

Co-Neutral Commentary Three

Issued October 2014

Compromise and Settlement Agreement

(D.G. vs. Yarborough, Case No. 08-CV-074)

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I. Introduction

On January 4, 2012, the Oklahoma Department of Human Services (DHS) and Plaintiffs reached agreement in a long-standing federal class action lawsuit against the State of Oklahoma on behalf of children in the child welfare custody of DHS. That matter, *D.G. vs. Yarborough*, Case No. 08-CV-074, resulted in the Compromise and Settlement Agreement (CSA), which was approved by the United States District Court for the Northern District of Oklahoma on February 29, 2012. Under the CSA, the parties identified and the court approved Eileen Crummy, Kathleen Noonan, and Kevin Ryan as “Co-Neutrals,” and charged them to evaluate and render judgment about the ongoing performance of DHS to strengthen its child welfare system to better meet the needs of vulnerable children, youth, and families. The CSA gave DHS the opportunity to develop and present for the Co-Neutrals’ approval a comprehensive reform plan. DHS, with the assistance of state leaders, advocates, and other stakeholders, developed the Pinnacle Plan, which contains significant commitments to be implemented over a five-year period, beginning in State Fiscal Year (SFY) 2013, also referred to as Year One. The Co-Neutrals approved the Pinnacle Plan on July 25, 2012.

The CSA charged DHS with identifying baselines and Target Outcomes to measure and report the state’s progress in core performance areas – henceforth referred to as the “seven performance categories” – which are:

- Maltreatment (abuse and neglect) of children in the state’s legal custody (MIC);
- Development of foster homes and therapeutic foster homes (TFCs);
- Regular and consistent visitation of caseworkers with children in the state’s legal custody;
- Reduction in the number of children in shelters;
- Placement stability, reducing the number of moves a child experiences while in the state’s legal custody;
- Child permanency, through reunification, adoption or guardianship; and
- Manageable caseloads for child welfare staff.

As required by the CSA, the Co-Neutrals and DHS established the Metrics, Baselines, and Targets Plan (the “Metrics Plan”) on March 7, 2013. The CSA further requires the Co-Neutrals to provide comments and to issue a determination as to whether DHS’ data submissions provide sufficient information to accurately measure the Department’s progress. Pursuant to the CSA, the Co-Neutrals may revise any determination of data sufficiency based on subsequent or ongoing data submissions as deemed appropriate.

For each of the seven performance categories, the Metrics Plan establishes: the methodology for the performance metrics and measuring progress; parameters for setting baselines; interim and final performance targets and outcomes; and the frequency by which DHS must report data and information to the Co-Neutrals and the public. Appendix A provides a summary chart of the metrics for the seven performance areas, with corresponding baselines and targets, established by DHS and the Co-Neutrals, and updated through October 2014.¹

The CSA also vests the Co-Neutrals with the authority to require, at any time, that DHS undertake and maintain diagnostic and remedial activities for any performance area if the Department fails to achieve positive trending or begins to trend negatively. This document serves as the Third Commentary of the Co-Neutrals under the CSA.

Focus of this October 2014 Report – Target Outcomes and Good Faith

DHS is now well into its implementation of the Pinnacle Plan, and in this report, the Co-Neutrals assess DHS' progress. The CSA charges the Co-Neutrals with issuing written findings for the period ending June 30, 2014² on those "...Target Outcomes that have been met; those Target Outcomes for which the Department has achieved sustained, positive trending toward the Target Outcomes; and those Target Outcomes for which the Department has not achieved sustained, positive trending."

This report also includes the Co-Neutrals' continued assessment of DHS' data sufficiency and whether DHS has made "good faith efforts to achieve substantial and sustained progress toward each Target Outcome," as stated in the CSA.³ With respect to data, the Co-Neutrals have determined, as detailed in this report, that DHS' data is sufficient to assess progress for all outstanding metrics for which the Co-Neutrals had not yet deemed data sufficiency in their previous reports.

¹ Under Section 2.10(f) of the CSA, the Co-Neutrals shall issue Baseline and Target Outcomes, which shall not be subject to further review by either party but may at the discretion of the Co-Neutrals, after providing the parties an opportunity to comment, be revised by the Co-Neutrals.

² For three performance areas – Maltreatment in Care, Placement Stability and Permanency – DHS reported on, and the Co-Neutrals reviewed, the 12-month performance period of April 2013 through March 2014, as the metrics for these areas require a longer period for the data to emerge accurately and fully. For this report, the Co-Neutrals focused on the performance data summarized in DHS' July 2014 Pinnacle Plan Measures Semi-Annual Summary Report. (http://www.okdhs.org/NR/rdonlyres/54F40650-9A52-41EF-A487-31C81E777188/0/PinnacleMeasuresSemiAnnualSummaryReportjult2014_07302014.pdf)

³ For some performance metrics, the Co-Neutrals reserve judgment in this report on whether DHS has made good faith efforts to achieve substantial and sustained progress pending further analysis of DHS' ongoing activities and decisions that affect progress toward the Target Outcomes for each performance area.

As noted in the Co-Neutrals' April 2014 report, determinations whether DHS has made good faith efforts to achieve substantial and sustained progress toward a Target Outcome involve a review by the Co-Neutrals of the "activities of DHS leadership to improve the conditions that will make it possible for DHS caseworkers and supervisors to better care for children. The standard set forth in the CSA - 'good faith efforts to achieve substantial and sustained progress' - requires more than an assessment of DHS' intentions but necessarily requires a conclusion by the Co-Neutrals that is based on an analysis of the activities undertaken and decisions made by the state to accomplish a target or goal and the impact of those decisions and activities on achieving substantial and sustained progress as defined in the CSA, the Pinnacle Plan, and the Metrics Plan."

II. Summary of Progress and Challenges Ahead

At the time the Pinnacle Plan was finalized, DHS leadership faced the steep challenge of reforming an under-staffed, under-resourced agency with a rising population of vulnerable children in its custody, and a pattern of housing very young children, including infants, in overcrowded shelters. DHS leadership invested a great deal of time and effort during Year One (July 1, 2012 – June 30, 2013) restructuring its child welfare services by creating the DHS Child Welfare Division. Doing so created an integrated reporting and leadership structure consistent with the Pinnacle Plan. DHS leadership, supported by the Office of the Governor, devoted extensive time to improving the agency's relationship with, and commitment and accountability to, the Oklahoma Legislature. In addition, the Governor and Legislature have dedicated significant resources to fund the Pinnacle Plan, more than \$93 million through Year Three. These investments have yielded some evident returns for the children of Oklahoma, even as the number of children in DHS' custody continues steadily to grow. The following highlights several accomplishments DHS achieved for Oklahoma's children:

- *Shelter Placements for Children Under Age Six:* DHS has shifted its organizational practice and culture to achieve substantial and sustained progress to eliminate shelter placements for children under age six, resulting in dramatic declines in the number of nights Oklahoma's youngest children spend in shelters.
- *Caseworker Visitation With Children:* DHS reports that staff made 118,824 visits to children, out of 123,343 required visits (96.3 percent) from July 1, 2013 to June 30, 2014. The baseline for DHS' performance was an already-strong 95.5 percent of all required visits made, and DHS caseworkers improved upon that standard even further during the most recent period.
- *Visits With Children by Primary Caseworkers:* DHS reports that primary caseworkers made 93,760 visits to children (76 percent) out of 123,343 required visits from July 1, 2013 to June 30, 2014. This level of visitation by DHS primary caseworkers is a substantial improvement over the Department's baseline performance of 51.2 percent.

- *Office of Client Advocacy Investigations:* DHS has substantially strengthened the training and performance of its Office of Client Advocacy (OCA), which investigates allegations of child abuse and neglect in higher levels of care and institutional settings. The adoption within OCA of DHS' child protective services investigation protocols, standards and reporting systems has enabled DHS, for the first time, to provide a complete accounting to the public on all child maltreatment. The enhanced training and management of OCA staff is allowing DHS to ensure more timely initiation and completion of investigations of suspected maltreatment in higher levels of care and institutional settings.

Yet, despite this progress, there are reforms required by the CSA and contained in the Pinnacle Plan, which are vital to children's interests, but have not taken hold. The Co-Neutrals observe, in particular, these challenges that DHS must confront immediately:

- *Inadequate Supply of Foster Homes for Children:* Despite the burgeoning need among children in its custody, DHS missed the Target Outcome of developing 1,197 new foster homes in SFY14. DHS approved only 764 new foster homes, 64 percent of its annual target and 27 fewer homes than DHS reports it approved the previous fiscal year.
- *Very High Caseloads:* DHS' caseload-carrying workforce is churning, beset by high turnover and high caseloads. DHS has not come close to meeting its Target Outcome of 90 percent of caseload carrying staff at manageable caseloads by the target date of June 30, 2014. In fact, only 27.8 percent of caseworkers had caseloads that complied with the standards set forth in the Pinnacle Plan and the Metrics Plan at the end of the period. High caseloads drove, in part, 40 percent of new workers (Child Welfare Specialists I) statewide to leave DHS between July 1, 2013 and June 30, 2014. In some local offices, turnover rates are 40 percent or higher overall (including all workers), creating a caseload crisis for both the workers who remain and the children and families on their caseloads.
- *Overuse of Shelters for Children Age Six and Older:* The number of children between the ages of six and 12, and youth over age 13, who were placed in shelters has increased by 11 percent and 21 percent, respectively. Many of these children have experienced trauma and have serious behavioral health needs that the shelters, as currently configured, appear unprepared to treat.
- *The Backlog of Child Abuse and Neglect Investigations:* For more than a year, DHS has been unable to eliminate a very high backlog of child abuse and neglect investigations. As of October 9, 2014, 1,254 child abuse and neglect investigations were overdue, including 211 investigations overdue for more than six months.
- *Long Delays at the Child Abuse and Neglect Hotline:* The Hotline has suffered from major staffing shortages. As of June 2014, 33 of 72 positions (Child Welfare Specialists II) allocated to the Hotline were vacant. The dearth of staff support has, at times, caused unacceptably long delays – on some days in excess of two hours – for callers trying to report allegations of child abuse and neglect.

- *Permanency Delays:* DHS' performance has declined in achieving permanency for children within all measured time frames: 12 months, 24 months, 36 months and, most sharply, 48 months.

Table 1: Summary of Target Outcomes

Metric	Has Met Target Outcome	Has Achieved Sustained, Positive Trending Toward the Target Outcome	Has Made Good Faith Efforts to Achieve Substantial and Sustained Progress Toward the Target Outcome	Page in Report
1. MALTREATMENT IN CARE (MIC)				
1.A: Of all children in foster care during the reporting period, what percent were not victims of substantiated or indicated maltreatment by a foster parent or facility staff member in a 12 month period.	Target is due June 30, 2016	Trending data is unavailable; the baseline was set during this period.	Reserving Judgment	42
1.B: Of all children in legal custody of DHS during the reporting period, what number and percent were not victims of substantiated or indicated maltreatment by a parent and what number were victims.	Target is due June 30, 2016	No	Reserving Judgment	44
2. FOSTER AND THERAPEUTIC FOSTER CARE (TFC) HOMES				
2.A: Number of new foster homes (non-therapeutic, non-kinship) approved for the reporting period.	No	No	No	17
Net gain/loss in foster homes (non-therapeutic, non-kinship) for the reporting period.	No	No	No	20
2.B: Number of new therapeutic foster homes (TFC) reported by DHS as approved in FFY 2014.	No	Yes	Reserving Judgment	24

Metric	Has Met Target Outcome	Has Achieved Sustained, Positive Trending Toward the Target Outcome	Has Made Good Faith Efforts to Achieve Substantial and Sustained Progress Toward the Target Outcome	Page in Report
3. CASEWORKER VISITS				
3.1: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between caseworkers and children in foster care for at least one calendar month during the reporting period.	Yes	Yes	Yes	47
3.2: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between primary caseworkers and children in foster care for at least one calendar month during the reporting period.	Yes	Yes	Yes	47
3.3(a): The percentage of children in care for at least three consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent three months, or for those children discharged from DHS legal custody during the reporting period, the three months prior to discharge.	No	Trending data is not available: initial performance data provided during this period.	Reserving Judgment	49
4. PLACEMENT STABILITY				
4.1 (a): Percent of children in legal custody of DHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 8 days but less than 12 months, the percentage that had two or fewer placement settings.	Target is due June 30, 2016	Yes, but very limited	Reserving Judgment	50

Metric	Has Met Target Outcome	Has Achieved Sustained, Positive Trending Toward the Target Outcome	Has Made Good Faith Efforts to Achieve Substantial and Sustained Progress Toward the Target Outcome	Page in Report
4.1(b): Percent of children in legal custody of DHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 12 months but less than 24 months, the percentage that had two or fewer placements.	Target is due June 30, 2016	Yes, but very limited	Reserving Judgment	49
4.1(c): Percent of children in legal custody of DHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 24 months, the percentage that had two or fewer placement settings.	Target is due June 30, 2016	Yes, but very limited	Reserving Judgment	49
4.2: Of those children served in foster care for more than 12 months, the percent of children who experienced two or fewer placement settings <i>after</i> their first 12 months in care.	Target is due June 30, 2016	Yes, but very limited	Reserving Judgment	49
5. SHELTER USE				
5.1: The number of child-nights during the past six months involving children under age 2 years.	No	Yes	Yes	36
5.2: The number of child-nights during the past six months involving children age 2 years to 5 years.	No	Yes	Yes	36
5.3: The number of child-nights during the past six months involving children age 6 years to 12 years.	No	No	No	39

