and accounted for, would be insignificant and, in any event, would result in an overstatement, rather than an understatement, of actual caseloads. For these reasons, the TAC does not see these issues, which are being appropriately addressed, as significant enough to preclude a maintenance designation.

Supervisors also have easy access to the caseloads of the case managers they supervise, and upper level supervisors have easy access to the caseloads of supervisors and case managers they oversee, from the top to the bottom of the organization. Supervisors no longer have to be manually assigned to cases through a case assignment role because TFACTS implicitly knows which cases they supervise through the employee tables.

The caseload report can be easily filtered to provide caseload information by case manager, by team/supervisor, by county, and by region. Further, the caseload report, in combination with the report detail, allow for both aggregate reporting and “drilling down” to identify the individual children and families.

The Department has provided plaintiffs’ counsel with a demonstration of the case assignment function and the new caseload report and demonstrated how that report provides the information that the Department needs for internal management purposes; and the TAC has explained how the new caseload report supports the TAC’s ongoing monitoring and reporting needs.

Included in the Appendix at the end of this subsection are screen shots illustrating some of the user friendly improvements to the case assignment function, a table displaying some of the information available from the new aggregate caseload report, and a short step-by-step explanation about how that report can be filtered to provide aggregate statewide caseload data.

The TAC was asked to include specific information on how the Department’s Central Office is currently using the new caseload reporting capacity to provide a “red flag” management level check of the built-in caseload controls at the regional/supervisor level as an additional top-down check on caseload management, including ensuring that the general rule against mixed non-custodial/*Brian A.* caseloads is being complied with and that those handling mixed caseloads are not exceeding the *Brian A.* caseload limits on the number of children.

There are three reports that are currently being run from TFACTS that the Central Office is using to provide this “top down” oversight of caseloads:

- The *Caseload Detail Report* provides a list of every single open assignment role in TFACTS by assignment type (one row for each child or case depending on how the case type is counted) and the name of the case manager assigned that role (and the case manager’s supervisor and region).
- The *Caseload Summary Report* is the “first level roll-up” of the Detail Report. This is the report referenced in the Section X Appendix. This report aggregates the individual open assignments by worker—that is, it totals the number of open assignments to each worker by assignment type (again counted by child or case depending on the assignment type.)
- The *Brian A. Caseload Threshold Compliance Report* is a further analysis of the *Caseload Summary Report*. The *Brian A. Caseload Threshold Compliance Report* takes the same information that was used to generate the *Caseload Summary Report*, pulls

some additional information from TFACTS (including the number of people supervised by CM3s and CM4s), and then applies the *Brian A.* caseload limits to each caseload. A column in that report identifies any caseloads that exceed the limits and a second column indicates the specific violation (CM1 with more than 15, CM2 with more than 20, CM3 with more than 10 cases who is supervising 2 CMs).

The Central Office is currently using the *Brian A. Caseload Threshold Compliance Report* to do top down monitoring of regional caseloads and to identify and respond to caseloads that exceed *Brian A.* limits. The report, which is run daily, allows the Deputy Commissioner for Child Programs and her management team to identify by region the caseloads that exceed *Brian A.* limits and to drill down into those specific caseloads. This report currently errs on the side of “red flagging” as non-compliant, caseloads that in fact are compliant.¹⁸

The Deputy Commissioner reviews with the regions those case managers and supervisors that are over the caseload limits, at least once per month during regularly scheduled calls with each regional administrator, and more often if she sees something that concerns her in the *Brian A. Caseload Threshold Compliance Report* or is working on a specific caseload issue with a particular region.

With respect to top down oversight of mixed caseloads, the Deputy Commissioner uses the *Caseload Summary Report* to identify those workers who have at least one *Brian A.* case and at least one non-custodial case.¹⁹ She has added as an agenda item for the monthly conference calls that she has with each region, a review of the region’s mixed caseloads to make sure that those caseloads reflect the limited situations in which a mixed non-custodial/*Brian A.* caseload is appropriate²⁰ and that those mixed caseloads do not exceed the applicable child based caseload limits.²¹

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¹⁸ For example, there is one region that has found it helpful in ensuring even distribution of cases among teams to have a single team leader be responsible for assigning new cases. To facilitate this process, the region has all the new cases assigned initially to the team leader who then reassigns the cases. That team leader will show up on the *Brian A. Caseload Threshold Compliance Report* as having a non-compliant caseload.

