BRAAM SETTLEMENT:
PANEL DECISIONS ON CHILDREN'S ADMINISTRATION REVISED COMPLIANCE PLAN

SEPTEMBER 5, 2006

Covers the performance period of
July 24, 2004 through December 31, 2005

Braam Oversight Panel

Braam Oversight Panel

The Braam Oversight Panel was created in 2004 to oversee a Settlement regarding Washington State's foster care system. The Settlement was reached after a six-year period of litigation. The named Plaintiff, Jessica Braam, is an adult who lived in 34 foster homes by the time the suit was filed in 1998. The Settlement is intended to improve the conditions and treatment of children in the custody of the state's Division of Children and Family Services.

The Panel was created to monitor improvements in selected services and ensure quality standards are met over the next seven years. This independent Panel was mutually selected by the parties (the Plaintiffs who filed the lawsuit and the state of Washington). The Panel, working in collaboration with the Department of Social and Health Services (DSHS) and with substantial input from the Plaintiffs and other stakeholders, developed an Implementation Plan for the six areas specified in the Settlement. The goals of the Settlement are found on the following page.

Members

John Landsverk, Chair

Jeanine Long

Jan McCarthy

Jess McDonald

Dorothy Roberts

Carrie Whitaker, Executive Coordinator

Box 354900
4101 15th Ave NE
Seattle, WA 98105-6299

Phone: (206) 616-0390
FAX: (206) 543-1228
E-mail: carwhit@u.washington.edu
Website: www.braampanel.org

Braam v. State of Washington – Final Settlement Goals

July 31, 2004

Both parties and their counsel have committed to enter into specific, measurable and enforceable agreements with the goal of improving the conditions and treatment of children in the custody DCFS.

Placement Stability

1. Each child in the custody of the Department shall have a safe and stable placement with a caregiver capable of meet the child's needs.

Mental Health

1. The children in the custody of DCFS shall have an initial physical and mental health screening within 30 days of entry into care.

2. Plans to meet the special needs of children in the custody of DCFS will be included in the child's Individual Service and Safety Plan (ISSP).

3. Children in the custody of DCFS shall receive timely, accessible, individualized and appropriate mental health assessments and treatment by qualified mental health professionals consistent with the child's best interests.

4. Continuity of treatment providers will be maintained, except when it is not in the best interest of the child.

Foster Parent Training and Information

1. Caregivers shall be adequately trained, supported, and informed about children for whom they provide care so that the caregivers are capable of meeting their responsibilities for providing for the children in their care.

2. The Department shall offer and provide accessible pre-service and in-service training to all caregivers sufficient to meet the caregiving needs of children in placement.

Unsafe/Inappropriate Placements

1. All children in DCFS's custody shall be placed in safe placements.

2. The State will continue to meet or exceed the federal standard for out-of-home care safety measure.

Sibling Separation

1. Placement of siblings together is presumed to be in the children's best interest, unless there is a reasonable basis to conclude that the health, safety or welfare of a child is put in jeopardy by the placement.

2. Frequent and meaningful contact between siblings in foster care who are not placed together and those who remain at home should occur, unless there is a reasonable basis to conclude that such visitation is not in the best interest of the children.

Services to Adolescents

1. Improve the quality and accessibility of services to adolescents in the custody of DCFS consistent with the allegations set forth in Section II, Paragraph 2.3 of the Plaintiffs' Fifth Amended Complaint.

2. Improve the educational achievement of adolescents in the custody of DCFS and better prepare them to live independently.

3. Reduce the number of adolescents on runaway status from foster care.

TABLE OF CONTENTS

Summary Findings 1

Placement Stability 3

Mental Health 11

Foster Parent Training and Information 14

Unsafe/Inappropriate Placements 20

Sibling Separation 25

Services to Adolescents 30

Communications From Parties 35

Children's Administration Revised Compliance Plan in Response to Monitoring Report .....
This section is not yet included—entire document will be re-issued with this attachment

Plaintiffs' August 2, 2006 Response to Children's Admin. Revised Compliance Plan 37

Attorney General's August 18, 2006 Response to Plaintiffs' Comments on Children's Administration's Revised Compliance Plan 46

[Page left blank intentionally.]

SUMMARY FINDINGS

On March 28, 2006, the Panel issued its first Monitoring Report covering performance from the date of the Settlement (July 24, 2004) through December 31, 2005. Most provisions in the Settlement within this time period were designated as Action Steps and incorporated from Kids Come First II.[1] Some Action Steps were not part (or not fully part) of Kids Come First II but were agreed upon and incorporated into Kids Come First II after the Settlement.

The Panel concluded in its Monitoring Report that the Department failed to complete 32 of the Action Steps. The Settlement provides for the Department to submit a proposed Compliance Plan within 30 days.

In May 2006, the Department submitted a Compliance Plan. The Panel did not accept this proposed Compliance Plan (see "Panel Decision on Proposed Compliance Plan, June 22, 2006"). As allowed under the Settlement Agreement, the Department submitted a revised Compliance Plan on July 14, 2006. The Plaintiffs submitted comments on this revision on August 2, 2006. Based on informal recommendations of the Panel, updated versions of several Action Steps were submitted to the Panel by the Department on August 18, 2006.

The Panel's findings on the status of Action Steps that had been determined to be incomplete in the March 2006 Monitoring Report can be summarized as follows:

- Additional documentation and materials provided by CA has led Panel to declare *eight additional Action Steps to be complete* and no longer subject to compliance review.
- *Compliance Plans for eleven Action Steps have been approved*. In each of these areas, CA has developed, and the Panel has approved, a plan to complete the Action Step according to a revised timeframe. In some instances, the Panel has also approved changes in activities, using slightly different strategies to accomplish the main objectives of the Action Step. The Panel will review completion of these Compliance Plans and the associated action steps in future reports.
- *Elements of the Compliance Plans for three Action Steps remain unacceptable*. The Panel has not approved the proposed Compliance Plan for Action Step 1(c)(4) [Develop and implement policy to provide emergency respite to licensed foster care and relative caregivers to prevent disruption]; the Panel has concerns regarding potential limitations on the use of respite due to financial constraints and has outlined issues that must be addressed in order for this Compliance Plan to be considered acceptable on page 5. In addition, the Panel has not approved the proposed Compliance Plans for Action Step 1(c)(9) [Develop a plan by June 30, 2005 for Panel review and approval to reduce caseloads to COA standards] and Action Step 4(c)(1) [Increase contact between social worker and family, child and caregivers to at least once every 30 days]. The Panel recognizes that there has been substantial progress made by the Department in devising the Compliance Plans for these two Action Steps. Moreover, the Panel recognizes that there are major implementation issues with significant budgetary implications for each of these Action Steps. The Panel has outlined specific issues that must be addressed in order for these Compliance Plans to be considered acceptable (Action Step 1(c)(9) is addressed on page 7 and 4(c)(1) is addressed on page 20).
- *Decisions are pending on eight Action Steps* for which the Department has proposed consolidation or elimination of the Action Step because they appear to be duplicative or overlap with other steps. The Panel is unlikely to object to these consolidations if the

[1] Kids Come First II is a restructuring plan for children's services described by the Department as an "aggressive effort to make long-lasting changes in the child welfare field [that] will further protect children and better address their medical and emotional needs." See: <www1.dshs.wa.gov/geninfo/cws.html>.

parties agree. The Panel has requested that the parties work together to propose specific language for the consolidated action steps.

- *For two Action Steps, documentation was submitted after the deadline for the first Monitoring Report.* These steps will be addressed in the Panel's second Monitoring Report.

In several areas, the Panel has declared Action Steps complete because the Department has demonstrated compliance with the requirements of the step and its substeps. However, in some of these areas, data submitted by way of documentation indicate low performance or penetration rates.[2] In these areas, the Panel may consider creating an additional action step or benchmark to ensure that the low performance is addressed.

In several areas in which Compliance Plans have been approved, the Panel has identified additional issues or concerns. These concerns are noted, and the Panel will examine how CA has addressed these issues when it assesses implementation of Compliance Plans in future Monitoring Reports to determine whether these steps have been completed.

Format of this Document

The balance of the document provides a matrix showing Panel decisions with respect to each Action Step covered in the first monitoring period (ending on December 31, 2005). The second column of the matrix shows the Panel's findings on the Action Step in the first Monitoring Report (March 28, 2006) and the last column shows the Panel's decision and any relevant comments on Compliance Plans and additional documentation submitted by the Department. For Action Steps that were determined to be complete or not yet due in the first Monitoring Report, the third column notes that Compliance Plans are not required.

Communications from CA and the Plaintiffs related to the Compliance Plan are incorporated as attachments to this document.

Next Steps

The process of developing and implementing Compliance Plans will serve as a vehicle for the Department to achieve the goals of the Braam Settlement by ensuring that Action Steps identified in the Implementation Plan are accomplished. The Panel will review completion of these Compliance Plans and associated Action Steps in future reports.

[2] The term 'penetration rate' refers to the percentage of the targeted population that has received a service/training, etc. For example, if only a very small portion of the foster parent population participated in a given training event, this would be considered a low penetration rate.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Placement Stability		
RFP for statewide foster parent recruitment KCF II 24.1.1 ***Action Step 1(c)(1) in Settlement*** Implement the RFP for providing statewide foster parent recruitment. a. Complete regional recruitment needs assessments 8/04 b. Develop recruitment performance expectations for contracts 8/04 c. Finalize Recruitment and Retention RFP (*includes regional, minority, sibling groups, adolescents and children with special needs*) 9/04 d. Issue Recruitment and Retention RFP 9/04 e. Review and select proposals 11/04 f. Concurrently develop implementation and communication plans 11/04 g. Begin implementation of 18 month regional/statewide contracted recruitment & retention services contracts 1/05 h. Orientation of staff and caregivers to regional/statewide contracted support services (first stage implementation) 1/05 i. Review every six months 7/05	Incomplete	Complete
Require multi-disciplinary case staffings for children in four or more placements KCF II 6.1.1* ***Action Step 1(c)(2) in Settlement*** Require multi-disciplinary case staffings for children who have been in three or more placements to build an intensive case plan to improve placement stability. a. In collaboration with Tribes, LICWACS, and/or Indian Organizations, utilize CAMIS data on children in placement, length of stay and age of children, to develop a plan of implementation for review and approval of the Braam Panel (1/05) b. Braam Panel reviews and approves final plan (3/05) c. Communicate timeframes and guidelines to all social workers, supervisors and managers (5/05) d. Begin Phase I of the plan (conducting staffings for children in five or more placements) (5/05) e. Complete Phase I (5/06) f. Begin Phase II of the plan (conducting staffings for children in four or more placements) (5/06) g. Complete Phase II (5/07) h. Begin Phase III of the plan (conducting staffings for children on an ongoing basis for children in three or more placements) (5/07) * The current version of this section in KCF II is different than in the version of KCF II in existence at the time of the Settlement (5/31/2004).	Incomplete	Panel approves Compliance Plan