Metric	Has Met Target Outcome	Has Achieved Sustained, Positive Trending Toward the Target Outcome	Has Made Good Faith Efforts to Achieve Substantial and Sustained Progress Toward the Target Outcome	Page in Report
5.4: The number of child-nights during the past six months involving children age children 13 years or older.	No	Performance requirements for this measure came due June 30, 2014. DHS and the Co-Neutrals are in the process of setting a baseline.	Reserving Judgment	39
6. PERMANENCY				
6.1: Of all children who were legally free but not living in an adoptive placement as of January 10, 2014, the number of children who have achieved permanency.	Target is due June 30, 2016	Data cohort established during this period: Reserving Judgment	Reserving Judgment	53
6.2(a): The number and percent of children who entered foster care 12-18 months prior to the end of the reporting period who reach permanency within one year of removal, by type of permanency.	Target is due June 30, 2016	No	No	54
6.2(b): The number and percent of children who entered their 12 th month in foster care between 12-18 months prior to the end of the reporting period who reach permanency within two years of removal, by type of permanency.	Target is due June 30, 2016	No	No	54
6.2(c): The number and percent of children who entered their 24 th month in foster care between 12-18 months prior to end of reporting period who reach permanency within three years of removal, by type of permanency.	Target is due June 30, 2016	No	No	54
6.2(d): The number and percent of children who entered their 36 th month in foster care	Target is due June 30, 2016	No	No	54

Metric	Has Met Target Outcome	Has Achieved Sustained, Positive Trending Toward the Target Outcome	Has Made Good Faith Efforts to Achieve Substantial and Sustained Progress Toward the Target Outcome	Page in Report
between 12-18 months, prior to the end of the reporting period who reach permanency within four years of removal.				
6.3: Of all children discharged from foster care in the 12 month period prior to the reporting period, the percentage of children who re-enter foster care during the 12 months following discharge.	Target is due June 30, 2016	Yes	Reserving Judgment	55
6.4: Among legally free foster youth who turned 16 in the period 24 to 36 months prior to the report date, the percent that exited to permanency by age 18; stayed in foster care after age 18, and exited without permanency by age 18.	Target is due June 30, 2016	No	No	55
6.5: Of all children who became legally free for adoption in the 12 month period prior to the year of the reporting period, the percentage who were discharged from foster care to a finalized adoption in less than 12 months from the date of becoming legally free.	Target is due June 30, 2016	No	No	56
6.6: The percent of adoptions that did not disrupt over a 12 month period, of all trial adoptive placements during the previous 12 month period.	Target is due June 30, 2016	No	No	56
6.7: The percent of children whose adoption was finalized over a 24 month period who did not experience dissolution within 24 months of finalization.	Target is due June 30, 2016	Yes	Yes	56
7. CASELOADS				
Supervisors	No	Trending data is unavailable; the baseline was set	Reserving Judgment	35

Metric	Has Met Target Outcome	Has Achieved Sustained, Positive Trending Toward the Target Outcome	Has Made Good Faith Efforts to Achieve Substantial and Sustained Progress Toward the Target Outcome	Page in Report
		during this period.		
Caseworkers	No	No	No	26

Methodology

To prepare this report, the Co-Neutrals conducted a series of verification activities to further evaluate DHS' progress implementing its commitments. These activities included regular meetings with DHS leadership and staff, private agency leadership, and child welfare stakeholders. The Co-Neutrals have met with hundreds of DHS caseworkers and supervisors in offices across 14 counties; conducted focus groups with foster parents; visited group homes across five counties and conducted announced and unannounced visits to children's shelters in Oklahoma, Tulsa and five other counties. The Co-Neutrals visited and discussed reform efforts with the leadership of OCA, the centralized Hotline, the DHS Continuous Quality Improvement (CQI) staff, Adoption and Foster Care leadership and conducted extensive reviews of individual children's case records, children's maltreatment investigations, shelter census logs, foster home studies and other documentation. During office visits, the Co-Neutrals interviewed staff and supervisors and talked to public and private managers about the pace, progress, and challenges of the reform work. The Co-Neutrals also reviewed and analyzed a wide range of aggregate and detailed data produced by DHS, and reviewed policies, memos, and other internal information relevant to DHS' work during the period.

The Co-Neutrals continue to be impressed by the commitment of DHS caseworkers and supervisors to improve the safety, well-being, and outcomes for Oklahoma's most vulnerable children and families, despite on-going challenges, including significant staff turnover, high caseloads and a shortage of resource homes for children. The Co-Neutrals have yet to meet any caseworkers or supervisors who do not believe that reform is essential to improving the safety and well-being of Oklahoma's children.

The remainder of this report includes:

- Context Data of Children in DHS Custody (Section III);
- Seven Performance Categories: Data Sufficiency, Progress, and Good Faith Efforts (Section IV);
- Appendices; and

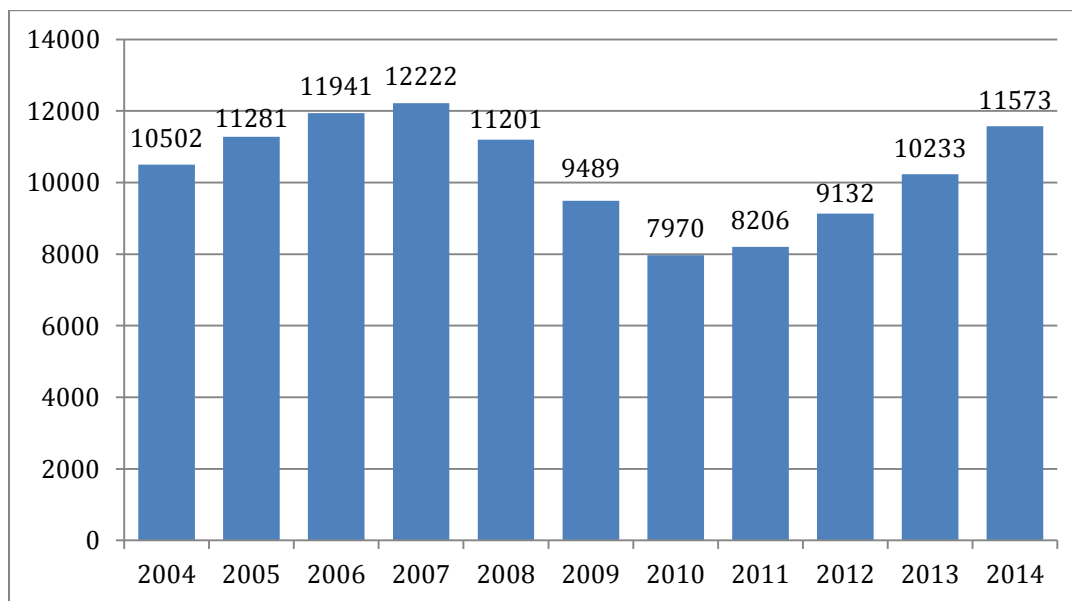
- Glossary of Acronyms.

III. Context: Children in DHS Custody

Annual Trends of Children in DHS Custody

As DHS' data shows in Figure 1 below, since 2010 Oklahoma has experienced a sharp rise in the number of children in DHS' custody – representing a return to growth that DHS experienced from 2004 to 2007, when it reached a high mark of 12,222 children in custody.

Figure 1: Number of Children in DHS Custody at the End of the SFY - 2004 to 2014



Demographics

DHS reports there were 11,063 children in its legal custody on March 31, 2014, an increase of nearly 20 percent over the 9,253 children in custody on March 31, 2013.⁴ From April 1, 2013 to March 31, 2014, 5,783 children entered care and 3,973 children exited care.⁵ By the end of SFY 14, on June 30, 2014, the number of children in DHS custody had climbed to 11,573 children.

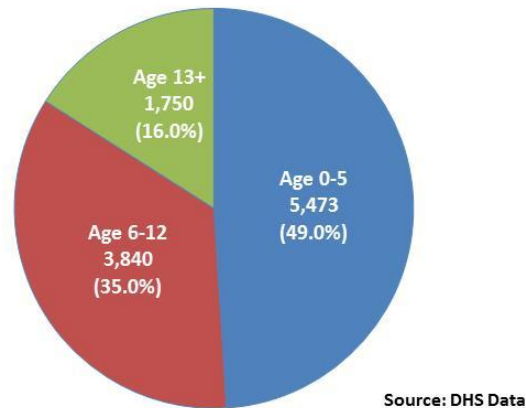
Young children under age six made up the largest portion of children in care (5,473 or 49 percent) on March 31, 2014. Children ages six to 12 comprised 35 percent (3,840) of the

⁴ The number of children in care on March 31, 2014 comes from the context data submitted by OKDHS to the Co-Neutrals. The number of children in care on March 31, 2013 comes from adding the exits and subtracting the entries from the number of children in care on March 31, 2014.

⁵ Note that the entries and exits exclude multiple entries and exits by the same child.

population in care. Sixteen percent (1,750) were youth ages 13 years or older, as detailed in the following Figure:

Figure 2: Children in Care as of March 31, 2014 by Age Group (Total = 11,063)



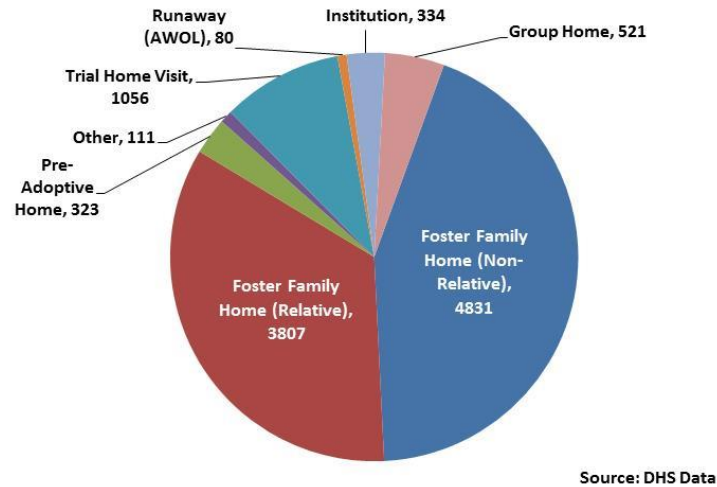
With regard to gender, the population is split almost equally — 51 percent male and 49 percent female. With regard to race, the population of children is 10 percent African-American, 39 percent White, and six percent Native American. In addition, 17 percent of children are identified with Hispanic ethnicity (and can be of any race). Twenty-eight percent identified with multiple race and ethnicity categories, of which 70 percent identified as Native American.⁶

As the following Figure demonstrates, 91 percent of children in DHS custody live in family settings, including with relatives (34 percent), foster families (44 percent), with their own parents (10 percent), and with families who intend to adopt (3 percent). Of children in custody, 1,046 (eight percent) live in institutional settings, including residential treatment and other congregate care facilities. The remaining two percent reside in other settings, are AWOL, or are in unidentified placements.⁷

⁶ Overall, 26 percent of children identified as Native American including those children who identified with more than one race and ethnicity category.

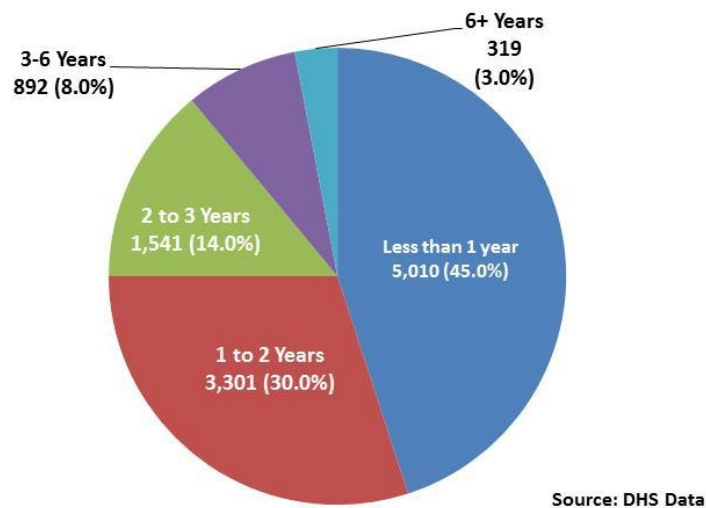
⁷ Percentages add up to 101 instead of 100 due to rounding.

Figure 3: Children in Care as of March 31, 2014 by Current Resource Type (Total = 11,063)



As presented in Figure 4 below, DHS' data shows that of the children in custody on March 31, 2014: 45 percent (5,010) had been in care less than one year; 30 percent (3,301) between one and two years; 14 percent (1,541) between two and three years; eight percent (892) between three and six years; and, three percent (319) for more than six years.

Figure 4: Children in Care as of March 31, 2014 by Length of Stay (Total = 11,063)



IV. Seven Performance Categories: Assessment of Data Sufficiency, Progress and Good Faith Efforts

In this section, as required by the CSA, the Co-Neutrals review the seven performance categories under the CSA, and comment on Target Outcomes that have been met, Target Outcomes for which the Department has achieved sustained, positive trending, and Target Outcomes for which the Department has not achieved sustained, positive trending.

As described in Table 1 (Summary of Target Outcomes) and Appendix A, not all performance categories and their corresponding metrics have a target that came due during the period of this report (through June 30, 2014). For those metrics where targets are not yet due, the Co-Neutrals offer judgments, where possible and appropriate, whether DHS is trending in a sustained, positive direction and, separately, whether DHS has made good faith efforts to achieve substantial and sustained progress toward the established Target Outcomes.

It is important to recognize, as noted in the Co-Neutrals' April 2014 report, the interdependence of each of the seven performance categories on one another. For example, the cross-metric impact of having a robust pool of foster homes and manageable caseloads cannot be underestimated in terms of its direct effect on other performance areas.

A. Foster Care and Therapeutic Foster Care Homes

The CSA requires that targets are established for the number of foster homes available for children, including children in need of therapeutic care (CSA Section 2.10). Under the CSA, the Co-Neutrals are authorized to verify and confirm a baseline of available homes and establish DHS' performance targets for improvement.

Year Two (SFY14) Foster Home Baselines, Targets, and Target Outcomes

In March 2014, DHS submitted a point-in-time baseline of all foster homes that were open and available on July 1, 2013. The Co-Neutrals reviewed the March 2014 submission and conducted an analysis of foster homes as described in their first commentary: non-therapeutic traditional, contracted, shelter, and emergency homes. Following the Co-Neutrals' review and analysis of DHS' submissions and extensive interactions with DHS, the Co-Neutrals concluded that the data was sufficient to establish a baseline of 1,704 foster homes available on July 1, 2013.⁸

⁸In its July 2014 semi-annual public report, DHS adjusted the number of homes open and available on July 1, 2013 downward from the approved baseline of 1,704 homes to 1,693 homes. DHS attributed the reduction in foster homes to a data entry lag in its child welfare information system, known as KIDS.