¹⁹ This report also errs on the side of overinclusion—flagging caseloads for review as mixed caseload situations that actually are not.

²⁰ Under current DCS policy the only time a case manager should be carrying both a *Brian A.* case and a non-custodial case is when case manager continuity for a transition period is important to the child and family (e.g., a *Brian A.* case manager who is working with a sibling group and one sibling exits custody but continues to receive non-custodial services).

²¹ In addition, the Deputy Commissioner will be periodically using the process described in the Appendix to produce a caseload report that accounts for the number of children represented by the non-custodial cases in any mixed non-custodial/*Brian A.* caseloads. Given that such mixed caseloads currently constitute an appropriately small percentage of the *Brian A.* caseloads and given the monthly reviews of those mixed caseloads with the regions, conducting this kind of accounting quarterly is more than sufficient. Neither the Deputy Commissioner nor the TAC has found mixed caseloads to be a significant contributing factor to caseloads that exceed caseload limits. (Case manager turnover, delays in the hiring process, and FMLA and other medical leave tend to be the major factors.) This was confirmed by the TAC’s most recent review of mixed caseloads—a “point-in-time” review of the number of children on each of the mixed caseloads in January 2015. None of those caseloads exceeded the number of children permissible under the *Brian A.* caseload limits.

The success of the case assignment redesign not only demonstrates that the Department now has staff with considerable technical skills within its Office of Information Technology, but perhaps more importantly reflects significant improvements in addressing the issues of governance, priority setting, and effective communication between OIT and program staff that were identified as challenges in both the TAC's TFACTS Evaluation and the independent assessment of TFACTS completed by Gartner, Inc., in 2013, which was referenced in the TAC's initial TFACTS evaluation.

The case assignment redesign and caseload report development was a complex and challenging project, that included complicated data conversion, that had implications for a wide variety of areas of front end field staff interface and aggregate reporting, and that presented opportunities (which OIT was able to identify and take advantage of) for significant improvements for regional front-line staff well beyond caseload reporting. It required a sustained and well-coordinated effort, with on-going collaboration and communication between OIT and the field. It required the Management Advisory Committee (MAC) to exercise appropriate control over the competing demands on OIT and program staff time to ensure that this prioritized project received the undistracted attention of the assigned OIT team and the required resources and on-going field input and feedback needed to meet the December 2014 release target date. The effective execution of this project stands in stark contrast to the early problems the Department had in implementing TFACTS.

To the extent that there were any lingering concerns about the Department's capacity to maintain a statewide information system that supports quality casework and meets the management and reporting needs of a responsibly operated child welfare system, the success of the case assignment redesign should allay those concerns.²²

TFACTS presently provides the Department with the system-wide reporting that it needs to operate its system responsibly, and the Department has demonstrated that it has the IT expertise to continue to refine and expand its reporting going forward.

²² As discussed in previous monitoring reports, the Department had originally contemplated producing aggregate reporting from TFACTS to be able to report on the extent to which the Department is meeting the requirements of the Settlement Agreement that "*diligent searches for parents and relatives of a child...be conducted and documented according to policy by the DCS case manager.*" However, based on the recent experience conducting the targeted review of FOCUS cases (described in Section VIII.D.3 of the January 2015 Monitoring Report), which included a review of the extent to which the Department had made appropriate efforts to identify and contact relatives of children in full guardianship, both the Department and the TAC recognized that what constitutes an appropriate diligent search is dependent on the unique facts of the individual case and that it was therefore not practical to develop an aggregate TFACTS report to measure compliance with this provision.

Not all cases require a diligent search for relatives; and in cases that do, some may require a broader search for relatives than others. Without reviewing the facts of the individual case, and, at a minimum, the narrative case notes reflecting both the specific efforts made by the case manager and other members of the Child and Family Team to identify relatives and the basis for the team's decision whether or not to pursue contacting any or all of those identified relatives, it is simply not possible to determine whether the diligent search case practice in that case was both appropriate and appropriately documented.

The Department and the TAC realized that it was simply impractical to create "check boxes" in TFACTS to try to capture in a way that could be meaningfully aggregated the combinations and permutations of diligent search related information. Both for the Department's own management needs and the TAC's monitoring and reporting, periodic targeted case reviews, rather than aggregate reporting from TFACTS, is the best method for assessing and reporting the extent to which diligent searches are being conducted appropriately and documented adequately.