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Develop a plan for Panel review and approval, with input from the Plaintiffs to provide multidisciplinary and/or case staffings for children in three or more placements. (Plan developed by 1/15/05.) ***Action Step 1(c)(14)***	Incomplete	Complete
Implement strategies to increase appropriate matching between children and caregivers at time of initial placement KCF II 6.2.2 (originally 6.2.4) ***Action Step 1(c)(3) in Settlement*** Implement strategies to increase appropriate matching between children and caregivers at the time of initial placement (e.g., increase completion rate of Pre-Passports within required timeframes) a. Establish workgroup to develop strategies, including a process for how to track appropriate matching at the initial placement (12/04) b. CA Management reviews and approves strategies (5/05) c. Make necessary policy changes to support strategy implementation (8/05) d. Provide education/training to staff to support implementation of strategies (11/05) e. Begin implementation of strategies (12/05)	Complete through performance period	No Compliance Plan required
f. Review baseline for placement stability following a completed Pre-Passport, and set performance measure (6/06) g. Initiate quarterly reporting to the field (12/06)	Not yet due	
Implement strategies to increase appropriate matching between children and caregivers for children who need to be replaced (beginning by December 2006 and fully implemented by December 2008). ***Action Step 1(c)(13) in Settlement***	Not yet due	No Compliance Plan required

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Develop and implement policy to provide emergency respite to licensed foster care and relative caregivers to prevent disruption KCF II 6.1.3 (originally 6.1.2(a)) ***Action Step 1(c)(4) in Settlement*** Provide respite to resource families to support placements at risk of disruption and provide appropriate access to respite care for caregivers requesting and needing this service, to include in-home respite care for licensed foster parents a. Review and revise existing respite policy to provide immediate respite to resource families where placement is at risk of disruption (12/04) b. Complete assessment of regional needs (4/05) c. Develop regional respite capacity to support respite policy (7/05) d. Communicate revised respite policy to social workers, supervisors and resource families (8/05) e. Revise academy training program and foster parent pre-service training program to reflect revised respite policy (9/05)	Incomplete	Panel does not approve Compliance Plan The following changes are necessary in order for the Compliance Plan to be considered acceptable: - Language such as "the necessity and continuation of such services are determined by the social worker based on availability of funds and/or an assessment of the need of the child" and “respite services are provided subject to available funding” may serve as a deterrent for workers, supervisors and administrators reviewing respite requests. Language suggesting that decisions about emergency respite will be limited based on fiscal constraints should be removed. - Policies and procedures should be revised to *encourage* the use of respite in emergencies and for prevention of placement disruptions. The Panel believes that respite can be a highly successful and extremely cost-effective strategy for preventing placement disruption.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Increase the appropriate use of kinship care KCF II 8.3.2, 8.3.3, 21.1.1 (originally 20.1.1-21.1.2) ***Action Step 1(c)(6) in Settlement*** 8.3.2 Develop and implement caregiver initial assessment policy to support immediate relative placements a. Workgroup develops initial assessment tool and policy (12/04) b. CA Management reviews and approves appropriate recommendations (2/05) c. Provide training to social workers and supervisors (3/05-5/05) d. Revise DLR academy training to reflect policy change (5/05) e. Implementation statewide (6/05) 8.3.3 Implement relative home study a. Workgroup develops initial assessment tool and policy (12/04) b. CA Management reviews and approves appropriate recommendations (2/05) c. Provide training to staff (3/05-5/05) d. Implementation statewide (6/05) 21.1.1 Develop and implement revised policy framework for kinship care. a. Establish policy workgroup to: (9/04) • Develop policy providing access to services for non-licensed kinship care providers; and • Develop tools (e.g., ancestry chart, genogram) for Kinship care policy, including how it supports Tribal ICWA law requirements. b. CA Management reviews and approves recommendations (1/05) c. Make necessary policy changes to support framework. (4/05) d. Provide training to existing staff on policy framework and tools (5/05) e. Revise academy curriculum for new social workers to include kinship framework (6/05) f. Implement policy changes (7/05)	Incomplete	Panel approves Compliance Plan

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Revise and implement policy and procedure to provide for the involvement of children and parents in assessments, development of case plans and major decisions (including changes in placement) KCF II 13.1.1 ***Action Step 1(c)(7) in Settlement*** Review and revise policy and procedure regarding when and how service plans are written and updated, the involvement of children and parents and Tribes in assessments, development of case plans for in-home cases and out-of-home cases, and major decisions, to include practice guidelines for engaging children, Tribes and fathers in the process. a. Establish policy workgroup to review current policy and make recommendations for necessary revisions (12/04-4/05) b. CA Management reviews and approves of appropriate recommendations (4/05-6/05) c. Revise academy training and post-academy training on permanency to reflect policy changes (7/05) d. Provide training to social workers and supervisors on policy and procedure revisions (7/05-9/05) e. Implement policy revisions (10/05)	Incomplete	Complete
Develop and implement annual local office and/or regional, plans for the recruitment and retention of foster homes that specifically assess the need for and availability of placement for children with special needs, and for respite (especially for adolescents). Such plans shall specify the recruitment activities targeted at increasing the number of such homes. The plans shall contain numerical targets for increases each year in the number of homes in the special populations of children listed above, beginning in July 2005 until the target identified in the plans is met. KCF II 24.1.3 (incorporated from Braam into KCF II) ***Action Step 1(c)(8) in Settlement***	Complete through performance period	No Compliance Plan required
Develop a plan by June 30, 2005 for Panel review and approval to reduce caseloads to COA standards. KCF II 14.1.8 (incorporated from Braam into KCF II) ***Action Step 1(c)(9) in Settlement*** Develop a plan by June 30, 2005 for review and approval by the Braam Panel to reduce caseloads to COA standards a. Establish workgroup to develop plan and estimate costs/resources required (1/05) b. CA Management reviews and approves plan (5/05) c. Plan submitted to Braam Panel for review (6/05)	Incomplete	Panel does not approve Compliance Plan The following changes are necessary in order for the Compliance Plan to be considered acceptable: - Contract language should be provided clearly showing that the **deliverables** expected of the workload study contractor address all required casework activities, including new activities and requirements from Braam. - The timetable for reducing caseloads to

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
		COA standards should be based on the schedule for office visits for COA accreditation. The Panel intends to develop a new outcome to monitor caseload size on an office, regional, and statewide basis.
Notify child's representative (attorney/GAL/CASA) prior to placement move, except in emergencies. When a move has been made based on an emergency, the child's representative will be notified on the next business day. KCF II 6.1.4 (incorporated from Braam into KCF II) ***Action Step 1(c)(10) in Settlement*** Notify child's representative (attorney/GAL/CASA) prior to placement move, except in emergencies. When a move has been made based on an emergency, the child's representative will be notified on the next business day • Develop policy regarding notification to GAL/CASA (10/04) • Communicate policy to social workers, supervisors and GAL/CASA of policy requirement (11/04) • Implement policy (12/04)	Complete	No Compliance Plan required
A history of the child's placements will be reported to the Juvenile Court at each dependency review hearing as part of the child's Individual Safety and Service Plan (ISSP). KCF II 6.1.5 (incorporated from Braam into KCF II) ***Action Step 1(c)(11) in Settlement*** Develop policy to require reporting of a child's placement history to the Juvenile Court at each dependency review hearing as part of the child's Individual Safety and Service Plan (ISSP). • Utilizing workgroup from 7.1.6, review and revise ISSP and ISSP guidelines to provide clear history of child's placement (3/05) • Distribute revised ISSP and ISSP guidelines to social workers and supervisors (9/05-12/05)	Complete through performance period	No Compliance Plan required
• Implement policy requirement to provide child's placement history to court at each dependency review hearing (1/06)	Not yet due	
Consistent with the outcomes and benchmarks in Section IV.2, develop and begin to implement pilot programs in at least 3 sites providing therapeutic foster care using effective, evidence-based models of care for children with emotional and behavioral challenges. (By June 2005 develop RFP, award contracts and begin implementation of pilot projects) KCF II 17.2.1 (incorporated from Braam into KCF II) ***Action Step 1(c)(12) in Settlement*** Develop and implement pilot programs in at least 3 sites providing therapeutic foster care using effective, evidence-based models of care for children with emotional and behavioral challenges	Complete	No Compliance Plan required

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
• Develop RFP (12/04) • Publish RFP (1/05) • Award contracts (3/05) • Implement pilot programs (6/05)		

[Page left blank intentionally.]

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Mental Health		
Improve availability and utilization of regional medical consultants. KCF II 16.2.1 (originally 16.1.4) ***Action Step 2(c)(1) in Settlement*** • Identify clear roles and responsibilities of regional medical consultants (12/04) • Provide regional medical consultant for each region (.5 FTE/region) (5/05) • Communicate to staff about roles and responsibilities of medical consultants and how to access their services (6/05)	Complete through performance period	No Compliance Plan required
• Review utilization history to determine how to increase effectiveness of consultants with lower utilization rates (6/30/06)	Not yet due	
Increase utilization of No Wrong Door Staffings (NWD) to identify needs for family and connect to services and resources. KCF II 16.1.5[3] ***Action Step 2(c)(2) in Settlement***	Not applicable	All parties agree to deletion of this Action Step as it is covered by others.
In collaboration with community partners, utilizing CHET or any successor model, CA will identify regional service gaps and create plans to fill gaps through maximizing and developing local resources. KCF II 16.1.4 (originally 17.1.2) ***Action Step 2(c)(3) in Settlement*** • Establish regional workgroups (12/04) • Workgroups report out recommendations and plans (06/05) • Regional management teams review plans and approve recommendations (9/05) • Begin implementation of approved portions of regional plans (10/05)	Incomplete	Panel approves Compliance Plan. In order to consider this step complete at the next time of review, Panel expects to see stronger evidence (beyond meeting agendas or evidence that plans were discussed) that approved regional plans are being implemented (as noted in the last substep).
Implement newly developed agreements with each Regional Support Network. KCF II 17.1.4 ***Action Step 2(c)(4) in Settlement*** • MOU between CA and Mental Health • Access to care standards • In coordination with regional offices, establish schedule for informational sessions (10/04) • Develop materials for sessions (03/05) • Begin implementation of schedule for informational sessions (05/05) • Conduct informational sessions on agreements in every region with particular focus on foster parents (12/30/05)	Incomplete	Panel approves Compliance Plan. In order to consider this step complete at the next time of review, Panel will expect CA to demonstrate how focus on foster parents was achieved. Panel is available to provide clarification and technical assistance on this issue as requested by CA.