The Co-Neutrals established the SFY14 new foster home target at 1,197 homes (Metric 2(a)) and the net-gain target to increase the number of available foster homes at 615 homes for SFY14. After reviewing DHS' data submissions and undertaking extensive field verification, the Co-Neutrals find that DHS developed 764 new foster homes and achieved a net-gain of 265 homes in SFY14. This means that DHS missed by 36 percent the target to develop 1,197 new foster homes and missed by 57 percent the target to achieve a net increase of 615 available foster homes. DHS' performance under Metric 2(a) in developing new foster homes declined year-to-year, as it approved 27 fewer homes (764 homes) in SFY14 than it reported were approved in the previous fiscal year (791 homes⁹).

Performance - Foster Home Development and Support

When the child welfare system determines that a child cannot safely live at home with his or her family, many factors must be carefully considered to minimize trauma and make the best placement decision on the child's behalf. Staff must work closely with the child's family to understand the child's health, education, and mental health needs. The child's relatives should always be the first placement considered. When relatives are not available to care for the child safely, the agency must select a foster family best equipped to meet the child's needs. In order to do so, the agency must utilize a placement process capable of matching the child's needs with a foster family who has the capacity to meet those needs. A routine and successful foster home matching system requires the agency develop an array of qualified, trained foster parents available for the placement of children entering foster care.

These placement practices are not yet evenly established in the Oklahoma child welfare system. DHS has acknowledged that there are serious, fundamental, systemic problems that must be addressed and, in the Pinnacle Plan, DHS committed to strengthen the foster care system by: developing many more foster homes, both traditional and therapeutic; creating a placement process that effectively matches children and families; and developing services and supports for children and foster families to ensure that children's safety, permanency and well-being needs are routinely met.

To understand how DHS proceeded to implement these system reforms, the Co-Neutrals reviewed 134 new foster home files and hundreds of pages of DHS information and data during the past year. The Co-Neutrals found the foster home studies completed by DHS and its private agency partners to be generally thorough and of good quality.

⁹ The Co-Neutrals were unable to confirm the SFY13 new foster home count due, in part, to data quality issues. The Co-Neutrals have since resolved the data quality issues but have not verified the count of new foster homes developed for SFY13.

The Co-Neutrals convened meetings with DHS staff and leadership on multiple occasions, met with leadership from each of the private foster care agencies twice, met with leadership of therapeutic foster care agencies, and met with foster parents and other interested system partners to understand the scope of the need for new foster homes as well as the need for services and supports.

The perspective universally shared in these meetings throughout the year, underscored by the data and information from DHS, is that the number of foster homes and therapeutic foster homes continues to be inadequate to meet the growing needs of children in Oklahoma's child welfare system. The Co-Neutrals were informed in meetings with hundreds of DHS caseworkers and supervisors that caseworkers continue to experience great difficulty finding and accessing appropriate foster and therapeutic foster homes for children. The Co-Neutrals heard numerous accounts from staff, foster parents, advocates, and other system partners of:

- Children waiting in public agency offices immediately after the trauma of removal while staff struggled to find a placement.
- Workers driving around with children in state cars for many hours, during the day and evenings, until placements were secured.
- Children removed from their families and placed far from their communities.
- Siblings placed separately, compounding the trauma of removal from their parents.
- Youth placed in shelters, aging out of care without permanency.
- Foster parents struggling to meet the needs of children placed by DHS with little information provided about those needs and without timely services provided to ensure placement stability.

DHS reported that it implemented various strategies to develop a pool of foster homes sufficient to meet the needs of children in its care. Specifically, DHS engaged experienced consultants to provide technical assistance regarding foster parent recruitment and retention which was made available to both public and private agency staff; conducted recruitment activities throughout the state; utilized media to highlight the need for foster homes; allowed private agency families to attend DHS pre-service trainings which are held regularly throughout the state; provided customer service training for child welfare staff in order to better support foster families; required foster care staff to make quarterly visits to facilitate communication and to address concerns with foster parents; maintained the operation of the Bridge Support Hotline for foster parent support; and increased foster parent board rates. These efforts have been undermined by DHS' inadequate planning for the transition of its foster home recruitment work to private agencies, as described below.

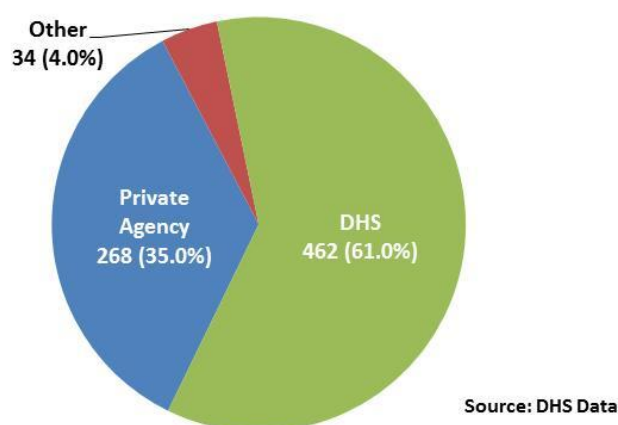
FY 2014 Foster Home Performance

As discussed in the Co-Neutrals' Commentary Two report, DHS had historically developed both kin and non-kin foster homes within the public agency. However, as the Department developed its Pinnacle Plan, it opted to privatize most of the work associated with foster home development and issued a Request for Proposals for private agencies to develop new foster homes. DHS anticipated that the bidding process would be completed by September 2012. However, the process was delayed for reasons described in the Co-Neutrals' previous report, and four private agencies were awarded contracts in August 2013. DHS charged the agencies with developing and supporting 1,197 new non-kin foster care homes statewide from August 2013-July 2014. The Co-Neutrals accepted and adopted the performance goal of 1,197 homes as the DHS Target Outcome for the development of new non-relative foster homes in SFY14.

On June 12, 2014, fewer than three weeks before the end of the period, DHS reported to the Co-Neutrals that "DHS will have approximately 1000 new resource homes," 84 percent of the SFY14 target. And yet, at the close of the period, DHS had developed only 764 new homes, or 64 percent of the SFY14 target of 1,197 new foster homes. The inaccurate projections shared by DHS leadership so close to the deadline raise questions about the Department's efforts to use its own performance data to manage toward the goal of this critical performance area.

Of these 764 new homes, 268 (35 percent), were developed under the new private agency contracts while DHS developed 462 homes (61 percent) in-house during SFY14. Thirty-four additional homes were developed by other private agency contractors.

Figure 5: SFY14 New Foster Homes (Total=764)



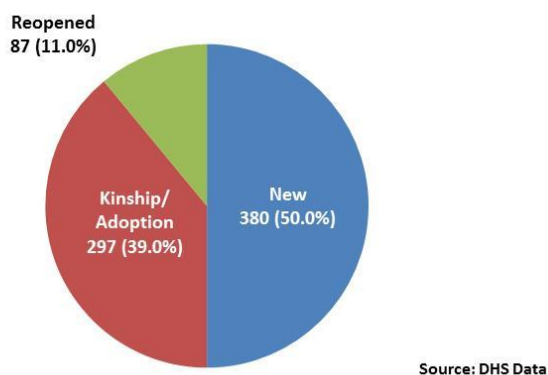
The data shows, and the private agencies reported, that they did not have the capacity to approve large numbers of new foster homes during SFY14. Leadership of the private agencies

reported to the Co-Neutrals that performance was impacted negatively in at least the first half of the year while the new foster care programs were being built. Private agency leadership focused initially on securing office space and hiring staff while, at the same time, they were receiving referrals from DHS for home studies even prior to developing their own recruitment, home study and retention programs consistent with DHS' contract expectations.

The private agencies reported that unreasonable delays in receiving fingerprint results from DHS and delays in DHS' review of private agency foster home studies¹⁰ also impacted performance throughout the year. The agencies reported that communication between DHS leadership and field offices has been challenging and has resulted in confusion for caseworkers who need to access the private agencies' foster homes. The private agencies further reported that while there were regular meetings held with DHS leadership throughout the year, issues remained unresolved for long periods of time, many DHS processes remain cumbersome, and coordination of effort in the new public-private agency system has been challenging. This assessment was corroborated by focus groups with DHS caseworkers and supervisors in field offices who had little knowledge about the process in place to access new homes. In addition, staff expressed that over the course of the year it had not become easier to access new homes despite privatization.

Of the 764 foster homes approved during SFY14, 380 families (50 percent) were newly recruited by DHS and the private agencies. Two hundred ninety-seven homes (39 percent) were existing adoption or kinship homes that DHS converted to traditional foster homes, and 87 (11 percent) were foster homes that were closed for more than a year and reopened during SFY14.

Figure 6: SFY14 New Foster Home Type (Total = 764)



¹⁰ It should be noted that no private agency foster home is approved until DHS staff review and authorize utilization of the home.

As mentioned previously, the Co-Neutrals established a net gain target of 615 foster homes in SFY14. The Co-Neutrals worked with DHS to establish a written methodology for calculating net gain/loss and the agency's analysis indicates that DHS had 1,693 open foster homes on July 1, 2013 and 1,958 open foster homes on June 30, 2014, for a net gain of 265 foster homes, only 43 percent of the SFY14 target.

DHS did not meet the Target Outcome or achieve sustained positive trending toward meeting the Target Outcome for approving new foster homes. In fact, DHS approved fewer homes in SFY14 than in SFY13. The Co-Neutrals have evaluated the pace, quality, and progress of DHS' efforts to achieve the foster home Target Outcomes and conclude that the Department's work does not yet represent good faith efforts to achieve substantial and sustained progress toward these Target Outcomes.

Matching Children to Appropriate Placements

In the Pinnacle Plan, DHS committed to develop and implement by June 30, 2013 a statewide system to match children's needs with foster families who can meet those needs. DHS reports that a matching system in KIDS was developed and operationally phased in during this reporting period. The Co-Neutrals, in meeting with staff, learned that the system was not routinely used during this reporting period and will review staff's use of the matching system and provide comment in future reports.

DHS did establish a statewide unit of staff, the Resource Family Placement (RFP) unit, to facilitate placements for children in the new homes developed by private agencies. The placement process begins when a DHS caseworker submits information to the RFP unit regarding the child and his or her characteristics and needs. The RFP unit then sends the information to the four private agencies. On a rotational basis, one private agency is designated to have primary responsibility for securing an appropriate placement for the child. That agency must work with the other agencies and DHS until a placement is secured for the child. The new process is a significant change for DHS field staff who historically relied on the agency's foster care staff to access placements for children. As this is a new initiative, it is not entirely surprising that the private agencies report that many DHS staff have had difficulty understanding the new process, that implementation has been challenging, and that coordination with DHS staff remains an ongoing effort.

By no later than April 1, 2014, DHS committed in the Pinnacle Plan to submit to the Co-Neutrals for their approval a process to be used by DHS that matches children 13 years of age and older to a level of care other than an acceptable family-like setting, which DHS agreed to implement within 90 days of approval. DHS agreed to incorporate a trauma assessment and other screening tools, such as the Child Behavior Checklist, for youth entering higher levels of care. In

March 2014, DHS advised the Co-Neutrals that its work to develop and implement the system was in the pilot phase and would not be ready for Co-Neutral review and approval until October 1, 2014. DHS submitted information to the Co-Neutrals on October 1, 2014 regarding its work to develop the system and the Co-Neutrals will provide commentary on DHS' efforts to develop this matching system for older youth in the next commentary.

SFY15 Foster Home Targets

In July 2014, after reviewing extensive information and data in the context of multiple discussions with DHS leadership, the Co-Neutrals established the SFY15 (July 1, 2014-June 30, 2015) foster home target at 904 new foster homes. The net-gain foster home target has been established at 356 homes.

The Co-Neutrals and DHS agreed that the SFY15 foster home targets would be based on a comprehensive data analysis of the agency's need for open and available foster homes rather than based on private agency contractual targets as had been the methodology in SFY14. DHS leadership sought assistance from national experts to develop a foster home target setting process and engaged both DHS program and data staff throughout the process.

To establish the proposed targets, DHS utilized a tool that incorporates state data and information into calculations to determine foster home need. The data included: characteristics of the children served by DHS in the past; data on types of placements currently used for children (kinship and non-kinship foster care, therapeutic foster care, group home care); data on the current foster home pool; and agency goals around placement practices. The tool also encouraged DHS staff to use their expertise to make and apply certain assumptions on key factors that influence the number of foster homes needed.

DHS initially proposed to the Co-Neutrals a SFY15 target of 961 new foster homes, a 26 percent increase over the agency's SFY14 actual performance of developing 764 new foster homes. The Co-Neutrals met with DHS to discuss the process, data, and assumptions utilized to reach the proposed targets, and on July 25, 2014, the Co-Neutrals notified DHS that the proposed target of 961 new foster homes was approved.

DHS immediately thereafter notified the Co-Neutrals that subsequent to the above-referenced meeting, DHS identified data errors in its calculations that required a submission of a revised foster home target. The Co-Neutrals asked for an explanation of the data errors and on July 28, 2014, DHS reported the agency had miscalculated the number of children in trial reunification, tribal custody and in kinship foster homes. DHS re-calculated its data and submitted a revised SFY15 target of 740 new foster homes, 24 fewer homes than DHS had approved in SFY14. The

Co-Neutrals reviewed DHS' resubmitted data and information, and rejected the revised proposal. The rejection was based on a determination by the Co-Neutrals that DHS' target was too low because it projected a markedly lower number of existing homes would close than had occurred in previous years, which thereby reduced DHS' projected need for additional new homes. On July 30, 2014, the Co-Neutrals established the SFY15 new foster home target at 904 homes.¹¹

The SFY14 new foster home criteria allowed DHS to convert kinship and adoption families to traditional foster homes after completing an assessment of the family's willingness and capacity to provide foster care services to other children. DHS agreed to develop a tool to guide staff in the assessment and to document the family's agreement with the conversion. DHS timely created the tool and began to implement the assessment process late in 2013. During this report period, the Co-Neutrals reviewed 63 converted adoption and kinship foster home studies and found the assessment process to be inconsistently implemented. Some conversion assessments were completed thoroughly with clear documentation of the family's agreement to provide traditional foster care services. However, some assessments were not completed thoroughly and, in a few instances, there was no evidence that the conversion assessment had been completed at all. In the SFY15 new home criteria, the Co-Neutrals have allowed DHS to continue to include converted kinship and adoptive families. However, DHS must improve the rigor and thoroughness of its conversion process in order for these homes to continue to be counted as viable new traditional foster home resources.