9. *An intensive data clean-up process shall ensure the accuracy of all data, including but not limited to data on all individual children in the plaintiff class, in the statewide computerized information system*

The TAC interprets this provision *in pari materia* with the provision discussed above that requires that the system “shall be audited periodically to ensure the accuracy and validity of the data.” That provision requires the Department to regularly review and assess the data to identify any issues regarding data accuracy and validity; this provision, then, requires the Department to conduct an “intensive data clean-up process” when any such issues are identified.

As noted, the Department sends out regular reports to the regional offices and requires that they review the reports and identify any issues regarding the accuracy of the data. Once those issues have been identified, the Department requires all offices to clean that data in the system, which involves regional office staff accessing the system and correcting the data errors and re-running the reports to ensure that the data cleanup has addressed the issue. The Department initiates and completes these cleanups as the need arises. The TAC has observed any number of these efforts during the course of the Settlement Agreement, and, as a result, has confirmed that the Department conducts intensive data cleanup processes as necessary to ensure data accuracy.

APPENDIX TO SUBSECTION X

The screenshot below shows the first screen a supervisor (Laurie Baker, whose name appears at the upper left of the screen) sees when logging into TFACTS. From this screen, the supervisor can see all of the case managers he or she supervises (the list of names immediately below her name), and the supervisor can click on each case manager (for example, Stuart Clements whose name has been clicked on and is highlighted in orange) to view the children assigned to that case manager. From this screen, the supervisor can quickly select one or multiple children (in this screen Carl Grimes is selected) and reassign them to another case manager or end the assignment if the case has closed. If the supervisor wishes to review a case on a case manager’s caseload, he or she can quickly access the case using the “Select” link or the case recordings for the case using the “Recordings” link.

This screenshot also provides an example of the ability of TFACTS to make assignments at the level of the individual child (the previous TFACTS functionality allowed assignments to be made at the case level only). Stuart Clements is assigned as the “On-Going Non-Custodial Worker” to case 97590501, and within that case, he is assigned to two children—Dexter and Sophia Baker.

STG home search incident reporting help & training customer care log off
Logged In: Baker, Laurie | DCS Central Office

Home Intake Case Resource Financial Administration
Workload Desktop Calendar Approvals

Baker, Laurie Viewing for Clements, Stuart... [0] Reassign End

Type	ID	Name	Assignment Role
Ongoing Case	97590501	Baker, Dexter	On-Going Non-Custodial Worker
Ongoing Case	97590501	Baker, Sophia	On-Going Non-Custodial Worker
Ongoing Case	97590500	Downing, Grace	SS Custody Worker
Ongoing Case	97590499	Grimes, Carl	SS Custody Worker

Case Status: Open
Case Status Date: 03/12/2015
Organization: Mid Cumberland Region

10 items per page 1 - 4 of 4 items

The screenshot below further demonstrates the ability to assign a case manager to multiple children within one case. Case manager Stuart Clements is assigned to two children within case 97590499: He is assigned to Carl Grimes as the “SS Custody Worker” (Social Services, or *Brian A.*, Custody Worker) and to Judith Grimes as the “On-Going Non-Custodial Worker.”

STG home search incident reporting help & training customer care log off
Logged In: Baker, Laurie | DCS Central Office

Home Intake Case Resource Financial Administration
Workload Desktop Calendar Approvals

Baker, Laurie Viewing for Clements, Stuart... [0] Reassign End

Type	ID	Name	Assignment Role
Ongoing Case	97590501	Baker, Dexter	SS Custody Worker
Ongoing Case	97590501	Baker, Sophia	On-Going Non-Custodial Worker
Ongoing Case	97590499	Grimes, Carl	SS Custody Worker
Ongoing Case	97590499	Grimes, Judith	On-Going Non-Custodial Worker

10 items per page 1 - 4 of 4 items

The screenshot below is of the Assignment History screen, which shows all current and previous assignments to the case. It also demonstrates the ability, for the relatively small group of users who have been given the necessary security access, to add assignments (add button), delete assignments (delete button), and adjust assignment begin and end dates.