[3] Although the Settlement references Section 16.1.5, there is no provision with this number. The correct citation may be 16.2.2.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Foster children's mental health will be periodically reassessed by mental health professionals KCF II 17.1.7 ***Action Step 2(c)(5) in Settlement*** • Revise policy and procedures to include requirement for periodic re-assessment (3/05) ✓ CA Management reviews and approves process (6/05) ✓ Orient staff to new policy requirement (9/05-12/05) ✓ Implement new policy (12/05)	Incomplete	Complete
The Department will develop, and encourage juvenile court judges to use, a checklist for each court review to prompt the Court to seek information on whether or not the physical health, mental health, substance abuse, educational, and cultural needs of dependent children are being met. KCF II 17.1.8 ***Action Step 2(c)(6) in Settlement*** Complete draft checklist (09/30/05) Orient staff to checklist (10/30/05) Implement field utilization and court review (12/30/05)	Complete through performance period	No Compliance Plan required
Review utilization of checklist by courts (06/30/07)	Not yet due	

[Page left blank intentionally.]

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Foster Parent Training and Information		
Implement statewide after-hours crisis support line for foster parents and other caregivers KCF II 6.2.1 (originally 23.1.3) ***Action Step 3(c)(1) in Settlement*** Implement statewide after hours support crisis line for foster parents and caregivers a. Review current models for after hours support already in existence and develop strategies to take statewide (9/04) b. Develop program criteria (9/04) c. Hire and provide training to staff operating the program (11/04) d. Communicate with staff, caregivers and community partners (12/04) e. Create and provide "crisis cards" to foster parents (12/04) f. Implement program (5/05) g. Initiate quarterly progress reports to the field (9/05)	Incomplete	Complete
Develop and implement cross-training between foster parents and staff KCF II 22.1.2 ***Action Step 3(c)(2) in Settlement*** Develop and implement cross-training between foster parents and staff (e.g., teamwork, problem resolution) • Develop training curriculum (9/04-12/04) • Pilot training (1/05-2/05) • Provide statewide training to social workers and foster parents (3/05–9/05)	Incomplete	Complete Panel has concerns about low rate of participation in this training and may consider adding an action step or outcome to monitor this in the future.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Require written notification to licensed foster parents and relative caregivers and provide support to increase their participation in meetings, staffings and hearings involving planning for children in their care KCF II 22.2.2 (originally 22.1.3) ***Action Step 3(c)(3) in Settlement*** Require notification to all resource families and provide support to increase participation and provide input in all meetings, staffings (including Child Protection Teams) and hearings involving planning for the children in their care a. Establish policy workgroup, including Child Protection Teams, to draft recommended policy revisions, including the automated process for notification, the tools for how that notification is to be conducted, and where notification is to be documented. Policy workgroup will further draft the cover letter for the ISSP which specifies date of hearing and definitions of "right to be heard" and "input" (12/04) b. Work group reports out draft recommendations (3/05) c. Begin development of an electronic process for tracking notification to foster parents of court hearings (4/05) d. CA Management reviews and approves recommendations (4/05) e. Provide orientation to all resource families and staff (5/05-8/05) f. Implement policy statewide (9/05) g. Implement electronic system changes statewide (10/05) h. Establish baseline for notification compliance and set performance measure (12/05) i. Initiate six month reports to the field on levels of compliance and participation (6/05)	Incomplete	Panel approves Compliance Plan Panel expects CA to modify all documents (e.g. letter to caregivers, fact sheet, foster parent newsletter, foster parent website) to consistently indicate 5 day (rather than 48 hour) notification of caregivers for meetings.
Implement RFP for providing statewide crisis support and other immediate support for licensed foster parents and relative caregivers KCF II 23.1.1 (originally 23.1.2) ***Action Step 3(c)(4) in Settlement*** Implement the RFP for providing statewide foster parent support and recruitment a. Complete regional recruitment needs assessments (8/04) b. Develop recruitment performance expectations for contracts (8/04) c. Finalize Recruitment and Retention RFP (includes regional, minority, sibling groups, adolescents and children with special needs) (9/04) d. Issue Recruitment and Retention RFP (9/04) e. Review and select proposals (11/04) f. Concurrently develop implementation and communication plans (11/04) g. Begin implementation of regional/statewide contracted recruitment & retention services contracts (1/05) h. Orientation of staff and caregivers to regional/statewide contracted support services (first stage implementation) (1/05) i. Review every six months (7/05)	Incomplete	Proposal to consolidate with action steps 1(c)(1) and 3(c)(1) pending joint review by Department and Plaintiffs and decision by the Panel.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Provide training for licensed foster parents and relative caregivers on policy revisions and engaging families and children KCF II 4.2.3 (originally 13.1.1c) ***Action Step 3(c)(5) in Settlement*** Develop and provide training for staff, foster parents, community partners and contracted providers on engaging families, relatives and fathers a. Establish planning group to develop training curriculum and training schedule (9/04) b. Complete development of training curriculum and publish training schedule (12/04) c. Provide regional based training to contract provider staff (1/05-4/05)	Incomplete	Complete Panel has concerns about low rate of participation in this training and may consider adding an action step or outcome to monitor this in the future.
DLR licensors develop and implement annual assessment and development plans for foster parents, and relative caregivers utilizing feedback and input from DCFS workers, foster parents, and relative caregivers KCF II 6.2.5 (originally 23.1.6) ***Action Step 3(c)(6) in Settlement*** DLR Licensors develop and implement annual assessment and development plans for foster parents, utilizing feedback and input from DCFS workers (Braam Panel added: "foster parents and relative caregivers" to end of sentence). The following benchmarks were subject to 2005 budget request: a. Workgroup develops evaluation tool and procedures (1/05-3/05) Establish evaluation schedule and monitoring system (6/05) Budget appropriations (7/05) Train licensing staff (7/05) Orientation for staff and foster parents (8/05) Begin annual evaluations (9/05) Complete cycle of evaluations (9/07) Report annually (9/06, 9/07)	Incomplete	Panel approves Compliance Plan In order to consider this action step complete at the next time of review, Panel will expect to see modifications in the self-assessment tool and protocols to make them more appropriate for self-assessment by foster parents and for use by DCFS workers with unlicensed relative caregivers.
Develop and implement a policy requiring ongoing training for licensed foster parents KCF II 40.2.1 ***Action Step 3(c)(7) in Settlement*** Develop and implement a policy requiring ongoing training for caregivers including engagement training as identified in section 14.3.1 a. Workgroup develops policy recommendations (10/04) b. CA Management reviews and approves recommendations (11/04) c. Adjust learning system data base to track compliance with policy requirements (12/04) d. Communicate policy to staff and caregivers (12/04) e. Implement policy (1/05) f. Initiate quarterly progress reports to the field (6/05)	Incomplete	Panel approves Compliance Plan Panel has concerns about low rate of participation in training and may consider adding an action step or outcome to monitor this in the future.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Licensed foster parents and relative caregivers shall be provided with the results and recommendations of all of the Department's screenings and assessments, including the Pre-Passport or its successor, for children placed in their home five days after its completion, unless expressly limited by law or a child's lawful assertion of confidentiality. Licensed foster parents and relative caregivers shall be provided a copy of the child's passport or its successor at the time of placement but no later than five days after its completion, unless expressly limited by law or a child's lawful assertion of confidentiality. KCF II 16.3.1, 16.3.2 ***Action Step 3(c)(8) in Settlement*** 16.3.1 Provide licensed foster parents and relative caregivers with child's Passport at time of placement or not later than five days after completion a. Workgroup reviews and revised current policy (1/05) b. CA Management reviews and approves policy recommendations (3/05) c. Orient staff and foster parents to new policy (6/05-9/05) d. Implement policy (9/05) e. Evaluate implementation through case review process (1/06) f. Initiate six month reporting (1/06) 16.3.2 Provide licensed foster parents and relative caregivers with results and recommendations of all screenings/ assessments for children placed in their home within five days of completion a. Workgroup reviews and revised current policy (1/05) b. CA Management reviews and approves policy recommendations (3/05) c. Orient staff and foster parents to new policy (6/05-9/05) d. Implement policy (9/05) e. Evaluate implementation through case review process (1/06) f. Report out every six months (1/06)	Incomplete	Panel approves Compliance Plan

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Licensed foster parents and relative caregivers will be encouraged and supported to participate in staffings of pre-passports (or successor) for children placed in their homes. KCF II 22.2.2 ***Action Step 3(c)(9) in Settlement*** Require notification to all resource families and provide support to increase participation and provide input in all meetings, staffings (including Child Protection Teams), and hearings involving planning for the children in their care a. Establish policy workgroup, including Children's Administrative Technology Services (CATS), to draft recommended policy revisions, including the automated process for notification, the tools for how that notification is to be conducted, and where notification is to be documented. Policy workgroup will further draft the cover letter for the ISSP which specifies date of hearing and definitions of "right to be heard" and "input" (12/04) b. Work group reports out draft recommendations (3/05) c. Begin development of an electronic process for tracking notification to foster parents of court hearings (4/05) d. CA Management reviews and approves recommendations (4/05) e. Provide orientation to all resource families and staff (5/05-8/05) f. Implement policy statewide (9/05) g. Implement electronic system changes statewide (10/05) h. Establish baseline for notification compliance and set performance measure (12/05) i. Initiate six-month reports to the field on levels of compliance and participation (6/05)	Incomplete	Proposal to consolidate with action step 3(c)(3) pending joint review by Department and Plaintiffs and decision by the Panel.
Department shall provide appropriate access to respite care for caregivers requesting and needing this service. KCF II 23.1.4 ***Action Step 3(c)(10) in Settlement*** Provide respite to resource families to support placements at risk of disruption and provide appropriate access to respite care for caregivers requesting and needing this service (Refer to 6.1.3 for timelines)	Incomplete	Proposal to consolidate with action step 1(c)(4) pending joint review by Department and Plaintiffs and decision by the Panel.
The Department shall develop a plan, subject to review and approval of the Panel, for training of unlicensed caregivers. KCF II 40.3.2 ***Action Step 3(c)(11) in Settlement*** Develop a plan, subject to review and approval of the Braam Panel, for training of unlicensed caregivers a. Establish workgroup to develop plan and estimate costs/resources required (1/06) b. CA Management reviews and approves plan (5/06) c. Plan submitted to Braam Panel for review (6/06)	Not yet due	No Compliance Plan required

[Page left blank intentionally.]