Therapeutic Foster Care

Target Outcomes

DHS agreed to increase the number of therapeutic foster care (TFC) homes available to meet the needs of children in its custody. Children who are assessed to have behavioral health needs and who can live in the community with specially trained foster parents are eligible to be placed

¹¹ The Co-Neutrals established criteria for counting new foster homes in SFY15, and the methodology is refined from the SFY14 new foster home criteria and delineated in Appendix B. Temporary placements will no longer be counted, including emergency foster homes and shelter host homes. Subsequent to establishing the SFY15 criteria, the Co-Neutrals learned that DHS had created late in SFY14 a new category of foster homes called "poor prognosis foster homes" and that these homes were included in the SFY14 new foster home count. Poor prognosis homes are adoptive homes that are created exclusively for the purpose of adoption. DHS explained that when they are converted to foster care homes it is for the exclusive reason of care for children in need of permanent placement and for whom termination of parental rights is proceeding but has not yet been granted. DHS explained that the program was created to provide stable homes for children who do not have an identified permanent family but for whom a placement move is necessary. Poor prognosis homes are restricted by DHS as unavailable for the general foster care population. As a result, these homes will not be counted as new foster homes in the SFY15 foster home criteria.

in TFC homes. In sufficient advance of each state fiscal year, DHS committed to provide to the Co-Neutrals the agency's proposed target for TFC home approval. In setting the proposed target, DHS agreed to conduct an analysis of the children in placement who are in need of TFC as compared to the available TFC homes to analyze how well existing capacity meets the projected need. During the SFY14 target setting process, DHS reported that it encountered issues in identifying children in need of TFC homes due to internal tracking problems as well as issues with the accuracy of the TFC home data. As such, the Co-Neutrals were unable to establish the SFY14 target based on a needs analysis. Rather, the Co-Neutrals set the target of 150 new TFC homes, repeating the performance target established with DHS for TFC homes in the previous fiscal year.

Based on data provided by DHS and confirmed by the Co-Neutrals, DHS approved 111 new TFC homes in SFY14, an increase from the 86 new TFC homes approved in SFY13 and the 64 TFC homes approved in the baseline SFY11 year. DHS did, however, achieve only 74 percent of the target during SFY14. Of these 111 new TFC homes, 18 (16 percent) closed by the end of SFY14. The Co-Neutrals did not set a TFC home net gain/loss target in SFY14, but have calculated this number to bring transparency to the continuum of available placements for children. DHS reported 530 approved TFC homes on July 1, 2013 and 474 approved TFC homes on June 30, 2014, for a net loss of 56 TFC homes during SFY14.

Data provided by DHS indicates that on July 1, 2014, 11 percent of homes approved for use as a TFC-only¹² home had been vacant for at least six months and seven percent of TFC-only homes had been vacant more than one year. These vacancy rates are surprisingly high in light of numerous reports from a variety of DHS staff of the demand for TFC placements, as well the presence of young children in shelters whose records identified a need for TFC placement.

In meetings with the Co-Neutrals, DHS reported that it has worked with the private agencies throughout the year to improve data quality, to review DHS' processes for referring appropriate children for TFC services, and to provide technical assistance for TFC agencies to recruit additional families. DHS further reported that it has contracted with three additional providers to increase the system's capacity and that DHS' goal is to move to a system of performance based contracts with TFC agencies in SFY15.

TFC agency leadership reported to the Co-Neutrals that it has been meeting with DHS leadership throughout SFY14 to discuss issues that impact the successful recruitment and retention of TFC parents. The agencies reported that enhanced collaboration is needed to ensure that TFC agencies and families receive the DHS support required to meet the behavioral

¹² TFC-only homes do not serve as kinship, traditional or adoption resources. These families only accept children with a TFC level of care determination.

health needs of children placed in TFC homes and to ensure that the agencies have the resources needed to continue to recruit and support new families.

In approving 25 more TFC homes in SFY14 than in SFY13, and 47 more homes than in SFY11, DHS demonstrated sustained, positive trending, but not substantial progress, and in fact missed the Target Outcome again. There was a net loss of 56 TFC homes during SFY14, so that there are now fewer TFC homes available for children and youth than one year previously. Throughout the reporting period, DHS acknowledged to the Co-Neutrals that, in addition to developing more TFC homes, there was much work to be done to develop the system to match children to families and to higher levels of care and to reduce vacancy rates in order to maximize the utilization of existing TFC homes. Given this, the Co-Neutrals are reserving judgment whether the Department has made good faith efforts to achieve substantial and sustained progress towards the Target Outcome.

SFY15 Therapeutic Foster Care Target

In July 2014, DHS submitted to the Co-Neutrals its proposed SFY15 new TFC home target. DHS reported that it had analyzed available data and concluded that there is the need for 196 new TFC homes statewide. DHS reported that it continues to further analyze TFC home data and child waiting lists and proposed the target to be set at 150 new TFC homes, 75 percent of the identified need. The Co-Neutrals accepted DHS' proposal and have established the SFY15 target at 150 new TFC homes, a 35 percent performance improvement over SFY14 when DHS developed 111 new TFC homes. The Co-Neutrals understand that developing 150 new TFC homes does not meet the overall need identified by DHS but brings DHS closer to meeting the need over time.

B. Caseworker Caseloads and Supervisor Workloads

Performance Standards – Caseworker Caseloads

DHS recognizes that lowering caseloads to manageable sizes is necessary for its staff to help vulnerable children and families. As documented by reviews of child welfare systems across the country, child welfare staff must have manageable caseloads to perform the essential tasks of the job including: investigate thoroughly calls accepted by the Hotline; make sound screening and placement decisions; develop individualized case plans for children and their families; conduct family meetings and facilitate visitation between children, their parents and siblings; and ensure timely permanency for children in placement.¹³ In other words, manageable

¹³ GAO Report, HHS Could Play a Greater Role in Helping Child Welfare Agencies Recruit and Retain Staff, GAO-03-357. Published March 31, 2003.

caseloads are essential to child safety, well-being and permanency (either permanency with the child's family of origin or a new family).

The CSA requires that DHS establish performance targets for caseworker caseloads and supervisor workloads (CSA Section 2.10). Under the Pinnacle Plan, DHS committed to the following caseload standards:

Table 2: Pinnacle Plan Caseload and Workload Standard Commitments

Role	Standards	Weight Per Case
CPS	12 Open Investigations or Assessments	0.0833
OCA	12 Open Investigations	0.0833
Family Centered Services	8 Families	0.125
Permanency Planning	15 Children	0.0667
Resource	22 Families	0.0455
Adoption	8 Families & 8 Children	0.0625
Supervisors	1 Supervisor Dedicated to 5 Workers	0.2 per worker

Children have benefited in jurisdictions that have achieved manageable caseloads based on standards similar to those set by Oklahoma and listed in Table 2. Specifically, in strong child welfare systems, lower caseloads mean more timely permanency for children; investigations of child maltreatment are more timely and thorough; and caseworkers are able to spend time with children and their birth and foster families to support their needs, decreasing the frequency of children being shuttled from placement to placement. Lower caseloads contribute to worker retention and create a more stable workforce.

Data Sufficiency

The Co-Neutrals have determined that DHS' data is sufficient to assess caseload performance. The Co-Neutrals worked with DHS to make some final corrections to DHS' caseload performance calculations for June 30, 2014 by removing caseworkers who were not carrying any cases. Including workers with no cases increases the compliance rate, as they are all deemed compliant, but the count is only for caseload carrying workers who are assigned cases.

Performance – Target Outcomes

OKDHS committed to the interim and final targets (Metric 7) for caseworker workloads as outlined in Table 3.

Table 3: Metrics Plan Caseload¹⁴ Baselines and Targets

Compliance Measure	Baseline	Interim Targets for 12/31/13	Final Targets for 6/30/14	Actual Caseloads Reported for 6/30/14¹⁵
Meet the Standard (100% or below standard)	27.0%	45.0%	90.0%	27.8%
Close to the Standard (1-20% above standard)	8.0%	30.0%	None set.	10.0%
Over the Standard (20% or more above standard)	65.0%	25.0%	None set.	62.2%

As noted in Table 3, DHS did not meet its June 30, 2014 Target Outcome of having 90 percent of all case carrying staff meet their caseload standard, nor did it meet its interim target of 45 percent caseload compliance by either the interim target date of December 31, 2013 or the June 30, 2014 final target date. From a starting baseline of 27 percent of caseworkers meeting the caseload standards, DHS reports that caseloads have improved for workers by only 0.8 percent to reach 27.8 percent compliance, which does not represent substantial and sustained progress toward the Target Outcome.

DHS submitted a revised workload analysis to the Co-Neutrals on April 11, 2014 stating that DHS was adjusting its hiring needs projection with a goal of reaching the target of 90 percent of caseworkers meeting the workload standards by June 30, 2015 – a year after the established final target date.

From all accounts, DHS has grappled with high caseloads for many years. Setting the final target date for meeting caseloads standards two years into the reform effort and ahead of many of the other metric targets represents a clear understanding – in the Pinnacle Plan and by all parties involved – that achieving manageable caseloads is an essential building block towards a better system and improvements in other performance areas under the CSA. In focus groups with caseworkers and supervisors from offices across the state, the Co-Neutrals inquire routinely about caseloads and hear consistently that workers and supervisors continue to struggle with high caseloads, which is supported by the outcomes data.

¹⁴ The caseloads referenced in the baseline, targets, and performance data represent an aggregate of all caseload-carrying worker types (permanency, CPS, family centered services, foster care/Bridge and adoption) combined, calculating each worker's compliance with his/her own caseload standard.

¹⁵ DHS' caseload data accurately records the number of cases assigned to caseworkers; however, DHS is still in the process of refining its caseload reports to ensure that the status of all workers with assigned cases is reflected in reporting.

While the Co-Neutrals found that DHS' caseload data is sufficient to determine its performance against the Target Outcomes, it is important to review some of the previously outstanding issues that DHS and the Co-Neutrals resolved iteratively to finalize an appropriate caseload counting and reporting methodology (See Appendix C for the caseworker caseload and supervisor workload methodology). These issues, including secondary assignments, graduated caseloads and the field training program to mentor new workers, are core strategies articulated by DHS in the Pinnacle Plan to achieve manageable caseloads, reduce staff attrition and improve outcomes for Oklahoma's children.

Secondary Assignments

With respect to secondary work assignments, DHS continues to be in a position of having to account for a substantial number of workers who are assigned secondary cases. In June 2014, DHS requested a third extension to its Pinnacle Plan commitments to gradually end secondary assignments.¹⁶

The Co-Neutrals approved DHS' third extension and revised plan for a staggered implementation to end secondary assignments statewide, leading to a final end date of January 1, 2015, as follows:

- *Child Protective Services Caseloads*
 - Changes to secondary assignments in CPS cases will be implemented by January 1, 2015 or earlier as CPS backlog drops below 200 total cases statewide.
- *Permanency Planning Caseloads*
 - Beginning July 1, 2014, any district meeting caseload standards for permanency planning at 90 percent for the previous quarter will eliminate permanency planning secondary assignments for children and parents.
 - Beginning July 1, 2014, each district will eliminate permanency planning secondary assignments for children within their own district.
 - Beginning October 1, 2014, each region will eliminate permanency planning secondary assignments for children within their region.

¹⁶ DHS' first extension request was to postpone the January 1, 2013 deadline to end secondary assignments in contiguous counties until March 31, 2013 for CPS caseworkers while it addressed its CPS backlog. The second request was to extend from January 1, 2014 until July 1, 2014, the discontinuance of secondary assignments statewide.

- Secondary assignments for parents outside of the county of jurisdiction and contiguous counties continue through December 31, 2014.
- Beginning January 1, 2015, the state will eliminate permanency planning secondary assignments.
- *Family Centered Services Caseloads*
 - If a child or parent resides in another county, the same changes as outlined in permanency planning caseloads will be implemented to eliminate secondary assignments.

As verified by the Co-Neutrals, DHS uses secondary assignments for a broad range of purposes: from minor tasks such as providing a worker access to an assigned case record in order to complete administrative tasks to major tasks such as the regular visitation of children in care and/or the regular visitation of the parents from whom children were removed, as well as assuming the lead role in a CPS investigation.

While DHS works to eliminate secondary assignments, it is also exploring options to change its policies regarding case responsibilities and shift its practice to manage cross-support among workers using task assignments (i.e., a courtesy visit outside of a primary worker's assigned region) rather than assigning full-time shared responsibility for a case, child or parent. In the meantime, DHS in its caseload and workload calculations will account for any secondary assignment that involves the regular or routine responsibility of working with a child, a parent or the family unit to help achieve permanency for a child or to ensure the safety of a child through a CPS investigation.

Pinnacle Plan Strategies to Support New Workers

The Pinnacle Plan establishes that new caseworkers will not assume a full caseload upon the successful completion of CORE training and the comprehensive skills test (HOT testing), but instead will be assigned a percentage of the caseload standard as follows:

- 25% upon successful completion of CORE and HOT testing;
- 50% after six months of successful work; and
- 100% after nine months of successful work.

In none of the Co-Neutrals' ongoing meetings with caseworkers and supervisors across Oklahoma, has any supervisor or worker confirmed any systematic effort to begin implementing graduated assignments – not even through an initial pilot.