TFACTS | STG | [home](#) | [search](#) | [incident reporting](#) | [help & training](#) | [customer care](#) | [log off](#)
 Logged In: Baker, Laurie [DCS Central Office] | [help](#)

Case > Overview > Case Overview

Case Header
 Case ID: 97590499 | Case Name: Grimes, Carl | Case Status: Open | Organization: Mid Cumberland Region

Assignment History

Employee Name	Supervisor	Supervisor Job	Assignment Role	Begin Date*	End Date	Child/Youth
Baker, Laurie	Hommrich, Bonnie	Deputy Commissioner 2	SS Custody Worker	03/12/2015	03/12/2015	Grimes, Carl
Clements, Stuart	Baker, Laurie	Info Systems Director 1	On-Going Non-Custodial Worker	03/12/2015		Grimes, Judith
Clements, Stuart	Baker, Laurie	Info Systems Director 1	SS Custody Worker	03/12/2015		Grimes, Carl

10 items per page | 1 - 3 of 3 items

Add Delete

Apply Save Cancel

HOME | HELP & TRAINING | PRIVACY & SECURITY | cf11_s01_assignment_history_screen STG12 version 1.144.1

The screenshot below is an example of one of the guardrails in place to ensure data quality when making reassignments through the Assignment History screen. Because the child being reassigned in this example, Carl Grimes, has an open *Brian A.* custody episode, the only assignment roles available for selection are the “SS Custody Worker” and “Contract Case Manager” roles.²³

TFACTS | STG | [home](#) | [search](#) | [incident reporting](#) | [help & training](#) | [customer care](#) | [log off](#)
 Logged In: Baker, Laurie [DCS Central Office] | [help](#)

Case > Overview > Case Overview > Assignment History

Add Assignment

Assign To*: Vangalder, Michael

Assignment Begin Date*: 03/12/2015

Assignment End Date:

Assignment Role*:
 Contract Case Manager
 SS Custody Worker

Child/Youth*:
 Contract Case Manager
 SS Custody Worker

Save Cancel

HOME | HELP & TRAINING | PRIVACY & SECURITY | cf11_s01_assignment_history_screen STG12 version 1.144.1

²³ The “Contract Case Manager” assignment role is used to denote a private provider worker who does custodial case management for DCS through the case management contracts.

Below is an excerpt from the new TFACTS Caseload Summary Report, which provides the total caseload for each case manager assigned to a *Brian A.* child in TFACTS. Because this report is used by the Department to manage caseloads for all programs it manages and not just those for *Brian A.* class members, it counts every active assignment to an employee of a child (for *Brian A.* children and some additional program areas) or a case (for some other program areas) by assignment role (for reasons related to space and legibility, some columns concerning program areas unrelated to *Brian A.* have been removed).

Region of Assignment	Team Coordinator	Team Leader	Worker	Job Title	CPS Investigation	CPS Assessment	SS Custody	On-Going Non-Custodial	Family Crisis Intervention	ICPC	EFCS	Permanency Specialist	Total Client Count	Total Case Count	Total Caseload Count	
Knox	Bailey, Britney	Cooper, Kelly	Boney, Edana Kaye	CSCASEMG2	0	0	11	0	0	0	0	0	11	0	11	
			Clower, Julie	CSCASEMG2	0	0	13	0	0	0	0	0	0	13	0	13
			Monk, Angela	CSCASEMG2	0	0	11	0	0	0	0	0	0	11	0	11
	Beal, Betty	Miller, Misty	Quick, David	CSCASEMG2	0	0	14	0	0	0	0	0	14	0	14	
			Weaver, Sherrie	CSCASEMG2	0	0	13	0	0	0	0	0	0	13	0	13

The plaintiffs have asked that the TAC explain in a step-by-step manner how the report can be filtered to provide statewide caseload data. For purposes of this explanation, the TAC will provide the step-by-step process for filtering to answer two questions. First, “how many CM2s carrying at least one *Brian A.* case are over the 20 child caseload limit?” The process of answering this first question requires the answering of a second question: “how many CM2s carrying at least one *Brian A.* case have a mixed caseload?”

Note that the table above is an excerpt from the full TFACTS Caseload Summary Report in Excel. There are filters on every column that allow the user to select the rows that contain the desired values. When applying the filter, Excel automatically counts the number of those values being displayed.