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Unsafe/Inappropriate Placements		
Increase contact between social worker and family, child and caregivers to at least once every 30 days KCF II 14.1.2 (originally 11.1.2) ***Action Step 4(c)(1) in Settlement*** For children placed in out-of-home care, develop and implement a policy to require 30-day visits between social worker and parents, and social worker and child IN ALL CASES This action step and following benchmarks are subject to 2005 budget request a. Utilizing policy workgroup from 14.1.1, develop policy recommendations (3/05-5/05) b. Workgroup reports out recommendations (5/05) c. CA Management reviews and approves policy recommendations (6/05) d. Budget decisions (7/05) e. Provide orientation to staff, caregivers and community partners on new policy requirement (7/05-9/05) f. Revise new social worker academy training to support new policy and practice guidelines (9/05) g. Based on available funding, implement policy changes (10/05) h. Establish baseline for compliance with policy changes and set performance measure (3/06) i. Initiate quarterly reporting to the field (6/06)	Incomplete	Panel does not approve Compliance Plan The following changes are necessary in order for the Compliance Plan to be considered acceptable: - *Implementation timeline*: The phase-in plan for implementation of monthly visits should be revised to coincide with the schedule of office visits for COA accreditation. Monthly visitation is a COA standard, and offices should be in compliance with this expectation at the time of their accreditation site visits and thereafter. This phase-in schedule should replace the schedule by category of children outlined in the proposed Compliance Plan, and should be linked to the schedule for reducing caseload size (Action Step 1(c)(9)). - *Definition for monthly visits*: The Panel accepts the change in language to “once per month, with not more than 40 days elapsing between individual visits.” However, the definition should be revised to require that all children are observed 1) in the home with the caregiver present and 2) in private, separate from the caregiver, either in the home or in another location where the child is comfortable. - *Proposed Change to Action Step*: The paragraph that begins, "Additional factors which could affect implementation of this Action Step include...." should be deleted.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Increase compliance with policy requiring workers to visit children in placement within the first week of out-of-home care KCF II 14.1.6 ***Action Step 4(c)(2) in Settlement*** Review and revise policy requiring social workers to visit all children in their placement within the first week in out-of-home care a. Establish workgroup to review and revise policy (6/05) b. Orient staff to new policy requirement (8/05) c. Begin implementation of new policy (10/05)	Complete through performance period	No Compliance Plan required
d. Establish regional baselines and set performance measure (6/06) e. Initiate quarterly reporting to the field (6/06)	Not yet due	

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
A face-to-face safety assessment with a child suspected to be a victim of child abuse or neglect while in the Department's custody shall occur within 24 hours of the report for emergent cases, and within 72 hours of the report for non-emergent cases. KCF II 1.1.5-1.1.8 (originally 1.1.4, 1.1.5) ***Action Step 4(c)(3) in Settlement*** 1.1.5 Require social workers to make face-to-face contact with child victims suspected to be a victim of child abuse or neglect, while in the custody of CA, within 24 hours for referrals of child abuse and/or neglect rated as emergent. a. Establish policy workgroup to develop recommendations regarding policy changes for 24 hour face-to-face contacts on emergent referrals (10/04) b. CA Management reviews and approves recommendations (1/05) c. Communicate policy changes with staff (2/05) d. Policy becomes effective and is implemented statewide (3/05) e. Establish baseline for compliance with policy change and set performance measure (6/05) f. Initiate quarterly progress reports to the field (9/05) 1.1.6 – Require DCFS social workers to make face-to-face contact with child victims within 24 hours for all referrals of child abuse and/or neglect rated as emergent. a. Establish policy workgroup to develop recommendations regarding policy changes for 24 hour face-to-face contacts on emergent referrals (10/04) b. CA Management reviews and approves recommendations (1/05) c. Communicate policy changes with staff (2/05) d. Policy becomes effective and is implemented statewide (3/05) e. Establish baseline for compliance with policy change and set performance measure (6/05) f. Initiate quarterly progress reports to the field (9/05) 1.1.7 Require social workers to make face-to-face contact with child victims suspected to be a victim of child abuse or neglect, while in the custody of CA, within 72 hours for all referrals of child abuse and/or neglect rated as non-emergent. a. Define expectation and practice guidelines for social workers to make first attempt for face-to-face contact with child victims on cases rated as non-emergent within five days from the date of referral (12/04) b. Review and report on progress towards compliance with expectation/practice guidelines (3/05) c. Establish policy workgroup to develop policy for increasing face-to-face contacts to 72 hours for all non-emergent referrals (6/05) d. CA Management reviews and approves recommendations (10/05) The following benchmarks are subject to 2005 budget request: e. Implement policy for increasing face-to-face contact to 72 hours for all non-emergent referrals (12/05)	Complete through performance period	No Compliance Plan required
f. Establish baseline for compliance with policy change and set performance measure (3/06) g. Initiate quarterly reporting to the field offices, including a review of progress towards achieving the goal (6/06)	Not yet due	

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Children in the custody of the Department will not be placed in: • Institutions not designed to receive foster children, such as adult mental hospitals or detox facilities where children and adults are commingled • A foster home without specialized training and support to provide for the safety of children in the home when sexually aggressive or physically assaultive children reside in the home • DSHS offices, including repeated daily stays at DSHS offices ***Action Step 4(c)(4) in Settlement***	Not yet due per benchmarks set in Implementation Plan	No Compliance Plan required

[Page left blank intentionally.]

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Sibling Separation		
Increase quality and frequency of visits between children and their siblings. KCF II 18.1.1 ***Action Step 5(c)(1) in Settlement*** Develop policies and protocols regarding visitations for children in foster care to include frequency of visitation a. Establish a policy workgroup, including stakeholders and researchers, to develop a framework for visitations between parents and children and siblings that is utilized uniformly across regions. Framework to include guidelines for visitations which encompass: (9/04-12/04) • When visitations can be unsupervised, • When visitations can be outside of the DCFS office, • When visitations can be outside DCFS office hours, and • Who is able to supervise visits • How the visitation issues will be addressed during the Family Team Decision Making meeting which occurs within 72 hours of a child's placement in out-of-home care. • How the visitation issues will be addressed in other staffings and supervisory conferences • Guidelines for documentation of visits for social workers and contracted service providers b. Workgroup reports out recommendations (12/04) c. CA Management reviews and approves framework and policy recommendations (1/05) d. Provide training for staff and providers to support policy changes for visitations, quality of visitations and maintaining child's cultural connections (2/05-4/05) e. Implement policy changes upon training (2/05-4/05) f. Report out quarterly on progress (6/05-6/07)	Incomplete	Panel approves Compliance Plan

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Improve kinship support services. KCF 8.3.2, 8.3.3, 21.1.1 (originally 8.1.2) ***Action Step 5(c)(2) in Settlement*** 8.3.2 Develop and implement caregiver initial assessment policy to support immediate relative placements a. Workgroup develops initial assessment tool and policy (12/04) b. CA Management reviews and approves appropriate recommendations (2/05) c. Provide training to social workers and supervisors (3/05-5/05) d. Revise DLR academy training to reflect policy change 5/05) • Implementation statewide (6/05) 8.3.3 Implement relative home study a. Workgroup develops initial assessment tool and policy (12/04) b. CA Management reviews and approves appropriate recommendations (2/05) c. Provide training to staff (3/05– 5/05) d. Implementation statewide (6/05) 21.1.1 Develop and implement revised policy framework for kinship care. a. Establish policy workgroup to: (9/04) • Develop policy providing access to services for non-licensed kinship care providers; and • Develop tools (e.g., ancestry chart, genogram) for Kinship care policy, including how it supports Tribal ICWA law requirements. b. CA Management reviews and approves recommendations (1/05) c. Make necessary policy changes to support framework. (4/05) d. Provide training to existing staff on policy framework and tools (05/05) e. Revise academy curriculum for new social workers to include kinship framework (6/05) f. Implement policy changes (7/05)	Incomplete	Proposal to combine with 1(c)(6) pending joint review by Department and Plaintiffs and decision by the Panel.
Hire and train relative search staff to support finding relative resources and supporting Family Team Meetings KCF II 8.3.4 ***Action Step 5(c)(3) in Settlement*** Hire and train relative search staff to support finding potential relative resources and Family Team Decision Making Meetings by: • Completing relative/father searches • Identifying Tribal/Band affiliation • Completing caregivers initial assessment The following benchmarks are subject to 2005 budget request: a. Budget decisions (7/05) b. Hire and train relative search staff (10/05) c. Implement (11/05)	Incomplete	Proposal to combine with 1(c)(6) pending joint review by Department and Plaintiffs and decision by the Panel.

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Implement case conferences prior to dispositional hearing, as required by 2004 legislation KCF II 13.1.6 (originally 13.1.7) ***Action Step 5(c)(4) in Settlement*** Implement case conferences prior to dispositional hearing, as required by 2004 legislation a. Distribute interim practice guidelines (9/04) b. Develop final practice guidelines for staff (10/04) c. Orient staff, caregivers and community partners to case conference requirements (11/04) d. Implement final practice guidelines (12/04) e. Initiate quarterly reporting to the field (1/05)	Incomplete	Complete Panel has concerns about low number of case conferences held and may consider adding an action step or outcome to monitor this in the future.
Develop and implement policies and protocols regarding visitation to children, parents, and siblings KCF II 18.1.1 (Note: The first action step in this section also references 18.1.1) ***Action Step 5(c)(5) in Settlement*** Develop policies and protocols regarding visitations for children in foster care to include frequency of visitation a. Establish a policy workgroup, including stakeholders and researchers, to develop a framework for visitations between parents and children and siblings that is utilized uniformly across regions. Framework to include guidelines for visitations which encompass: (9/04-12/04) • When visitations can be unsupervised, • When visitations can be outside of the DCFS office, • When visitations can be outside DCFS office hours, and • Who is able to supervise visits • How the visitation issues will be addressed during the Family Team Decision Making meeting which occurs within 72 hours of a child's placement in out-of-home care. • How the visitation issues will be addressed in other staffings and supervisory conferences • Guidelines for documentation of visits for social workers and contracted service providers b. Workgroup reports out recommendations (12/04) c. CA Management reviews and approves framework and policy recommendations (1/05) d. Provide training for staff and providers to support policy changes for visitations, quality of visitations and maintaining child's cultural connections (2/05-4/05) e. Implement policy changes upon training (2/05-4/05) f. Report out quarterly on progress (6/05-6/07)	Incomplete	Proposal to combine with 5(c)(1) pending joint review by Department and Plaintiffs and decision by the Panel.
Submit and, if approved, implement Title IV-E Demonstration Waiver to develop and deliver kinship supports KCF II 38.1.3 ***Action Step 5(c)(6) in Settlement***	Complete	No Compliance Plan required

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Pursuant to plans developed under KCF II, implement strategies to recruit additional licensed foster care and relative caregivers willing and able to accommodate sibling groups (not specified in implementation Plan) KCF II 24.1.1 ***Action Step 5(c)(7) in Settlement*** Implement the RFP for providing statewide foster parent support and recruitment. a. Complete regional recruitment needs assessments (8/04) b. Develop recruitment performance expectations for contracts (8/04) c. Finalize Recruitment and Retention RFP (includes regional, minority, sibling groups, adolescents and children with special needs) (9/04) d. Issue Recruitment and Retention RFP (9/04) e. Review and select proposals (11/04) f. Concurrently develop implementation and communication plans (11/04) g. Begin implementation of 18 month regional/statewide contracted recruitment and retention services contracts (1/05) h. Orientation of staff and caregivers to regional/statewide contracted support services (first stage implementation) (1/05) i. Review every six months (7/05)	Incomplete	Proposal to consolidate with 1(c)(1) pending joint review by Department and Plaintiffs and decision by the Panel.