In its February 2013 workload analysis, DHS projected the number of workers it would need to hire between February and December 2013 in order to meet the 90 percent caseload compliance Target Outcome by June 30, 2014. DHS' hiring projections incorporated historic turnover rates and DHS' implementation of the Pinnacle Plan commitment to assign cases to workers according to the graduated caseload schedule beginning as early as February 2013. However, in a May 7, 2014 memorandum to the Co-Neutrals, DHS leadership informed the Co-Neutrals that their intent was to begin graduated caseload assignments when the Department reached "maximum workforce capacity." This was the first time the Co-Neutrals were made aware of this change in direction by the Department.

DHS has more recently indicated that it will work to implement this Pinnacle Plan strategy to support new caseworkers with graduated caseloads before it reaches full workforce capacity. The Co-Neutrals have requested that DHS document quarterly in a separate management caseload report whether new workers are in fact carrying graduated caseloads. Not unexpectedly, DHS reports and the Co-Neutrals hear consistently in meetings with staff, that the most common reasons staff depart the agency are their high caseloads and the stress of their work.¹⁷ Because graduated caseloads is an important staff retention strategy as originally articulated in the Pinnacle Plan, DHS' lack of performance in this regard informs the Co-Neutrals' judgment whether DHS is making good faith efforts to achieve substantial and sustained progress toward the Target Outcome for caseloads.

Stabilizing a mostly new and quickly growing workforce of child welfare caseworkers is a challenging task, one that requires intensely focused management attention and planning adjustments. The task requires DHS leadership to balance the need to train, support and retain new workers with the need to avoid overburdening seasoned workers who DHS also needs to retain.

Unfortunately, DHS is losing many new workers who are overburdened and overwhelmed by high caseloads immediately after becoming eligible to take on their first case. As a case in point, the Co-Neutrals met individually with a stratified random sample¹⁸ of 73 caseworkers working in Oklahoma City and Tulsa-based district offices to discuss and verify their caseloads. Ten of these workers had only begun taking on cases within the last six months, during which time they should have been assigned 25 percent of a full caseload if graduated assignments were in effect as described in the Pinnacle Plan. Eight of these 10 new workers were already carrying a caseload that was over the full caseload standard. One new CPS worker was assigned 28 child abuse and neglect investigations within the first two months of beginning rotation to

¹⁷ The Co-Neutrals tried to examine exit interview data for workers, but DHS reported that most former staff do not participate as it occurs after they left employment.

¹⁸ The sample was stratified by worker type and supervisory units.

receive cases after completing her CORE training and test. Another relatively new CPS worker who had begun rotation to accept investigation cases within the last 12 months had 40 investigations, more than three times the standard of 12 CPS cases. This worker expressed to the Co-Neutrals serious concern that, with such a high caseload, investigations could not be completed as thoroughly as the worker would like. Caseworkers with whom the Co-Neutrals have met consistently express similar concerns about their excessively high caseloads and the challenges of adequately performing their responsibilities and supporting the children and families in every case assigned to them.

High caseloads, especially for new workers, contributed to very high turnover: 40 percent of new workers (Child Welfare Specialist I) statewide left DHS between July 1, 2013 and June 30, 2014.¹⁹ DHS' June 30, 2014 data showed 63 out of 448 workers assigned to manage primarily abuse/neglect investigations carried more than double the standard of 12 cases. The data also revealed that of the 576 caseload carrying permanency planning workers, 143 (25 percent) carried more than 30 children on their caseload, more than double the standard of 15 children. In some local offices, turnover rates are 40 percent or higher overall (including all workers), creating a caseload crisis for both the workers who remain and the children and families on their caseloads.

The unfortunate reality is that problems with retention have not allowed DHS to reap system-wide benefit from newly hired staff with respect to caseloads. From February 2013 to June 30, 2014, DHS' data reveals a net gain of no more than 157 caseload-carrying caseworkers over the course of 17 months, fewer than 10 new caseload-carrying employees statewide per month. Most of DHS' front-line child-serving workforce is churning, beset by high turnover and high caseloads. DHS has made inadequate efforts in this foundational performance area, which means most children in DHS' custody and/or children who are alleged as being abused or neglected are supervised by or rely on caseworkers with insufficient time to perform their jobs well.

Among the other strategies the Pinnacle Plan set forth to reduce caseworker turnover and improve the overall working conditions was a promise that DHS would provide mentors through a field training program where one tenured and experienced caseworker (Child Welfare Specialist III) would carry half a regular caseload and use the remainder of their time supporting, coaching, and training new workers. DHS informed the Co-Neutrals in May 2014 that it was only in the early stages of implementing a pilot of this field training program and

¹⁹ HRM Child Welfare Statistics, 4th Quarter FY2014

would need additional time to assess the best way to integrate this initiative and report on progress.²⁰

The Pinnacle Plan included annual raises for supervisors and staff as a strategy to promote recruitment and retention. While a first raise was given as prescribed in the Pinnacle Plan, staff members were informed in July 2013 that their second annual raise was on hold and might not materialize. DHS leadership finally secured the funds to provide a five percent pay increase effective April 1, 2014, for the last quarter of SFY14, and worked with the legislature to secure funding for a salary increase of 6.25 percent or above for SFY15, effective July 1, 2014.

During most of this reporting period staff did not know if they would receive the promised raise and repeatedly expressed to the Co-Neutrals that the Department's failure to implement the raises on time indicated to many of them that commitments made in the Pinnacle Plan to support workers, children and families may not occur, along with other areas of the reform. While a salary increase alone will not reform a child welfare system, the Co-Neutrals observe, based on many meetings with DHS staff, that implementation of the raises is viewed by many as a sign that DHS leadership, the Governor, and the Legislature acknowledge how important and difficult their work is.

There is no question that in the last four years DHS has faced a steadily growing number of children coming into care. As noted in earlier reports, DHS' trajectory of children in care was on the incline starting in 2010 and continued to rise as the Pinnacle Plan was being finalized in 2012. (See Figure 1) At that time, the Co-Neutrals urged DHS, and continue to urge Department leadership, to plan based on the upward trajectory. DHS' own workload analysis in February 2013 projected its hiring needs based on, "...the 'worst case' scenario. It assumes that the past and current trends of cases will continue on the current trajectory."

The Co-Neutrals reviewed the February 2014 report solicited by DHS leadership, "Oklahoma Department of Human Services Review of Child Removal Decision-Making," which was funded by Casey Family Programs and authored by the Child Welfare Policy and Practice Group. The report, based on extensive analysis and expert opinion, concluded that the increase of children in DHS' care was related to many factors, not just because more abuse and neglect was being identified. The report specifically identified high caseloads, less than ideal practices and an atmosphere of fear among DHS staff based on news reports involving DHS workers and children. The report explains the role high caseloads play in limiting caseworkers' time and ability to work on a child's permanency plan and in engaging and supporting birth families both before a child's removal and after a child's placement. As stated in the report:

²⁰ DHS and the Co-Neutrals have agreed that DHS will not factor reduced caseload capacity for Child Welfare Specialist IIIs who are designated as field training mentors.

The interaction of high caseloads, procedural and paperwork burdens, limited experience and feeling highly vulnerable predisposes removal and can discourage timely reunification. Some of the differences between what might be intended as agency policy and practice, and the way that decisions are actually driven frequently seemed to reflect workload and resource constraints. A fairly consistent theme was that “best practice” was often not supported by the workload implications or the availability of resources.

The report also points out that the decline in the number of children for whom DHS achieves permanency through adoption:

The historical data from Oklahoma DHS Annual Reports (see *Fiscal Year 2013 Annual Report Graphs*) clearly paint a more complicated picture than an uptick in entries into care. Examples would include a substantial decline in reunifications starting in 2009 after years of steady progress in increasing reunifications; after several years of steady increases, finalized adoptions dropped off after 2010 [three-year average for 2008, 2009 and 2010 equals 1,546 with the three average for 2011, 2012 and 2013 equals 1,298. This represents a loss of 744 finalized adoptions.] As entries into care were increasing, reunifications and adoptions were declining – not providing any counterbalance to the increase in entries into care.

Consistent with this review, the Co-Neutrals do not conclude that DHS’ caseload problems are a result of better identification of children in need, but rather are the result of a continuation of unproductive practices, some of which are perpetuated by a cycle of high caseloads. The Co-Neutrals recognize there are experienced consultants helping DHS in pilot counties to address some of the issues identified in the Casey Family Programs report; however, there is no statewide plan to address these issues in other counties or regions, many of which are driving some of the most negative outcomes for children.

As mentioned at the beginning of this section, DHS leadership must develop comprehensive, targeted and well-informed plans to address its multi-faceted challenges with caseloads and engage in an intensely focused effort to implement the plans at all levels of management. With respect to DHS’ overall progress in implementing strategies to support and retain new workers and thereby reduce caseloads and achieve the Target Outcome standards, the Co-Neutrals find that DHS has not made good faith efforts to achieve substantial and sustained progress on caseloads.

Performance Standards and Target Outcomes – Supervisor Workloads

DHS made it an early priority in the reform effort to establish and fill 115 new supervisor positions to meet the standard and commitment in the Pinnacle Plan to have no more than five caseworkers reporting to each supervisor. DHS understands that good supervisory support for caseworkers, especially new caseworkers, is essential to supporting effective and consistent child welfare practice and positive outcomes for children and families.

DHS committed to meeting the same target for supervisor workloads as it did for caseloads: 90 percent of supervisors meeting the 1:5 worker ratio by a final target date of June 30, 2014.

Data Sufficiency

The Co-Neutrals have determined that DHS' data is sufficient to assess supervisor workloads based on DHS' June 30, 2014 data. DHS first produced detailed supervisor workload data in February 2014 and as noted in the Co-Neutrals' April 2014 report, the data excluded 16 supervisory units comprised of 55 caseworkers. DHS excluded the units because they did not have a titled supervisor in place. DHS and the Co-Neutrals have resolved in the supervisor workload counting methodology, Appendix C, that all supervisory units must be included in the analysis. If the absence of a supervisor is not temporary (i.e., supervisor on vacation) or the unit is not assigned or covered by a supervisor, then the unit will be reported as uncovered.

The supervisor workload data accounts for cases assigned and managed by supervisors, using the same case weights for those assigned to caseworkers. DHS reports that as of June 30, 2014, there were 79 supervisors who carried more than two cases.

On a positive note, DHS experiences a relatively low turnover rate among supervisors, especially when compared to caseworker turnover, with just 5.1 percent turnover of supervisors from July 1, 2013 thru March 31, 2014. Unfortunately, this stability among supervisors has not helped to make any significant impact on reducing caseworker turnover.

With the growing number of supervisors carrying cases and over 40 percent of supervisors not meeting the 1:5 worker ratio, providing focused supervisor support for a manageable number of caseworkers remains a challenge. As of June 30, 2014, 58.8 percent of supervisors (total count of 284 supervisors) met the 1:5 worker ratio. As such, DHS did not meet its Target Outcome of having 90 percent of supervisors meeting the standard. Also using the June 30, 2014 data, the Co-Neutrals have set the baseline for supervisor workload compliance rate at 58.8 percent. The Co-Neutrals will assess in future reports DHS' progress relative to this baseline.

C. Shelter Use

The CSA requires that DHS establish performance targets related to the placement of children in shelters (CSA Section 2.10). In the Pinnacle Plan, DHS committed that it would “ensure all children are cared for in family-like settings” and “stop its use of temporary placement in shelters for all children under 13 years of age.”

To support their review of this performance area and make a judgment regarding DHS’ efforts to achieve substantial and sustained progress, the Co-Neutrals engaged regularly in a variety of activities including: announced and unannounced visits and interviews at the Laura Dester (LD) and Pauline E. Mayer (PEM) shelters; announced visits at private shelters; review of monthly outcomes data from DHS; and review of shelter authorization forms for children under age six to understand why children were admitted to shelters and if reasonable efforts were made to identify a family-like placement before resorting to a shelter placement. In addition, in this last period, the Co-Neutrals held four focus groups with teenagers placed in private shelters (most of whom had been placed in the PEM and LD shelters at one point in their time in DHS custody) and one group with teenagers and young adults who had aged out of care. Finally, the Co-Neutrals, reviewed over 100 PEM and LD shelter incident reports, which are filed with the shelter director when an incident occurs that requires either medical attention or discipline of shelter residents.

Performance Standards

The Co-Neutrals previously confirmed the baselines and targets over time for reducing the number of children placed in shelters in Oklahoma as outlined in Metrics 5.1, 5.2, 5.3, and 5.4.²¹ In the Metrics Plan, the Co-Neutrals selected the number of “child-nights” spent in shelters as the metric to assess Oklahoma’s progress in eliminating shelter use. One “child-night” is defined as “one child in a shelter at midnight.” The total number of child-nights is calculated by summing the number of children in shelters at midnight for each night of the reporting period. The Pinnacle Plan includes an exception for shelter placement if the child is part of a sibling set of four or more. In June of this year, DHS requested and the Co-Neutrals approved that a set of

²¹ Metrics 5.1 to 5.4 include all targets for this performance area, by age of children, except for children age 13 and older. In that case, the Co-Neutrals understand there will continue to be a need to place older children in congregate settings at times, but they have established a target which focuses DHS on ultimately reducing child-nights in a shelter for children 13 and older by more than 50 percent. In addition, the target takes into account how well DHS follows its commitment in Pinnacle Plan 1.17 to limit the number of times and the length of stay (no more than one time and no more than 30 days in a 12-month period) a child experiences in a shelter when a family-like or other setting that best meets a child’s needs is not available.

three siblings, with all children being over six years old, could be considered a large sibling group for the purposes of receiving an exception to place the siblings together in a shelter.

The timelines set in the Metrics Plan for DHS to meet its shelter targets have been extended twice. These extensions do not change the original targets, or the fact that DHS committed to reach them at the earlier dates set in the Pinnacle Plan. The Co-Neutrals' approval of the shelter extensions represents an acknowledgement that DHS' shortage of foster homes affects its performance in this area. The extensions provide DHS leadership and field staff with additional time to strive to meet their original goals.