The steps to determine the percentage of CM2s carrying at least one *Brian A.* case who are over the 20 child caseload limit are as follows:

1. Filter the “SS Custody” column for all values except “0” (this is done by simply de-selecting the “0” in the filter). The report will now display only the case managers carrying one or more *Brian A.* children.
2. Filter the “Job Title” column for the value “CSCASEMG2.” The report will now display only CM2s carrying at least one *Brian A.* child, and the total number of CMs being displayed will be shown at the bottom of the screen. This number will be the denominator of the compliance percentage.
3. Filter the “Total Caseload Count” column for all values less than or equal to 20 (the same thing as filtering *out* all values greater than 20), and note the total number of case managers displaying at the bottom of the screen.
4. Insert a new column to the right of the “Total Caseload Count” column and enter a TRUE/FALSE function to identify all rows in which the “Total Caseload Count” is different from the “SS Custody” count. Filter for all “FALSE” values—these are the small number of remaining mixed caseloads.
5. Log into TFACTS, pull up the workload screen for each case manager who has a mixed caseload, and note how many of these workers are assigned more than 20 total children when counting by child.
6. Subtract the number of these case managers with mixed caseloads who had more than 20 total children from the number found in Step 3 (the total number of case managers carrying 20 or fewer cases). This is the numerator for the compliance percentage.

XVI.B.1 Parent-Child Visits

The TAC was asked to provide some further clarification of its use of the “other good reason” category in its report of the results of the parent-child visit targeted review. The TAC was also asked to provide additional data and analysis relevant to XVI.B.1(c).

1. The “Other Good Reason” Category

There were some specific questions about the TAC’s reference in the January 2015 Monitoring Report to ICPC cases, as well as a more general request that the TAC provide more information on the “sub-categories” of cases making up the “other good reason” category.

Regarding the specific reference to ICPC cases, the TAC did not mean to imply that parent-child contact and visits are not important in ICPC cases or that ICPC cases should automatically be considered exempt from the requirement for two visits per month. In reviewing the ICPC cases, the TAC considered the specific circumstances of the child and family involved. For example, if a child’s parent lived in Clarksville and the child was placed with grandparents who lived just over the border in Kentucky, the fact that the child was in an ICPC placement would not be a reasonable basis for departing from the frequency of parent-child visits required by the Settlement Agreement. On the other hand, if that same child was placed with grandparents in California, and some alternative arrangements had been made for parent-child contact, the TAC would consider the ICPC placement to be a reasonable basis for visits occurring less frequently than required by the Settlement Agreement.

In the review sample, there were only two children who were placed on ICPC during the review period. Both were placed in Michigan during that time.

One of those children actually did visit twice per month with his parent during the review period, because the relatives with whom the child and his siblings who were also on ICPC were placed would drive the children to Tennessee for visits every other week.

The other child (who, along with his brother, was placed on ICPC with his maternal grandparents) did not have any visits with his mother during the three-month review period (January through March). However, that child’s mother visited her sons in Michigan during the Christmas holiday that immediately preceded the review period and talked with both boys by phone daily during the review period. The boys’ mother was making good progress on the permanency plan and a decision was made to allow the boys to finish the school semester in Michigan and then start a THV with their mother as soon as school ended. In June, the Department assisted the mother with money for gas and hotel stays so that she could travel to Michigan to pick up the boys, and the Department provided in-home services when the children returned to Tennessee with their mother. The TAC included this case in the “other good reason” category.

The TAC made similarly individualized determinations on each of the cases that were included in the “other good reason” category. For example, in order to consider a case as having the other

good reason of “missing/avoidant parent” (the largest sub-category of other good reasons), case documentation and follow-up information had to demonstrate the Department’s efforts to locate and engage the parent. For detailed information about the “other good reasons” category, including a breakdown of the number of cases counted for each reason, refer to the Appendix to the January 2015 Monitoring Report.

2. Additional Data Related to XVI.B.1(c)

Plaintiff’s requested that the TAC pull out and separately analyze the targeted review data relevant to the specific requirement of the Settlement Agreement that for “class members with a goal of reunification who are not visited twice per month, at least 60% shall be visited once a month.” The following figure presents the data from the parent-child visits targeted review using that measure. As reflected in the figure, for each month of the review period, in more than 85% of the cases reviewed, either the children had a visit with their parent or, if they did not have a visit, there was a good reason for that visit not occurring.