[Page left blank intentionally.]

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Services to Adolescents		
Develop an integrated, re-designed service model for adolescents KCF II 19.1.1 ***Action Step 6(c)(1) in Settlement*** In collaboration with other DSHS Administrations and community partners, develop an integrated, re-designed service model for adolescents. This action step and the following benchmarks are subject to 2005 budget request a. Workgroup develops recommendations for a redesigned service model for adolescents including budget (9/04-6/05) b. CA Management review (6/05-8/05) c. Recommendations and budget proposal reviewed by DSHS Cabinet (8/05) d. Budget appropriated (9/06) e. Begin implementation of re-designed service model (11/06) f. Complete implementation of re-designed service model (8/07)	Not yet due	Not part of current Compliance Plan. Pending status review by Panel.
Establish Youth Advisory Group KCF II 19.1.7 ***Action Step 6(c)(8) in Settlement*** Establish Youth Advisory Group a. Develop model for youth advisory group (12/04) b. Locate and establish initial youth advisory members (1/05) c. Train youth advisory group (2/05) d. Begin youth advisory group meetings (to be conducted regularly) (4/05)	Complete	No Compliance Plan required
Establish educational outreach positions to assist children in out-of-home care in meeting K–12 educational objectives and preparing for higher education goals. KCF II 15.3.4 (originally 15.1.3) ***Action Step 6(c)(7) in Settlement*** Work with Washington Education Foundation to obtain funding and implement the Foster Care to College Partnership plan, which includes establishing six regional educational outreach positions, who will serve as liaisons to assist children (16-18 year olds) in out-of-home care in meeting higher education goals. a. In collaboration with Washington Education Foundation, complete Foster Care to College Partnership proposal (10/04) b. Seek 3-year grant funding (10/04-2/05) c. Based on funding, begin implementation of the Foster Care to College Partnership plan (4/05) d. Report on implementation (9/05)	Complete through performance period	No Compliance Plan required
e. Annual evaluation report (completed each year of the 3-year grant funding) (6/06, 6/07, 6/08)	Not yet due	

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Offer caregivers training on educational advocacy skills KCF II 15.4.1 (originally 15.1.5) ***Action Step 6(c)(9) in Settlement*** Develop and distribute educational brochures and/or information packets in collaboration with the education sector (*packets to include basic statewide information including: mandatory reporting information, and program descriptions for CA and schools*) a. In collaboration with OSPI, develop packet contents (10/04) b. Consolidate work products developed from HB 1058 workgroups for inclusion in packets (3/05) c. Customize information to target respective areas (6/05) d. Revise/draft CA policy to include distribution of material and to clarify roles of youth and caregivers (6/05) e. Develop plan for distribution of packets to youth, parents, relative caregivers, foster parents, school staff, social workers, and court (9/05) f. Begin implementation of distribution plan (12/05)	Incomplete	Documentation showing activities on this action step received after first Monitoring Report deadline; will be covered in next Monitoring Report
Develop and implement tutoring and mentoring services, in conjunction with existing community resources, to improve educational outcomes for adolescents in out-of-home care. KCF II 15.2.3 (originally 15.1.2) ***Action Step 6(c)(10) in Settlement*** d. Regional coordinators work with community partners to develop regional plans, including existing community resources and tutoring/mentoring programs (12/05)	Incomplete	Documentation showing activities on this action step received after first Monitoring Report deadline; will be covered in next Monitoring Report

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Offer support services to foster youth until age 21 Originally KCF II 10.1.1 ***Action Step 6(c)(2) in Settlement*** In collaboration with community partners, develop policy regarding discharge from care to enable youth to receive service until they are 21, unless they wish to opt out earlier and include policies requiring youth to be involved in a private or public educational, vocational program or employed to meet the criteria to remain in care. This actions step and following benchmarks are subject to 2005 budget request: a. Establish workgroup to develop policy and program recommendations and draft proposed legislation recommendations (10/04 – 12/04) b. Submit draft legislation (12/04) c. Management reviews and approves recommendations (1/05 – 3/05) d. Budget appropriations and legislative decisions. (7/05) e. Complete necessary policy changes (and possible WAC changes) (8/05) f. Provide orientation to staff, caregivers, youth and community partners on policy changes (9/05) g. Implement policy and program changes (9/05 – 2/06)	Incomplete	Panel approves Compliance Plan In order to consider this action step complete at the next time of review, Panel will expect CA to demonstrate that criteria used to select youth for participation have been established and communicated to youth and to address how CA will work with youth who apply to remain in foster care to age 21 and are not accepted (e.g. how they are linked to resources available to them, etc).
Propose statutory change to extend out-of-home care benefits to children through age 21 Originally KCF II 10.1.1 ***Action Step 6(c)(3) in Settlement*** In collaboration with community partners, develop policy regarding discharge from care to enable youth to receive service until they are 21, unless they wish to opt out earlier and include policies requiring youth to be involved in a private or public educational, vocational program or employed to meet the criteria to remain in care. This actions step and following benchmarks are subject to 2005 budget request: a. Establish workgroup to develop policy and program recommendations and draft proposed legislation recommendations (10/04 – 12/04) b. Submit draft legislation (12/04) c. Management reviews and approves recommendations (1/05 – 3/05) d. Budget appropriations and legislative decisions. (7/05) e. Complete necessary policy changes (and possible WAC changes) (8/05) f. Provide orientation to staff, caregivers, youth and community partners on policy changes (9/05) g. Implement policy and program changes (9/05 – 2/06)	Complete	No Compliance Plan required
Establish post-guardianship support program	Incomplete	Panel approves Compliance Plan

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
Originally KCF II 21.1.3 ***Action Step 6(c)(5) in Settlement*** Expand support for kinship care providers to include: a. Develop and implement regional resource centers to provide referrals and facilitate access to services to support post-adoption, permanent kinship families and guardianship providers (Refer to 9.3.1) (12/04) b. Provide crisis and support and other immediate support through implementation of statewide RFP for foster parent support services(Refer to 6.2.7) (01/05) c. Increase access to child specific services through expanded contracted services capacity (subject to budget) (Refer to 11.1.4) (03/06) d. Provide access to pre-service and post-service training provided by the Resource Family Training Institute (Refer to 40.3.1) (5/05)		
Develop and implement regional resource centers for post-adoption kinship and post-guardianship families Originally KCF II 10.3.3, appears to be 21.1.3 ***Action Step 6(c)(6) in Settlement*** Expand support for kinship care providers to include: a. Develop and implement regional resource centers to provide referrals and facilitate access to services to support post-adoption, permanent kinship families and guardianship providers (Refer to 9.3.1) b. Provide crisis and support and other immediate support through implementation of statewide RFP for foster parent support services(Refer to 6.2.7) c. Increase access to child specific services through expanded contracted services capacity (subject to budget) (Refer to 11.1.4) d. Provide access to pre-service and post-service training provided by the Resource Family Training Institute (Refer to 40.3.1)	Incomplete	Proposal to combine with 6(c)(5) pending joint review by Department and Plaintiffs and decision by the Panel.
The Department will review systemic data and literature on methods and supports to caregivers to decrease running away behaviors in adolescents, and develop and implement strategies to decrease runaway behaviors.	Not yet due	No Compliance Plan required
Complete implementation plan for 2003 legislation to increase educational stability of foster children (HB 1058). Complete and implement agreements with school districts, addressing transportation issues for children transferring schools upon placement or move between placements. KCF II 15.3.1, 15.3.2, 15.3.3 (originally 15.1.4) ***Action Step 1(c)(5) in Settlement*** 15.3.1 In collaboration with partners, develop interagency working	Not yet due	No Compliance Plan required

Area/Action Step	Monitoring Report Finding (March 2006)	Panel Decision on Compliance Plan
agreements between OSPI and CA to include protocols for effective information sharing and service planning for children in care a. Statewide MOU between OSPI and CA signed (07/04) b. Conduct statewide summit to bring together regions with local school districts to get acquainted, build awareness, plan for regional meetings, and outline steps that will lead to a MOU between DCFS and local school districts (10/04) c. Each region completes agreements with 3-6 local school districts and report to HQ including basic elements of statewide MOU and address specifics such as transportation issues for children changing placements or transferring to other schools (7/05) d. Complete protocols with 30% of school districts within two years (7/06) 15.3.2 In collaboration with OSPI and local schools conduct regional Educational Achievement Summits a. Regional representatives attend statewide summit and regional breakout groups begin to plan region summits (10/04) b. Regions develop collaborative planning workgroups with local districts (6/05) c. Develop training and communication plan for staff in region and local school districts (9/05) 15.3.3 Implement regional and statewide information and referral liaisons a. Regions identify Education leads (10/04) b. Provide regional and/or office contacts in local agreements (12/04) c. Establish protocols in local agreements (6/05) d. Communicate with staff regarding identified contracts and local agreements (6/05)		

COMMUNICATIONS FROM PARTIES

Children's Administration Revised Compliance Plan in Response to Monitoring Report .....
This section is not yet included—entire document will be re-issued with this attachment

Plaintiffs' August 2, 2006 Response to Children's Administration Revised Compliance Plan 37

Attorney General's August 18, 2006 Response to Plaintiffs' Comments on Children's Administration's Revised Compliance Plan 46

[Page left blank intentionally.]