Since DHS had not met its deadlines for children aged under six, the Department requested a new "final" timeline to meet its commitment for those children. The parties agreed to new target dates of March 30, 2014 for children aged under two and June 30, 2014 for children under age six.

The second target date extension was requested by DHS and approved by the Co-Neutrals in June 2014, as follows:

- By July 1, 2014, children under the age of 8 years old will be placed in family-like settings rather than staying overnight in shelters unless they are part of a large sibling group of three or more children.
- By October 1, 2014, children under the age of 10 years old will be placed in family-like settings rather than staying overnight in shelters unless they are part of a large sibling group of three or more children.
- By January 1, 2015, children under the age of 13 years old will be placed in family-like settings rather than staying overnight in shelters unless they are part of a large sibling group of three or more children.
- By April 1, 2015, DHS will meet the original target and expectation of placing children under the age of 13 years old in family-like settings unless they are part of a large sibling group of four or more children.

Performance for Children Under Age Six

The Co-Neutrals' last report found that DHS had made good faith efforts to achieve substantial and sustained progress with regard to eliminating shelter placements for children under age two. The Co-Neutrals reserved judgment on DHS' efforts with respect to children ages two to five, though acknowledged that DHS had made progress.

In this period, the Co-Neutrals find that DHS has made good faith efforts to achieve substantial and sustained progress with regard to reaching its commitment not to place children under age six in shelters. While DHS has not reached the Target Outcomes of zero “child-nights” in shelters for children under age six who do not meet a shelter placement exception under the Pinnacle Plan, DHS’ work has resulted in a sustained, positive trend toward the Target Outcomes. This represents a dramatic decline in the number of nights spent in shelters by this group of children, as indicated in the Table 4 below.

DHS has made young children a priority for foster home placements, which is evident from the shelter data, shelter authorization forms and focus groups with staff. In both announced and unannounced visits to the PEM and LD shelters, the large state-operated shelters in Oklahoma City and Tulsa, respectively, the Co-Neutrals routinely found very few or no young children in the shelters. Rooms and cottages that once housed young children are now empty or house older children.²²

This is not to say that there is not room for improvement. For this period, the Co-Neutrals again reviewed shelter authorization forms submitted by workers when shelter placement was requested for children under six. Of the 38 authorization forms reviewed, 21 involved shelter entry because of a placement disruption for a child under age six. These 21 disruptions depict the extreme deficit of therapeutic placements for children in Oklahoma, including very young children.

Of the 21 disruptions involving young children under age six that resulted in a shelter stay:

- Five shelter placement forms indicated that the children already qualified for or needed TFC (or a higher level of care as one disrupted from a TFC); and
- Three forms cited specifically “behavior” as the reason for disruption (and a few others indicated, though not explicitly, behavior issues as the reason).

Moreover, several of the authorization forms noted that young children were frequently moving from placement to placement, for example:

- Form notes that children ages one and three have been placed in two temporary emergency placements; and
- Form notes that children ages five and seven had placements the first week “that were very short-term, often overnight only in overfilled homes.”

²² In focus groups, caseworkers noted the practice shift for excluding young children from shelters and described it as difficult given the lack of placement resources; however, most caseworkers acknowledged that shelter stays were not the best practice for young children.

Finally, where the police were involved, children were typically taken straight to the shelter after removal from their homes. Of the 11 admissions to the shelter involving the police, only one involved a child where it was noted that securing a foster home had been tried first. In fact, in two cases, the workers noted on the authorization forms that they did not think authorization was required if the police were involved.

Performance for Children Ages Six to 12 and Youth Age 13 and Older

As performance for young children has improved with many fewer shelter stays and nights, performance for older children and youth has worsened. As indicated in Table 4 below, the number of children between the ages of six and 12 and age 13 and older has increased by 11 percent and 21 percent, respectively. As young children left the shelters, DHS filled their spots with older children. During meetings with the Co-Neutrals, shelter staff acknowledged that the number of older youth was creating new challenges for them (including an increase in “incident reports” as further explained below); however, the Co-Neutrals have not been apprised yet of any statewide plan to address this growing concern.

Table 4: Child-Nights in Shelters By Age, January – June 2014 and Change from Baseline

Child-Nights in Shelters by Age	Baseline (Jan 2012-June 2013)	Performance (Jan 2014-June 2014)²³	Change (n)	Change (%)
0 to 1	2,923	190	-2,733	-93.0%
2 to 5	8,853	2,080	-6,773	-77.0%
6 to 12	20,147	22,288	2,141	11.0%
13 & Older	20,635	24,935	4,300	21.0%
TOTAL	52,558	49,493	-3,065	-6.0%

The shelters are just one placement resource, with a diminishing-use goal at that, in what should be a continuum of care that DHS uses to meet the diverse needs of children in placement. During the period, there was no strategic vision presented for how shelters, resource homes and group care should interact and support each other to best transition children to placements that meet their needs along a continuum.

When asked, shelter managers have shared thoughtful ideas about the future use for their facilities but they are not yet part of any statewide or shelter-specific planning effort related to

²³ While DHS is trending negatively in this area, it performed better in this six-month period than the prior six-month period, but both represent a negative performance against the baseline.

a continuum of care. As is, the shelter facilities seem as isolated from statewide planning as the children they house. Given this, as well as the sharp increase, above the baseline, of children age six and older experiencing shelter stays, the Co-Neutrals do not find that DHS has made good faith efforts to achieve substantial and sustained progress with respect to the reduction of shelter placements for children ages six to 12.

Performance under Pinnacle Plan Commitment 1.17 – Youth 13 and Older

In its next semi-annual data report due in January 2015, DHS will report on its progress with the Pinnacle Plan 1.17 commitment to further restrict shelter placements for children age 13 and older, the age group for whom some ongoing, limited shelter placements are expected to continue. DHS' Pinnacle Plan commitment is that after June 30, 2014, children 13 and older will be placed in a shelter only if a family-like placement is not available to meet their needs; and further, "no child shall be placed in a shelter more than one time within a 12-month period and for no more than 30 days in any 12-month period." Since this commitment did not take effect until June 30, 2014, DHS' performance will not be assessed until the Co-Neutrals' next report in the Spring of 2015.

Shelter Environment

The dramatic increase in the number of older children in shelters is a cause for concern. Most children and youth are in shelters because their parent or guardian has done something that has put their safety at risk. The majority, even the older youth, are not in custody because of their *own* behavior. However, DHS' large public shelters appear frequently to operate within a restrictive environment.

This is not to say that the leadership at these shelters, or in DHS, does not care about these children and youth, as the Co-Neutrals have met with them many times and heard about their concerns for the children placed in shelters and the limitations of this model. But these shelters have a staff largely untrained in trauma informed care (and there seems to be very little time for training); are limited by very few therapeutic staff on site; and operate in a system that has too few foster homes for children of all ages and especially for children with special therapeutic and medical needs and older children and youth.

Review of Shelter Incident Reports

Given the increase in the number of older children housed in the large public shelters, the Co-Neutrals reviewed 106 incident reports submitted by staff between June and August at the LD and PEM shelters. The incident reports are written by shelter staff and DHS caseworkers when a child needs any type of medical attention (e.g., a Band-Aid) or there has been some minor or major altercation or behavioral incident. The incident reports reveal shelter environments that

are unsuitable for many of the children and youth housed there. Numerous reports are written about children and youth who need higher levels of therapeutic care but who remain in the shelters because no family-like home or other appropriate resources are available.

The incident reports depict the everyday lives of children who are living in restricted environments, most of whom – based on focus groups interviews and discussions with shelter leadership – do not know when they will see their parents next, where or when they are moving next, and when they will see or speak to their caseworkers next.

The PEM and LD shelters are not sufficiently staffed and supported to work with children using appropriate therapeutic methods that can best de-escalate incidents and support the children's well-being. The Co-Neutrals understand that shelter staff face the challenge of working with a substantial number of children placed in the shelters at any given time who have significant unmet therapeutic needs and behavioral challenges, and must do so in a way that both meets the needs of the children and builds a safe environment for other children and staff in the shelters. While many of the incident reports note that staff try to talk to or redirect the children, the consequences are often time-outs, restraints and loss of privileges – even for very young children. These punitive practices seem more readily accessed for children than any therapeutic help or support. The result is many situations in which the punishment that falls on children and youth seems disproportionate to their actions and, in some instances, seems to escalate the incident for both children and staff. See Appendix D for some scenes representative of incident reports.

The incidents described in Appendix D are not included in this report to call out or reprimand particular shelter staff who, the Co-Neutrals acknowledge, are hired to do very difficult social work at very low wages, with shelter aides working full time with children and earning less than \$20,000 per year to start – sometimes as a second job and most with little to no relevant training. The incident reports provide a picture of children and youth with high medical and behavioral health needs and staff, who again, are frequently ill-equipped to meet the children's needs. In fact, the staff who spend the majority of time with children and youth in the shelters are not DHS caseworkers. DHS recently, in September 2014, informed the Co-Neutrals that it is expanding an existing contract with the National Resource Center for Youth Services to provide trauma-informed support services to the PEM shelter.

Focus Groups with Teens

As noted, the Co-Neutrals also convened focus groups with teenagers in shelters given the increase in the number of older children in shelter care (interviews were not conducted with children in the state-operated shelters although most of the teens interviewed had been placed at one time in one of the large public shelters). The focus groups always included a staff person

from the shelter and participation was voluntary, as was answering any question posed throughout the discussion. The Co-Neutrals spoke with approximately 30 youth.

Very few of the teenagers knew the plan for their next placement to exit the shelter; few knew when they would see their worker again; or when/if they would have a visit with a parent or sibling. Some spoke about going AWOL from the large public shelters because they felt trapped or just needed to “walk around the block.” The shelter incident reports confirmed that often youth ran away just to get outside of the shelter.

One teenager shared candidly, “you know shelters are depressing” and that there was nothing to do most days that summer. Another teen, having been told it was probably best to stay in the shelter until aging out, asked if it was possible for him to get an afterschool or summer job to prepare for his independence. However, most shelters will not allow teenagers to get jobs because they do not know how long the teenager will stay in the placement. Along similar lines, several of the teens in shelters shared that they do not have access to independent living supports. The result is that, for these youth and many others, the shelters feel like large facilities in which their lives are placed on hold.

D. Child Maltreatment in Care (MIC)

In the Pinnacle Plan, DHS promised to undertake a number of important initiatives to “ensure the safety of children in out-of-home care.” These strategies are designed to help DHS reduce abuse and neglect of children in its custody as CSA Section 2.10 requires. The Co-Neutrals adopted measures designed to reveal how well DHS protects children from incidents of abuse or neglect while they are in the custody of the state. Oklahoma is tracking and reporting the number of children abused or neglected in two distinct categories, based on the type of perpetrator. The first consists of alternative caregivers: a foster parent, therapeutic foster parent, kinship parent, or institutional staff person (all referred to as resource caregivers). The second involves abuse or neglect by a parent while the child is in DHS’ custody.

Child Safety: Abuse and Neglect by Resource Caregivers While Child is in the Legal Custody of DHS, Metric 1(a)

With regard to the first measure, DHS and the Co-Neutrals agreed DHS would improve safety for children in care using two indicators. First, DHS tracks and reports publicly the number of children abused or neglected by a resource caregiver, on a monthly basis. Second, DHS and the Co-Neutrals adopted the widely used federal metric “Absence of Child Abuse and/or Neglect in Foster Care,” which represents the percent of all children in foster care during a 12-month period who were not victims of substantiated maltreatment by a foster parent or facility staff.

DHS annually submits (in January) a Child Maltreatment Report to the federal government, which is aggregated with other states' data in the National Child Abuse and Neglect Data System (NCANDS). As set forth in the Pinnacle Plan, DHS has historically divided responsibility for investigating child maltreatment by type of alleged perpetrator. Abuse and neglect in family settings are investigated by Child Protective Services (CPS) while abuse and neglect in institutional settings are investigated by the DHS Office of Client Advocacy (OCA). Previously, DHS only reported maltreatment confirmed by CPS to the federal government, but not the latter. As part of this reform, DHS committed to include in its Federal Fiscal Year 2013 (FFY13) report to the federal government all maltreatment of children in custody, including allegations substantiated by OCA. The Co-Neutrals verified that DHS did this for substantiations effective during and after March 2013.

During the Co-Neutrals' initial data verification work, the accuracy of the historical child abuse data previously supplied by DHS in 2013 came into question, as it became apparent the data had not been subject to internal verification by DHS over the years. Detailed information supporting the data, which the Co-Neutrals would use to establish the baseline, was not available for review. As a result, the Co-Neutrals formally withdrew the previously published baselines and targets in this performance category, and worked with DHS to review more recent performance data to establish a more accurate and verifiable performance baseline and target. Having done so with respect to the substantiations of child maltreatment in care for the period April 2013 to March 2014, the Co-Neutrals now confirm that the baseline for the metric "Absence of Child Abuse and/or Neglect in Foster Care," which includes the percent of all children in foster care during a 12-month period who were not victims of substantiated abuse or maltreatment by a foster parent or facility staff, is as follows:

Baseline:

1. Over the 12-month period, DHS served 15,806 children and youth.
2. DHS found 138 children in family settings and 62 children in institutional settings had been maltreated by an alternative caregiver for a total of 200 children and youth.
3. Of the 15,806 children and youth served, 15,606 were not maltreated by an alternative caregiver, according to the standards adopted by the federal government for this metric.
4. The 15,606 children and youth reported as not maltreated are the numerator and the 15,806 served are the denominator, for a rate of 98.73 percent.

Target:

1. With respect to the percentage of children reported as safe from maltreatment by an alternative caregiver, DHS shall meet the national standard established by the federal government of 99.68 percent.

To have met the Target Outcome, which is a national standard, for this performance area, DHS would have had to keep an additional 150 children in DHS custody safe from abuse and neglect by a resource caregiver during this period.