Columbia Legal Services

Seattle Office
101 Yesler Way, Suite 300
Seattle, WA 98104
(206) 464-5933
(800) 542-0794
(206) 464-1518 TDD
(206) 382-3386 (fax)
John Midgley, Director

August 2, 2006

Steve Hassett
Senior Counsel
Office of the Attorney General
Social and Health Services Division
By email

Re: Plaintiffs' Response to 7/14/06 Revised Compliance Plan

Dear Counsel:

Following is Plaintiffs' updated written response to the Department's second compliance plan ("the Plan"). This should be read in place of our July 24, 2006 initial response.

Compared to the previous compliance plan, the Department has provided significant new information to explain this Plan. We appreciate the provision of this information, as it allows us to have a more complete picture of the direction in which the Department is heading and to understand the full extent of the compliance plan.

In a number of areas, the Department has addressed both our comments and the comments of the Panel. We want to express our appreciation to the Department for reconsidering the plan and making it more meaningful.

In other areas there is still some information lacking about implementation of action steps or plans to address gaps in services. Some of the information provided paints a troublesome picture of foster care services in a number of areas. Especially worrisome are reductions in net foster placements and high Child Welfare Services caseload ratios in a number of offices, two areas which deserve close attention as the compliance plan and annual benchmark processes continue.

Placement Stability

Action Step 1(c)(1) (Foster Parent Recruitment and Retention). Information on the number of active[4] homes in January 2005 and March 2006 is provided along with several breakdowns – by region, CA and private agency, minority, and sibling capacity (defined as any home with more than one licensed bed). The net difference is, with the exception of two regions, a loss of homes. Even in the two regions with a net increase in the number of homes, the increase is very slight – 0.32% and 0.87%. While the breakdown is helpful, the information contained in it is discouraging. Simply regionalizing the contracts may not improve these disappointing results. The new RFP should be based upon an analysis of the strategies that the current contractor utilized. Unsuccessful strategies should be discarded and proposals that do not suggest new

[4] Plaintiffs would also like a definition of "active."

THE ALLIANCE for Equal Justice

approaches should be rejected. It is notable that Region 6 had increases, albeit slight (excluding minority homes), in all areas. Equally notable is Region 4's significant loss of foster homes across the board.

Several suggestions for retention were made but not all were incorporated into the new Plan. For example, Plaintiffs suggested that the retention contractor be provided with the names, addresses and telephone numbers of foster parents. This was not adopted in the revised Plan and no explanation was provided for rejecting it.

Action Step 1(c)(2) and (14) (Multiple placement staffings). Most of the concerns identified by the Panel and Plaintiffs appear to have been addressed. However, delaying the staffings of children until 1) 60 days after the placement has disrupted and 2) the child remains at risk of further disruption is simply too long. Plaintiffs also think that clarification of the timeline for the implementation of Phase III is necessary. The Plan states that staffings for Phase III will begin in June 2007 and will be "ongoing." If staffings for children in three or more placements will begin in June 2007, a date is also needed for full implementation; meaning that from that point on, all children who have experienced three or more placements will have a staffing.

Additionally, as mentioned at the meeting, page 2 of the Department's 6/30/06 revised plan (which incorporated specific comments from the Panel), did not incorporate tasks (5) and (6) recommended on page 2 of the Panel's 4/28/06 letter. These two tasks are important (identifying service providers and revising the child's service plan) and Plaintiffs agree that they should be a part of the staffings.

Action Step 1(c)(4) (Emergency respite care). Plaintiffs appreciate that the new policy providing respite care to unlicensed caregivers is going into effect in September. Plaintiffs accept the new timeline for assessing regional needs for respite care if the timeline allows for sufficient time to include a request for funding in the DSHS decision package, if necessary. The Department also indicates that some regions have already developed plans, but it does not appear those plans were included in the materials.

A point that was raised at the meeting is that substep (c) has additional language that is not explained in the plan ("to address highest need"). If the inclusion of this language was a mistake, it should be taken out. If it was intentional, it limits the scope of this substep in a way that is not acceptable to Plaintiffs.

Finally, the Department has proposed combining this step with 3(c)(10) (appropriate access to respite care). Plaintiffs do not object to this proposal, as long as all parts of each separate step are included in a combined step. Both action steps require the Department to "provide respite to resource families to support placements at risk of disruption and provide appropriate access to respite care for caregivers requesting and needing this service." 1(c)(4) adds that this is "to include in-home respite care for licensed foster parents" and includes clear sub steps. We would accept combining the two steps under 1(c)(4), in the Placement Stability section, and using the

following title or something similar – "Department shall provide appropriate access to respite care for licensed foster care and relative caregivers requesting and needing this service, including emergency respite to prevent disruption."

Action Step 1(c)(6) (Appropriate use of kinship care). Plaintiffs would like to know how the Department will accomplish the tasks originally to be carried out by relative search specialists, and how regions and offices have handled relative search tasks. We would like to know whether these tasks will be and are able to be completed using existing resources, or whether there is going to be a renewed budget request for relative search specialists.

Action Step 1(c)(7) (Involvement of children and parents in assessments, case plans, decisions). The Department requests that, as the policies will soon go into effect, the action step should be marked as complete and the implementation should be measured through the benchmarks. Plaintiffs believe that a discussion is necessary before determining that the benchmarks will adequately address this issue. The action step calls for "implementation" not just revision of the policy; therefore implementation must be addressed through the action step if the benchmarks do not adequately address it.

Action Step 1(c)(9) (Reducing caseloads to COA standards). The current number of staff is reported as 989.96. It is not clear if this number is the actual number of staff on the job as of May 2006 or if that number reflects the number of funded but not necessarily filled positions. Plaintiffs need information about the funds needed to get caseloads down to COA standards. We also request clarification about the definition of "caseloads" (e.g., whether a sibling group of 5 children would count as one case or five cases). We also agree that the information and data sharing requested by the Panel in their letter to the Department of August 1, 2006, is needed in order to have an acceptable Compliance Plan for this action step.

Plaintiffs appreciate that the Department is aware that as new social workers are hired it needs to "closely monitor variables including … the effects of the neglect legislation and CPS/CWS redesign, both of which will go into effect in January 2007." We also note that about 60 new social workers will be hired in FY 2007 for the implementation of the redesign and the neglect legislation. It is our position that the Department should do as much planning in advance as is possible to calculate the number of caseworkers that will be required to implement the redesign and legislation, and still have caseloads at or below COA standards for all caseworkers in all divisions. We would like to know if the Department has determined whether or not caseloads below 18 to 1 will be required for implementation of the redesign and the neglect legislation, and if the 60 new caseworkers will be sufficient to keep caseloads for all caseworkers at or below the standard. If lower caseloads in some areas will be required to implement the redesign and the legislation, the Department should plan ahead and seek funding where needed to ensure that this will not result in unacceptably high caseloads in other areas.

Finally, we would like to express our support of adding a benchmark on caseloads to monitor ongoing improvement.

Mental Health

Action Step 2(c)(3) (Addressing regional service gaps). Substep (d) indicates that supporting documentation to show implementation of regional plans includes "agendas and other evidence that implementation was discussed." Other information should be provided to show actual implementation, not just discussion of implementation. Therefore, agendas or meeting minutes are not sufficient. The attachments discussing the committees and teams vary tremendously in terms of both quantity and quality of information provided. For example, Region 4's plan discusses what is taking place, what gaps exist, steps that need to happen to address those steps, and other more detailed information. On the other hand, Region 3's plan merely discusses what the Children's Policy Executive Team does, in very general terms, but provides no information about gaps or steps to be taken.

Action Step 2(c)(4) (Implement new RSN agreements). The new proposed dates are fine--however, Plaintiffs suggest that the Department specify what "appropriate evidence of the revision of the approach to informational meetings" would include.

Action Step 2(c)(5) (Periodic reassessment of children's mh/sa needs). Plaintiffs are pleased to see the revisions in the relevant policies. We have two clarifying questions about CHET policy 43092: 1) what is the guidance on how to determine who is "expected to remain in care longer than 30 days?" and 2) should there be documentation if the child is not expected to stay in care longer than a month, and where should this documentation go?

Finally, while it appears that there is no action step related to verification of implementation, the Plaintiffs concede this is not necessary if the corresponding benchmark for 2006 is met.

Foster Parent Information and Training

Action Step 3(c)(1) (Crisis support line for foster parents and other caregivers).

The Panel noted that the original Compliance Plan appeared to provide this service only to foster parents and not to "other [unlicensed] caregivers." The Revised Compliance Plan states that "an after-hours crisis support line for both licensed and unlicensed caregivers" was implemented. However, the Progress Report provided to the Panel states that "Foster Parents were informed about the Support Line in several ways." Other than a reference to some unspecified "relative caregiver websites," it appears that very little, if any, notification was provided to "other caregivers" about the crisis support line. The Revised Plan should be amended to describe how "other caregivers" will be notified about the crisis support line, how to access it, and the services provided by the support line.

The Progress Report indicates that the crisis support line was being operated out of the Central Intake Unit by staff provided with some additional training. We support the Revised Plan proposal for contracting out this service by October 2006.

The Revised Plan does not provide an RFP, a description of the criteria for the contract, or the performance measures for the contractor. While the next to last paragraph of the Progress Report appears to suggest that the crisis support line will be operated by the foster parent retention and/or recruitment contractors, this is not clear. Furthermore, the Revised Plan places responsibility on the contractor "to identify how they will inform foster parents of the service." In our comments to the first Compliance Plan we noted the concerns of the foster parent retention contractors that the Department did not provide them with the names or addresses of foster parents. Instead of placing the onus on the contractor, the Revised Plan should be amended to describe how the Department will work in tandem with the contractor to ensure that foster parents are notified of the crisis support line. We repeat our earlier suggestion that if there are some impediments to providing this contact information to contractors providing services to foster parents and other caregiver, the Department should remove those obstacles. Furthermore, each time the Revised Plan refers to 'foster parents' in this section, it should also include 'other caregivers.'

We do not believe that the use of Central Intake and the system of routing calls to the mail line satisfies the requirement that CA "implement" a crisis support line. Despite the claims in the Progress Report that "the support line is helpful to foster parents" there is absolutely no data to support his claim.

We do not object to the request to change the reporting requirement from quarterly to semi-annually.

Action Step 3(c)(2) (Cross-Training Between Foster Parents and Staff).

As requested by the Panel, data on the numbers of foster parents and staff attending joint-training was provided. The Action Step requires that the training be provided "statewide" and the Panel specifically asked for (and Department provided) information on the penetration rate. The data indicates that in Regions 2 and 4 only one session occurred during the nine-month period October 2005 through June 2006. The highest penetration rate for foster parents was less than five percent. We question whether with this low a rate of participation, cross-training statewide can be said to be implemented. The Revised Plan should include a description of steps the Department will take to improve participation.

Action Step 3(c)(3) (Notification and Support to Foster Parents and Relative Caregivers to Increase Participation in Meetings, Staffings, and Hearings)

We agree with CA that caregivers' participation in staffings and hearings will improve planning for and the care of children in their homes. It should also enhance and support placement

stability. In order for caregiver participation to occur, there must be adequate advance notice and support to the caregiver.

The Revised Plan includes a policy change requiring notice of staffings with "as much advance notice as possible, no later than 48 hours before the scheduled meeting." At the same time, policy requires written notice of court hearings at least 10 working days prior to the hearing. We recommend that caregivers be provided with the same advance notice of staffings as they are of court hearings. To the extent that a Family Team Decision Meeting may need to be scheduled with less notice, policy could provide for such an exception. Caregivers, just like the rest of us, have busy lives. To set a standard of 48 hours notice is likely not going to increase participation rates in staffings.

The Revised Plan does not address the requirement that caregivers be provided with support to attend meetings and hearings. While the third paragraph of the Revised Plan mentions "The social worker is expected to explore options to support the participation of caregivers, such as child care, scheduling, caregiver participating by telephone…" the policy is altogether silent on "support." The Revised Plan should be amended to specify the support to be provided and Department policy should be revised to reflect this.

We agree that implementation and effectiveness of this policy should be included in the Foster Parent Survey and Case Reviews.

Action Step 3(c)(4) (Implement RFP for providing statewide crisis support and other immediate support for licensed foster parents and relative caregivers).

We disagree that this provision duplicates the other provisions cited by the Department. This provision requires that crisis support for caregivers must go beyond the telephone hotline specified in 3(c)(1). Operation of that support line does not satisfy the broader obligation under this provision. HB 3115 confirms this by calling for "short-term therapeutic and educational interventions to support the stability of the placement" as opposed to merely a hotline.

The Department's establishment of a foster parent critical support and retention program as mandated by HB 3115 also does not satisfy the Department's obligations under this section. HB 3115 limits the program to "foster parents who care for sexually reactive children, physically assaultive children, or children with other high- risk behaviors."

Action Step 3(c)(5) (Training of Foster Parents and Relative Caregivers on Policy Revisions and Engaging Families and Children).

The rates of participation are extremely low – less than four percent of foster parents participated in training during the twelve-month period. The Revised Compliance Plan should be amended to include a description of steps the Department will take to improve participation. In addition, the Department should provide a description of the class title and a brief summary of the subject

matter covered during the session. This will allow the Panel to determine if the training in fact covered not only policy revisions but also instruction on engaging families and children.

Action Step 3(c)(7) (Develop and Implement a Policy Requiring On-going Training for Licensed Foster Parents).

While many attachments are provided to this part of the Revised Compliance Plan much of it addresses pre-service rather than on-going or in-service training of foster parents. Data in other sections of the Revised Plan – e.g. 3(c)(2) and 3(c)(5) – suggest that few foster parents are attending in-service training.

The "Interim Plan" the Department proposes in which a cohort group is used to measure implementation of this policy is inadequate with respect to representation of different regions – it includes very few foster homes from Regions 3 & 5 and only 1 foster home from Region 4.

Action Step 3(c)(8) (Caregivers Shall Be Provided with Results of Screenings and Assessments and Copy of Child's Passport).

In response to the Panel's comments, the Department has expedited the implementation of this policy and will provide a report in October 2006. We are glad to see that this policy is being implemented.

The Department proposes "to capture data as to the date that licensed foster parents and relative caregivers are provided with a copy of the CHET screen results" by creating a CHET data input form. We believe that determining compliance with this policy by counting the cases in which a box is checked off is inadequate. We recommend that implementation of this policy should be included in the Foster Parent Survey.

This section also requires that a caregiver shall be provided with a copy of the child's passport at the time of placement but no later than five days after its completion. We recommend that the Department address in this section of the Revised Plan how they intend to comply with the Governor's Partial Veto Message to HB 3115:

> I am directing the DSHS, however, to develop policies to implement the intent of Section 5. The DSHS policies are to specify what types of information must be shared with care providers, when the information is to be shared, and the manner in which the information is to be shared. The policies should include definitions of key terms. The DSHS' duty to share information should not be limited to only that information known at the time of placement. Rather, the DSHS should share information, consistent with the criteria outlined in policy, on an on-going basis.

Action Step 3(c)(9) (Caregivers Will be Encouraged and Supported to Participate in Staffings of Pre-Passports or Successors).

The Revised Compliance Plan cross-references the Plan for 3(c)(3). Both of these provisions require that caregivers be provided with support in order that they may participate in staffings. As we noted earlier, 3(c)(3) omits any description of support. The Revised Plan should be amended to specify the supports to be provided to foster caregivers to enable them to attend all types of staffings and court hearings.

Unsafe Placements

Action Step 4(c)(1) (30 day visits). We are encouraged by the fact that the Department is moving forward, however, the delay on this high priority area is worrisome.

There is no information about how many FTEs and how much funding is required to accomplish the 30 day visits. It is our position that the Department should do advance planning and seek funding where needed to ensure that it will have sufficient numbers of caseworkers to implement the redesign and neglect legislation, as well as comply with this action step – see our comments to 1(c)(9) on this point as well.

One of the more important aspects of the social worker visit is to interview the child and the caregiver *in the home* on a monthly (if not more frequent) basis. In its proposal, the Department indicates that the child may be seen in places *other than the child's* home. In the home, the social worker can assess the child's environment, see who is living in the home, visually ascertain safety issues and interview caregivers about concerns of the child or the caregiver. We have significant concern that a child's appearance at court (or other institutional setting) and a brief chat with or casual observation by the caseworker will be counted as a visit. Such "visits" miss important information about the child's living environment. Because this Action Step has no guidance on the visits outside the home, it should be clarified.

The Department's proposal to allow visits with caregivers every 60 days is too infrequent, and is in conflict with the former action step and KCF II requirement.

Sibling Separation

Action Step 5(c)(1) (Increasing quality/frequency of sibling/family visits). Plaintiffs understand the Department's proposal is to exclude parent-child visits in its plan. If this is incorrect, the Department should clarify. Plaintiffs have previously gone on record regarding the requirement for parent-child visits, and will not restate its position here. Plaintiffs do not object to the new timeline.

Action Step 5(c)(4) (Case conferences). Semi-annual reports may be sufficient, but the panel should consider quarterly reports if less frequent reports are insufficient. While Plaintiffs understand that the shared planning policy will go into effect in September, Plaintiffs would like more information about why the variance is so great from office to office (especially given that

the legislation passed in 2004) in terms of scheduling of case conferences and how reasons for the variance might affect implementation.

Action Step 5(c)(7) (Recruitment for sibling placements). Depending on the language of the combined action step, Plaintiffs may or may not object to consolidation. However, given the worrisome data on recruitment of sibling foster homes provided by the Department, this action step deserves significant attention and should not be marked as complete until progress is made.

Services to Adolescents

Action Step 6(c)(2) (Support services until 21). The Plan generally addresses the concerns we raised in our response to the original proposed compliance plan. However, Plaintiffs continue to have concerns about youth who age out who are neither in high school nor in a post-secondary program. To complete this action step, the Department needs to explain the services that will be provided to this population. Attachments 1-3 referenced in the plan were not provided in the email or in the binder sent to Plaintiffs.

Action Step 6(c)(5) and (6)(c)(6) (Post-adoption and guardianship support). The revised compliance plan acknowledges that support to dependency guardians helps achieve permanency for children in the class. Plaintiffs are pleased to see this acknowledgement, and continue to believe that children in dependency guardianships are a part of the plaintiff class. The revised plan adds plans to complete two sub-steps of the original action step 6(c)(5), which would be an improvement, however, the Department also claims that two of the substeps cannot be implemented or achieved due to lack of funding. Plaintiffs reiterate our disappointment in the Department's failure to seek funding for this and other action steps in the last legislative session, and our position that the Department should complete all of the action steps that it agreed to in the Settlement Agreement. With respect to the plan for substep (b), we agree that a 24-hour-a-day crisis support hotline for post-guardianship families would be an important form of support - we believe that additional forms of support would also be helpful.

We appreciate all the work that DSHS staff and the Panel have put into this more complete compliance plan. Please feel free to contact us if you have any questions about our comments.

Sincerely,

Casey Trupin
Bill Grimm
Bryn Martyna
Tim Farris
Plaintiffs' Counsel, *Braam v. State*

August 18, 2006

Casey Trupin
Columbia Legal Services
101 Yesler Way, Suite 300
Seattle, WA 98104

Timothy C. Farris
300 North Commercial
PO Box 5008
Bellingham, Washington 98227-5008

William L. Grimm
Bryn Martyna
National Center for Youth Law
405 14th St., 15th Floor
Oakland, CA 94612-2701

Dear Counsel:

This is in response to your letter on August 2, 2006 on the Department's revised compliance plan. We appreciate the points raised in your letter and many of them will be addressed in the compliance plan itself. However, I did want to address some of your more general comments on behalf of Children's Administration. I would also like to further define those areas where we can agree to consolidate existing Action Steps. These will be addressed at the end of the letter.

Action Step 1(c)(1). In regards to this Action Step and some others, you suggested that contractors providing retention and support services to foster parents be provided with the names, addresses and phone numbers of existing licensed care providers. CA originally examined this issue about three years ago and ended up taking the position, based on advice from my office, that if it provided this information to such contractors or organizations, it would then have to provide it to anyone asking for it pursuant to the State's public disclosure laws. In part this was driven by some litigation that CA was involved in about five years ago when some of the State's larger news organizations made public disclosure requests for the names and addresses of foster homes who had been the subject of CPS investigations by CA's Division of Licensed Resources.

As you may know, there is no clear definition of "foster parent" in Washington State statutes. For public disclosure purposes, the most analogous categories would be state employee or volunteer. Given the lack of clarity in this area, and the broad mandate for disclosure of public records in our public disclosure statute (RCW Chapter 42.56), CA felt and continues to feel that creating a situation where the identities and addresses of foster parents would be widely available to the public has the potential to do more harm to recruitment and retention efforts than anything that would be gained by providing this information to contractors.

However, CA does realize the value of contractors having such contact information and has tried to strike a balance between providing it and respecting the confidentiality of foster parents. At pre-service training, all persons interested in becoming foster parents and going through the licensing process are told of the recruitment and retention services available to them and asked to sign a release of information form so that their personal information can be provided to the contractors. As new RFP's are implemented, this practice will continue. CA is also considering providing the release forms in in-service training and with relicensing materials. In addition, if a particular contractor provides CA with a flyer or other written materials describing their services, CA has in the past and will in the future include it in one of the monthly mailings to all foster parents on a regional or statewide basis. CA will also work with the contractors to publicize their services through foster parent websites, trainings and conferences.