It is important to observe that DHS reports substantiations of child maltreatment in their public monthly data. Over the 12-month period, April 2013 to March 2014, DHS in fact reported 226 substantiations of child abuse and neglect on a monthly basis. Of these, 26 substantiations are not included in the metric adopted by the Co-Neutrals as Measure 1(a) for two reasons: (1) 18 cases of child abuse or neglect were excluded because, according to the federal methodology, both the referral date (date when an allegation is made to DHS) and findings date (date when the case is substantiated by DHS) must exist in the same 12 month reporting period; and (2) eight cases were not counted in the federal metric because they represent multiple substantiations for the same child.

Child Safety: Abuse and Neglect by Parents While Child is in the Legal Custody of OKDHS, Metric 1(b)

The Co-Neutrals adapted the methodology utilized in the preceding section, Abuse and Neglect by Resource Caregivers, to measure abuse and neglect by parents while a child is in the legal custody of DHS. This includes the significant population of children who remain the legal responsibility of DHS but who reside in, or have been placed back in their homes of origin for trial home visits. In Oklahoma, children can experience trial home visits for months, and the parties recognize the importance of closely monitoring their safety.

This metric for “Abuse and Neglect by Parents While Child is in the Legal Custody of DHS,” measures performance this way: Of all children in the legal custody of DHS during the reporting period, the number and percent of children who were not victims of substantiated or indicated maltreatment by a parent and the number of children who were victims over the 12-month period.

The established baseline for this metric, which is based on data DHS provided from Federal Fiscal Year 2011, is as follows:

1. Over the 12-month period, DHS reported serving 12,533 unique children and youth.
2. DHS reported 181 children in the state's legal custody were maltreated by parents during this period.
3. Of the 12,533 children and youth served as reported to the federal government, 12,352 were not maltreated by a parent.
4. The 12,352 children and youth reported as not maltreated is the numerator and the 12,533 served is the denominator, resulting in a rate of 98.56 percent.

The Co-Neutrals established a target of 99 percent by June 30, 2016, which the Co-Neutrals selected based on a review of available federal performance data. For the period April 2013 to March 2014, DHS served 15,806 children in custody. Using the federal methodology for counting child maltreatment under Metric 1(a), there were 220 children in DHS custody who were abused by a parent over the course of the year, yielding a performance rate of 98.6 percent of children who were not victims of substantiated or indicated maltreatment by a parent. DHS would have had to keep 62 more children safe from abuse and neglect by a parent to meet the target.

During the 12-month period, April 2013 to March 2014, DHS in fact reported 327 substantiations of child abuse and neglect on a monthly basis. Of these, 107 cases of child abuse or neglect were excluded in the calculation of Metric 1(b) because of a federal exception applicable in Metric 1(a) that both the referral date (date when an allegation is made to DHS) and findings date (date when the case is substantiated) must exist in the same 12-month reporting period.

Two separate units within DHS investigate reports of abuse and neglect of children in DHS' custody. As noted earlier, OCA investigates allegations when children are in higher levels of care or institutional settings. CPS staff investigates possible abuse or neglect when children are placed in family settings, which includes non-relative care, kinship care, emergency foster care, and TFC. There are vastly more CPS investigations than OCA investigations because CPS staff also investigate reports of maltreatment among children not in DHS custody. At the time the Pinnacle Plan was finalized, OCA and CPS used different screening and investigative processes, different timelines for initiation and completion of an investigation, and different evidentiary standards or burdens of proof to determine the appropriate findings. OCA staff in 2012 reported that investigations often commenced more than a month after DHS was first notified of an allegation of child abuse or neglect. Prior to 2013, when those investigations were resolved, DHS did not include the findings in its accounting of child abuse and neglect among children in custody. In fact, at the time the Pinnacle Plan was adopted, DHS only reported substantiation data to the federal government for children abused or neglected in family

settings, but not for children abused or neglected in higher levels of care or in institutions.

More than two years later, all of this is markedly improved, due to the leadership of DHS, including at OCA. As outlined in the law established through House Bill 2300 and the Pinnacle Plan, DHS unified the standards, processes and timelines that OCA uses to respond to and investigate reports of abuse and neglect of children in higher levels of care to be consistent with those established for CPS. Specifically, DHS made changes to OCA policy to conform to CPS substantiation protocols for children in DHS custody and adopted “some credible evidence” as the burden of proof for its work. OCA investigations are now initiated by face-to-face contact with the alleged child victim within timeframes specified by the Child Abuse Hotline. DHS provided extensive training, including modules on forensic interviewing, to OCA staff and moved from an administrative investigatory model to one focused on the safety of children.

In November 2012, DHS began recording in its KIDS system all reports of abuse/neglect in higher levels of care referred to OCA field investigators. Each referral is assigned an identification number with a “referral/investigation” record opened in KIDS. By July of 2013, OCA staff were completing and tracking all investigations in the KIDS database and the substantiations are being reported monthly to the public and included in DHS’ submissions to the federal government.

DHS’ strong work in this regard has been weakened by inadequate efforts in other areas that led to staff shortages at the Hotline and the agency’s backlog of CPS investigations. In the Pinnacle Plan, DHS promised “to centralize the screening process at its Hotline to ensure all calls are answered and screened promptly and thoroughly” and pledged “to staff the Hotline adequately to meet its commitments.” In fact, however, the Hotline has suffered from major staffing shortages: as of June 2014, 33 of 72 CWS II positions assigned to the Hotline were vacant. The dearth of staff support has, at times, been an enormous challenge for the Hotline’s leadership team and caused unacceptably long delays – on some days in excess of 2 hours – for callers trying to report allegations of child abuse and neglect. DHS promised in the Pinnacle Plan to improve call wait times, but in fact, the delays experienced by some Oklahomans over the past several months are worse than those in effect when DHS wrote the Pinnacle Plan.

In the Pinnacle Plan, DHS also promised to “initiate and complete all child maltreatment investigations, whether conducted by CPS or OCA, in accordance with the CPS policy timeframe, which is as follows: all investigations are initiated the same day for a Priority One report and within two to five days for a Priority Two report; all interviews are completed within 30 days.” But for more than a year, DHS has been unable to eliminate a very high backlog of child abuse and neglect investigations.

In response to the Co-Neutrals' request, DHS finalized a CPS backlog reduction plan on September 6, 2013, at which time the Department had 3,185 CPS cases that were pending beyond the required 60-days for closure. DHS' plan included a number of strategies to reduce the backlog, including: engaging management and staff at levels and in all areas of the agency to review CPS backlog cases or support the effort, which included overtime approval; compressing related investigations where appropriate; streamlining some documentation requirements; and, contracting with a private agency to help investigate some of the pending cases. While DHS was not able to reach its reduction plan goal of less than 200 backlog cases by February 2014, the Department did make steady and significant progress to reduce the backlog to a reported low of 630 cases by mid-February 2014. However, in March 2014, the backlog began to increase again, leaving DHS with 1,254 overdue cases by October 9, 2014, including 211 investigations overdue for more than six months (See Appendix E).

The record of DHS' efforts is, therefore, decidedly mixed. DHS' considerable efforts and accomplishments to improve its work at OCA have been undermined by its inadequate efforts on overall worker caseloads; its inadequate efforts to staff the Hotline; the long wait times experienced by some callers to the Hotline; and DHS' inability to eliminate the large backlog of child abuse and neglect investigations overdue for resolution. The Co-Neutrals are reserving judgment whether DHS has made good faith efforts to achieve substantial and sustained progress toward the Target Outcomes of child safety in Measures 1(a) and 1(b), and will closely consider all of DHS' efforts in the next reporting period, including those efforts undertaken to reduce call wait times at the Hotline, eliminate the CPS backlog and improve the safety of children in its custody.

E. Caseworker Visitation

DHS and Plaintiffs agree that regular visits between children and caseworkers are important to protect children, give them an opportunity to ask questions, communicate concerns, and contribute to their case plans. A key element of permanency practice involves face-to-face time between the critical participants in a child welfare case. There is a substantial body of data and research demonstrating that more frequent visits with caseworkers, parents, and siblings improve safety, permanency, and well-being for children in care.²⁴ Regular visits by the same caseworker to the same child are associated with faster permanency; building relationships between caseworkers, children and caregivers; and providing benchmarks to assess children's

²⁴ United States Children's Bureau (2003). *Relationship between caseworker visits with children and other indicator ratings in 2002 cases*; Child Welfare Information Gateway, *Sibling Issues in Foster Care and Adoption* (December 2006). The importance of caseworker visitation with children in foster care has also been recognized by Congress in the Child and Family Services Improvement Act of 2006, Pub. L. 109-288 (2006), which requires that child welfare agencies ensure that caseworkers visit at least 90% of children in foster care monthly by 2011.

safety and well-being from visit to visit.

The CSA includes two performance areas related to caseworker visits (CSA Section 2.10): the frequency of caseworker visits, which is defined as the number of required monthly visits completed with children in care; and, continuity of visits by the same caseworker. For frequency of visits, the Metrics Plan establishes that DHS will report the following:

3.1: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between caseworkers and children in foster care for at least one calendar month during the reporting period.

3.2: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between primary caseworkers and children in foster care for at least one calendar month during the reporting period.

Regarding Metric 3.1, DHS reports that caseworkers made 118,824 visits, out of 123,343 required visits to children (96.3 percent) during the reporting period July 1, 2013 to June 30, 2014. The baseline for DHS' performance was an already-strong 95.5 percent of all required visits made. DHS showed improved performance when it reported in January 2014 that its staff had completed 95.7 percent of all required visits for the period October 2012 to September 2013. This most recent report indicates even further progress.

In focus groups with workers and supervisors, the Co-Neutrals have heard that visits are a priority and that workers feel strongly that they must see the children on their caseload once per month. This is a strength of the system. Many workers and supervisors also readily acknowledge that their high workloads do not allow them enough time to use visits to establish a relationship with the children and youth on their caseloads, much less their parents or resource home caretakers and the Co-Neutrals plan to do additional independent corroboration on the quality of reported visits. The Co-Neutrals conclude based on data and focus groups with workers and supervisors that DHS has made good faith efforts to achieve substantial and sustained progress with the Target Outcome for Metric 3.1.

The second indicator, Metric 3.2, includes only visits made by primary caseworkers. DHS decided in its Pinnacle Plan to end the use of secondary workers across the state by January 2014; however, as noted in the earlier discussion of worker caseloads, the Co-Neutrals approved DHS' request to stagger implementation of this commitment until January 1, 2015.

DHS reports that primary workers made 93,760 visits to children out of 123,343 required visits, which represents 76 percent of all required visits during the reporting period July 1, 2013 to June 30, 2014. For monthly visits conducted by primary workers only, the baseline for DHS' performance was 51.2 percent and the interim target due this reporting period was 70 percent, both of which DHS exceeded. In fact, this level of visitation by DHS primary workers is an improvement over the Department's baseline performance. The Co-Neutrals conclude based on focus groups and interviews with staff and supervisors that DHS has made good faith efforts to achieve substantial and sustained progress with the Target Outcome for Metric 3.2.

The metric the Co-Neutrals use to assess Oklahoma's progress on continuity of the same caseworkers' visits with children is staged in two phases. For the period from January 1, 2014 to December 31, 2014, the Co-Neutrals use a metric that measures continuity over a three-month period:

3.3(a): The percentage of children in care for at least three consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent three months, or for those children discharged from DHS legal custody during the reporting period, the three months prior to discharge.

The Co-Neutrals established that DHS' baseline performance was 53 percent and set a target of 75 percent by December 31, 2014. DHS reported in July 2014 that there were 10,218 children in care for at least three calendar months between January 1, 2014 and June 30, 2014. Of these 10,218 children, DHS reports that 5,901 (57.7 percent) were visited by the same primary caseworker in each of the most recent three months, or for those children discharged during the reporting period, the three months prior to discharge.²⁵ The Co-Neutrals will continue to monitor DHS' performance and draw a judgment in their next public report on whether the Department has made good faith efforts to achieve substantial and sustained progress toward the Target Outcome in Metric 3.3(a) by continuing to shift practice to primary caseworker assignments and achieving continuity of visits between children and their primary caseworkers.

F. Placement Stability

The CSA requires that DHS establish performance targets to provide stability of placements for children in DHS custody (CSA Section 2.10) and reduce the number of times a child moves to a

²⁵ Note that 5,901 children were visited three consecutive months by the same primary worker, 848 children were visited three consecutive months by the same secondary worker, and 3,469 children in care for at least three complete months during the reporting period did not receive three visits in the most recent three months (or three months prior to discharge), bringing the total to 10,218, the number reported by DHS.

new placement while in DHS custody. It is widely understood and reported that placement instability causes trauma for children and is associated with increased behavioral challenges and poor educational and health outcomes, and longer waits to permanency.²⁶

Performance Standards

The Co-Neutrals and DHS agreed to use the federal Adoption and Foster Care Reporting System (AFCARS) files and definitions for placement moves to measure children's placement stability. This report reviews performance data for the period April 2013 to March 2014 for Metrics 4.1 (a through c) and 4.2.

Data Sufficiency

The Co-Neutrals have reviewed DHS' data for placement stability and determined the data is sufficient to assess DHS' progress in this performance category.

Performance Outcomes

DHS has taken some steps to address placement stability, including incorporating the best practice of "first placement, the best placement" into its staff training, and establishing a contract with NorthCare to work with 100 kinship families to maintain stable placements. Placement stability is best advanced when child welfare systems have a diverse pool of available foster homes to match the needs of children, including placements that: keep siblings together; meet the therapeutic needs of children; and maintain children in the same school and neighborhood, and with family or friends who provide a safe, familiar environment.