Action Steps 1(c)(2) and 1(c)(14). You asked for clarification of the timeline for implementation of Phase III and stated that a date was needed for full implementation. The date listed in Phase III as the date to begin staffings for children who have experienced 3 or more placements (June 2007) is in effect the date for full implementation of the multiple placement staffing policy. Phases I and II are intended to apply the policy to children with 5 or more placements and 4 or more placements respectively and each has a date by which all staffings for youth in these categories should be complete. As each of these phases is completed, the backlog of children in these categories should be eliminated. In contrast, once Phase III begins in June 2007, it will be the ongoing policy of CA and will require that a staffing take place whenever a child in out-of-home care reaches his or her third placement.

The revised policy that was provided to the Oversight Panel reduces the period during which the staffing must take place from 60 to 30 days.

Action Step 1(c)(4). CA sent information to the Oversight Panel with a copy to you explaining why language not in the earlier version of the compliance plan was inadvertently added to the revised plan ("to address the highest need"). If you still have questions or concerns regarding this issue, please let me know.

Action Step 1(c)(6). You asked how the Department will accomplish relative searches without getting funding for relative search specialists. Some of this information was included in the attachments to the compliance plan, but it was not clearly labeled. In the binder I provided to Casey, there is a draft of a document entitled "The Relative Framework: A Guide for Social Workers" included as support for this Action Step. Pages 3 to 6 describe how relative searches should be done using a three tier approach. See also the proposed policy on relative search at the end of that section of the binder. CA has also provided the Panel with a more detailed relative search guide in the latest revision of the compliance plan.

Action Step 1(c)(9). You asked if the current number of staff - i.e. 989.96 in May 2006 – was an actual number or the number of unfunded positions. It is the actual number of CPS and CWS social workers on the job during that month. It may be averaged slightly to account for sick leave and annual leave for filled positions during the month, but it does not include positions that were funded but were unfilled during May. Also, you asked how caseloads were counted. This varies depending on the nature of the case. For CPS workers doing an investigation, a family group may count as a case. Once children are placed in out-of-home care, each child counts as a case. So for most Braam purposes, this is what will be used. The current projections for this action step mix up both types of case counts in that they combine both CPS and CWS caseloads and some CPS workers have both types. Projections made after the CPS/CWS redesign should be more specific as to each type of case.

Action Step 3(c)(7). The Oversight Panel has indicated that they don't want to use the March 2005 cohort group as a measurement device for this Action Step, so the issues you raised are somewhat moot. But to clarify what CA was trying to do, the March 2005 cohort group is based only on those foster homes licensed in each region in that particular month. This is why the numbers vary so much: had the cohort been based on homes licensed in another month, the results might have been considerably different. CA proposed using it as one possible measurement device to track the in-service training response of a cohort of foster homes over the three year licensure period. It would have supplemented other measurements, all of which have some problems, until such time as the SACWIS system becomes operational.

Action Step 4(c)(1). The Department has revised its approach on the issue of visits with caretakers. While it still maintains that visits with caretakers generally serve a different purpose than do visits with children in care, especially as to the central issue of safety in placements, it appears that the distinction being drawn in earlier proposals was becoming more of a distraction than a help in clarifying the issues. The new proposal sent to the Oversight Panel provides that the practice in this area should be for social workers to visit a child at the residence of his or her caregivers and to observe the child with the caregivers unless there is a specific objective reason to see the child outside the presence of the caregivers. If a visit with a child occurs somewhere other than the caregiver's residence, the reasons why must be documented in the SER.

Action Step 5(c)(4). Attached is an updated report on scheduling of case conferences in 2005 as captured in the AGO's internal case management system. As indicated, case conferences were set at a much higher rate than initially shown in some AGO offices and the low numbers were mainly a result of a failure to input the relevant data.

Action Step 6(c)(2). Your letter indicates that the work done by CA so far to implement HB 2002 generally addresses your concerns regarding this Action Step. In response to your concerns about what services are available to other youth who have aged out of the foster care system, we have provided additional information about the existing Transitional Living and Educational and Training Voucher programs to the Oversight Panel with the revised compliance plan materials.

Consolidation of Action Steps:

As you may recall, John Landsverk indicated at the last Oversight Panel meeting that if the Department and Plaintiffs can agree on the consolidation of any Action Steps, the Panel would be likely to agree as well. Here is a list of the specific Action Steps the Department proposes for consolidation at this time for your consideration. If you would like to discuss these further before responding, we can set up a conference call in the next week or so.

1. Action Steps 1(c)(1) and 5(c)(7).

RFP for statewide foster parent recruitment.

Pursuant to the plans developed under KCF II, implement strategies to recruit additional licensed foster care and relative caregivers willing and able to accommodate sibling groups.

Both Action Steps are based on the same underlying KCF II Action Step (24.1.1) and have identical requirements. The first is complete and CA is now moving to regional RFP's which will include specific requirements or targets for recruitment of caregivers to take sibling groups. Also, the benchmarks in the Oversight Panel's Implementation Plan appear to be sufficient to measure CA's future compliance in both of these areas. We propose replacing these Action Steps with a consolidated Action Step in the Placement Stability section:

Recruit foster parents at a rate sufficient to achieve the Benchmarks established by the Implementation Plan and to meet the specific needs of children in licensed out-of-home care as identified in regional needs assessments.

2. Action Steps 1(c)(2) and 1(c)(14).

Require multi-disciplinary case staffings for children in four or more placements.

Develop a plan for Panel review and approval, with input from Plaintiffs, to provide multidisciplinary and/or case staffings for children in 3 or more placements.

To a great extent these Action Steps have already been consolidated in the multiple placement staffing plan submitted by CA. It provides both for the phase in of case staffings for children in four or more placements and is a plan developed with Panel review and Plaintiffs input to provide case staffings for children in three or more placements. We propose replacing these Action Steps with a consolidated Action Step in the Placement Stability section:

Require multi-disciplinary case staffings for children in three or more placements pursuant to the schedule in the plan developed by the Department.

3. Action Steps 1(c)(4) and 3(c)(10).

Develop and implement policy to provide emergency respite to licensed foster care and relative caregivers to prevent disruption.

The Department shall provide appropriate access to respite care for caregivers requesting and needing this service.

Pursuant to your letter, it appears we can agree to consolidate these Actions Steps, both of which address provision of respite care, into one Action Step in the Placement Stability Section:

Provide appropriate respite care to licensed foster care and relative caregivers requesting and needing this service, including emergency respite care necessary to prevent placement disruption.[5]

4. Action Steps 1(c)(6) and 5(c)(2).

[5] You indicate in your letter that you agree to consolidate both Action Steps into 1(c)(4). It might make more sense to link any consolidated Action Steps to the goals, benchmarks and outcomes of the Implementation Plan, along the lines of how the Panel did the Action Steps it created in the Mental Health and Adolescent Services section. Assuming we agree to consolidate some Action Steps, I suggest we work with the Panel and Carrie on how best to tie them into the ongoing implementation and monitoring structure.

Increase the appropriate use of kinship care.

Improve kinship support services.
Both of these Action Steps speak to increasing and improving the use of kinship care and are based on the same underlying KCF II Action Steps (8.3.2, 8.3.3, 21.1.1). The relative framework and related material provided to the Oversight Panel addresses both aspects of this issue. We propose replacing these Action Steps with a consolidated Action Step in the Placement Stability section:

Increase the appropriate use of kinship care for children requiring out-of-home placement and improve support to relative caregivers.

5. Actions Steps 3(c)(3) and 3(c)(9).

Require written notification to licensed foster parents and relative caregivers and provide support to increase their participation in meetings, staffings and hearings involving planning for children in their care.

Licensed foster parents and relative caregivers will be encouraged and supported to participate in staffings of pre-passports (or successor) for children placed in their homes.

Both Action Steps address participation of caregivers in hearings and staffings involving children in their care, although the latter Action Step is specific to pre-passport (or successor) staffings. Further, both are based on the same underlying KCF II Action Step (22.2.2) and are addressed by the same policies developed and implemented by CA. We propose replacing these Action Steps with a consolidated Action Step in the Foster Parent Training and Information section:

Encourage foster parents and relative caregivers to participate in hearings, meetings and staffings involving planning for children placed in their homes by providing appropriate notice and support.

6. Action Steps 5(c)(1) and 5(c)(5).

Increase quality and frequency of visits between children and their siblings.

Develop and implement policies and protocols regarding visitations for children, parents and siblings.

Both Action Steps address sibling visits and contact, the former by requiring an increase in the quality and frequency of sibling visits and the letter by requiring the development and

implementation of visitation protocols. Both are based on the same underlying KCF II Action Step (18.1.1). We understand from your letter of August 2, 2006 that you think parent-child visits should also be addressed in the monitoring and compliance process, but this appears to be a relatively new position on Plaintiff's part. It was never raised as an issue in the initial litigation, nor was it identified as a concern in your Fifth Amended Complaint. The relevant section in the Settlement Agreement addresses sibling separation and CA agreed to include the visitation protocol process then under development through KCF II in the Settlement Agreement as a means to address and improve sibling visits. The issue of parent-child visitation tends to be highly case specific and is best address through the juvenile court process. We propose replacing these Action Steps with a consolidated Action Step in the Sibling Separation section:

Develop and implement policies to increase the quality and frequency of visits and contact between children and their siblings.

7. Action Steps 6(c)(5) and 6(c)(6).

Establish post-guardianship support program.

Develop and implement regional resource centers for post-adoption kinship and post-guardianship families.

As CA has previously indicated, funding for post-adoption and post-guardianship regional resource centers was not approved by the Legislature in 2005. Action Step 6(c)(6) can not be implemented due to a lack of funding. CA has previously stated its position that children in dependency guardianship are not members of the class defined in the Braam Settlement Agreement and I will not reiterate the arguments here. However, CA has agreed to provide post-guardianship support services as outlined in the proposal provided to the Oversight Panel in the latest update for the compliance plan. Based on these services, we propose replacing these Action Steps with a consolidated Action Step in either the Placement Stability or the Services to Adolescents section:

Provide support services to dependency guardians and children in dependency guardianships to help ensure the permanency of such placements and reduce the risk that the children will return to Department custody.

Hopefully you will find at least some of these proposals acceptable. Again, if you would like to set up a conference call, please let me know.

Very truly yours,

STEVE. HASSETT
Senior Counsel
(360) 459-6058

cc: Oversight Panel members
Carrie Whitaker