²⁶ These are examples of a number of studies available for review: A study published by the American Academy of Pediatrics concluded that, "Regardless of a child's baseline risk for instability in this study, those children who failed to achieve placement stability were estimated to have a 36% to 63% increased risk of behavioral problems compared with children who achieved any stability in foster care. (Pg. 341) David M. Rubin, Amanda L.R. O'Reilly, Xianqun Luan and A. Russell Localio, *The Impact of Placement Stability on Behavioral Well-Being for Children in Foster Care*. Pediatrics, 119;336, DOI: 10.1542/peds.2006-1995. Other studies that find placement instability negatively affects a child's mental health, educational outcomes and permanency include: Pecora, Peter, Ph.D., *Why Should the Child Welfare Field Focus on Minimizing Placement Change as Part of Permanency Planning for Children?*, Presentation for the California Permanency Conference March 20-21, 2007. Adapted from: Herrick, M., Williams, J., Pecora, P.J., Downs, C. & White, J., *Placement Instability in Child Welfare and its Implications for the Functioning of Foster Care Alumni*. Seattle, WA: Casey Family Programs; Newton, Rae R., Litrownik, Alan J., Landsverk, John A., *Children and youth in foster care: disentangling the relationship between problem behaviors and number of placements*. [Child Abuse & Neglect, Volume 24, Issue 10](#), October 2000, Pages 1363-1374; and Rubin, D.M., & Hadley, T. (2004). *Placement stability and mental health costs for children in foster care*. Pediatrics, 113(5), 1336-1341.

Table 5: Placement Stability Baselines, Targets, and Current Performance

Metric	Baseline Oct 2011 - Sept 2012	Target June 30, 2016	Performance Oct 2012- Sept 2013	Performance April 2013 – March 2014
4.1(a): percent of children in custody with 2 or fewer placements who are in care less than 12 months	70.0%	88.0%	72.9%	74.4%
4.1(b): percent of children in custody with 2 or fewer placements who are in care more than 12 months but less than 24 months	50.0%	68.0%	50.8%	52.3%
4.1(c): percent of children in custody with 2 or fewer placements who are in care at least 24 months	23.0%	42.0%	24.8%	26.0%
4.2: percent of children in care more than 12 months, with 2 or fewer placements after their 12 months in care	74.0% (Apr. '12– Mar. '13)	88.0%	76.5% ²⁷	78.0%

As Table 5 demonstrates, DHS has achieved slight, but sustained positive trending over the last two reporting periods for each of the placement stability metrics, but remains far from achieving substantial gains in placement stability for children. Achieving substantial advances in placement stability may prove difficult until DHS remedies high caseloads among caseworkers, the lack of available foster homes and implements a child placement matching system.

DHS' data shows that a significant number of children are moved many times in a relatively short period: 1,513 children who were in care less than three years on March 31, 2014 – the end of the reporting period for this measure – experienced five or more placements; and 173 of these children experienced 11 or more placements.

One child, who represents the average age (eight) and length of stay (one to two years) of the group of 1,513 children mentioned above, had nine placements – six of which were shelter placements. One child, who represents the average age (12-13) and length of stay (one to two years) of the group of 173 children noted above, had 17 placements – seven of which were shelters.

In focus groups and in one-on-one meetings with approximately 180 caseworkers and supervisors since July 1, 2013, the Co-Neutrals have heard consistently that caseworkers frequently do not have adequate time to avert impending placement disruptions by providing children and foster home parents with relevant supports and services when needed. Instead,

²⁷ DHS' January 2014 semi-annual data showed this measure performing at 74.6 percent, which the Co-Neutrals reported in their April 2014 report. DHS' July 2014 semi-annual report and data revised the outcome for this period (October 2012-September 2013) to 76.5 percent.

many caseworkers acknowledge candidly that theirs is not the ideal practice, and that they often deal with disruptions reactively as their work remains in the realm of crisis mode given their ongoing high caseloads. This is not to say that workers did not report trying, when they could, to avoid disruptions. They do. Caseworkers and supervisors understand the value of stability, but there is overall consensus that disruptions will continue to occur as long as caseloads are too high for workers to dedicate the attention necessary to support both children in care and foster parents. Further, until a pool of diverse, safe and stable foster homes, especially well-trained and supported TFC homes, are developed to meet the diverse needs of children, it will be difficult for DHS to achieve the progress the parties hope to see with placement stability. The Co-Neutrals are reserving judgment on whether DHS has made good faith efforts to achieve substantial and sustained progress on Metrics 4.1 (a through c) and 4.2.

G. Permanency

DHS and the Co-Neutrals agreed that permanency for children will be defined as reunification, adoption or guardianship. The CSA requires that baselines and targets be set to measure DHS' progress in achieving timely permanency for all children in its custody. In the Metrics Plan, the Co-Neutrals established eight performance targets which, analyzed together as a full set of indicators, measure DHS' progress in moving children to timely, safe and stable permanency.

Performance Standards and Data Sufficiency

The performance standards for each of the permanency metrics are outlined below in the review of DHS' performance outcomes for the individual metrics.

In their April 2014 report, the Co-Neutrals determined that data submitted by DHS for Metric 6.1, Achieving Permanency for Legally Free Children, and for Metric 6.7, Adoption Dissolution, was sufficient for the Co-Neutrals to measure DHS' progress toward meeting these performance measures. For the remaining Metrics (6.2 through 6.6), the Co-Neutrals were unable to determine data sufficiency at that time. During this reporting period, DHS submitted updated permanency data for Metrics 6.2 through 6.6 that the Co-Neutrals reviewed, analyzed, and determined is now sufficient to measure progress toward achieving Target Outcomes for these metrics. As such, the Co-Neutrals have determined data sufficiency for the entire set of permanency metrics.

Permanency Performance

Legally Free Children without an Adoptive Family on January 10, 2014, Metric 6.1

DHS, under Metric 6.1, is responsible to move an identified cohort of legally free children (that is, children whose parents' rights have been terminated) without an identified family to permanency expeditiously. DHS also agreed to implement strategies to resolve permanency for this identified cohort of children and began to do so by allocating additional adoption staff throughout the state to convene permanency conferences and case reviews. The purpose of the reviews is to bring together permanency and adoption staff to review the child's case plan, and to identify barriers to permanency. Action plans to resolve the barriers for individual children are developed, and both adoption and permanency staff are responsible for advancing, tracking, and monitoring progress.

DHS reports that it intends to utilize this targeted, child-specific review process for all children who are legally free without an identified family and to use lessons learned to create solutions for identified, systemic barriers.

DHS and the Co-Neutrals established a point in time cohort of 292 children who were legally free as of January 10, 2014, and who did not have an identified adoptive placement. On June 10, 2014, the Co-Neutrals established permanency targets for this cohort as follows:

- By June 30, 2016, 90 percent of children who were ages 12 and under on January 10, 2014 will achieve permanency.
- By June 30, 2016, 80 percent of children who were ages 13 and over on January 10, 2014 will achieve permanency.

Table 6: Permanency Metric, Baseline, Target, and Performance for Metric 6.1

Permanency Metric	Baseline	Permanency Target by 6/30/2016	Permanency Achieved as of 8/15/2014
6.1: Of all legally free children not in an adoptive placement on 1/10/14, the number who have achieved permanency.	207 children- Age 12 and under	90%	17 children (8.2%) achieved permanency
	85 children- Age 13 and older	80%	2 children (2.4%) achieved permanency

Final Target Outcomes for this cohort of children are set to be achieved by June 30, 2016, and there are no interim performance targets. The cohort was established during this reporting period and it is not yet possible to assess sustained and positive trending toward the Target Outcome and the Co-Neutrals are reserving judgment regarding DHS' good faith efforts to achieve substantial and sustained progress toward the Target Outcome.

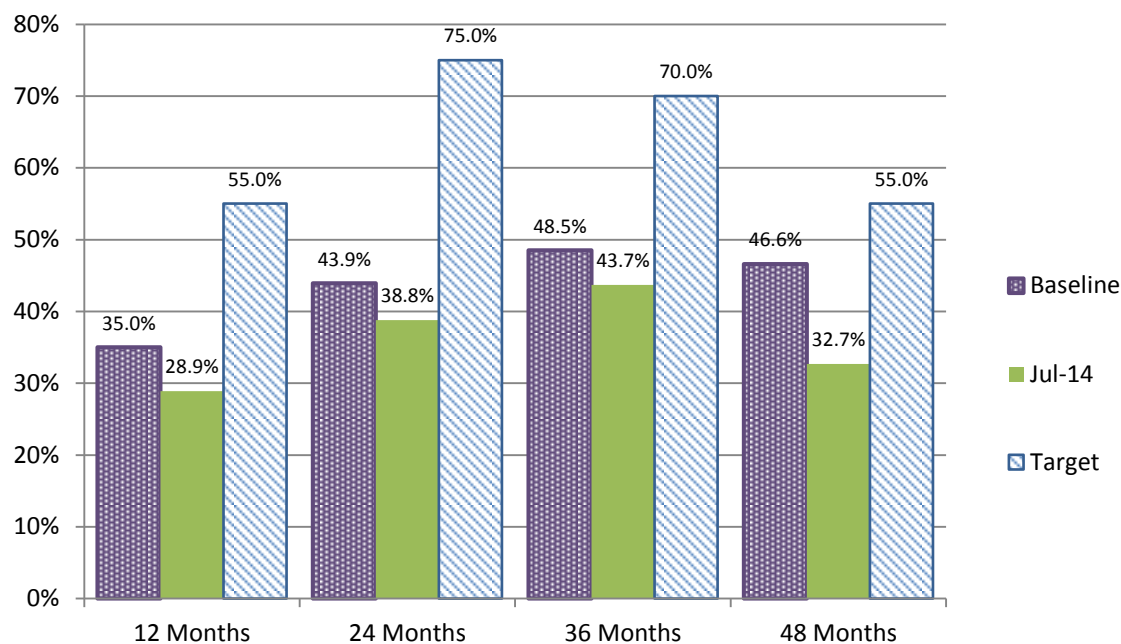
The Co-Neutrals will continue to report on DHS' progress in achieving permanency for the legally free cohort of children and will begin to report on outcomes for children in the cohort who do not achieve permanency and who age out of the foster care system in future reports.

Timeliness of Children's Permanency, Metrics 6.2 (a-d)

Children who are removed from their families and who are placed in foster care deserve and need timely permanency. For most children, reunification with their families is the preferred permanency goal. There are time limitations to achieve reunification and when safe reunification is not possible, child welfare agencies must ensure that adoption and guardianship are considered as permanency options, and that timely actions are taken to achieve positive permanency outcomes.

Metrics 6.2 (a-d) measure DHS' progress in achieving timely permanency for children who entered foster care at a designated time and who achieved permanency in 12, 24, 36 or 48 months from the child's removal from their family. The following Figure details the baselines, performance to date and targets for the achievement of timely permanency for children in DHS' custody.

Figure 7: Timeliness from Removal to Achievement of Permanency



As Figure 7 above shows, there has been an overall decline in DHS' performance in achieving permanency in all categories, ranging from permanency within a short time (12 months) to permanency for children who stay for longer periods of time. DHS has acknowledged that there have been significant challenges to improving permanency practice due to the increase in the number of children in care, high worker caseloads, worker turnover, and the lack of placement resources for children in DHS' custody. The Co-Neutrals concur that these challenges must be addressed in order for DHS to make good faith efforts to achieve substantial and sustained progress toward the Target Outcomes.

Children's re-entry to foster care within 12 months of exit, Metric 6.3

Metric 6.3 measures how well DHS ensures that children who achieve permanency remain with their permanent family and do not re-enter foster care in a short period of time. Specifically, Metric 6.3 measures re-entry to foster care within 12 months of a child's discharge to permanency (not including adoption) in the 12-month period prior to the reporting period.

The baseline for this metric is 10.3 percent of children re-entering care; the final target set for June 30, 2016 target is no more than 8.2 percent. During the most recent report period, DHS made progress in the percentage of re-entries, declining positively from the baseline of 10.3 percent to 9.4 percent.

Permanency for Older Legally-Free Youth, Metric 6.4

This metric measures the experience of a cohort of legally free youth who turned 16 years of age within two to three years before the report period and tracks those children to measure the percentage of these youth who exited foster care to permanency by age 18, the percentage who remain in care after age 18, and the percentage who exit care without permanency. The interim and final targets for this metric are set only for the percentage of youth who will achieve permanency, while the other outcomes of youth exiting care without permanency or remaining in care are publicly reported to provide transparency into the overall experience of these youth.

DHS' baseline for this permanency metric was set at 30.4 percent of youth exiting with a permanent family. Two interim targets were set, the first of which is 50 percent of youth exiting to permanency by December 31, 2014, and the second with 75 percent exiting to permanency by December 31, 2015. The final target is set at 80 percent by June 30, 2016.

In the July 2014 data submission for the period covering April 2013 to March 2014, DHS identified a total of 134 legally free youth in this cohort who turned 16 years of age between April 1, 2011 and March 30, 2012. DHS reported that 36 youth (26.9 percent) exited to permanency including:

- Two who were reunified with their families
- Twenty-three who were adopted
- Ten who exited through guardianship
- One youth who exited through custody to a relative

Of the 134 youth in the cohort, 81 (60 percent) aged out of foster care without a permanent family and 17 (12.7 percent) remained in care on the last day of the reporting period.

Table 7: Permanency Metric, Baseline, Target, and Performance for Metric 6.4

Permanency Metric	Baseline	Target	This Report Period	Performance Trend
6.4: Among legally free foster youth who turned 16 in the period 24 to 36 months prior to the report date the percent that: exited to permanency by age 18; stayed in foster care after age 18; and, exited without permanency by age 18.	30.43% (July '09- June '10)	50.0% by 12/31/14 75.0% by 12/31/15 80.0% by 6/30/16	26.9%	- 3.63%

With the most recent reported performance at 26.9 percent, DHS' performance has declined from its baseline of 30.4 percent. DHS' last reported permanency data, presented in January 2014, showed an even steeper decline away from the baseline with only 20.7 percent of that period's cohort exiting to permanency. While DHS has shown an increase between the two reporting periods, going from 20.7 to 26.9 percent, DHS' performance remains below its own baseline performance.

Adoption Permanency, Metric 6.5, 6.6, and 6.7

The remaining permanency metrics (6.5, 6.6, and 6.7) measure how well DHS: achieves timely adoptions for all legally free children; avoids pre-adoption disruptions; and avoids post-adoption finalization dissolutions. The final Target Outcomes for each of these metrics, all of which are set for June 30, 2016, are outlined in Table 8 below.

Table 8: Permanency Metric, Baseline, Target, and Performance for Metrics 6.5, 6.6, and 6.7

Permanency Metric	Baseline	Target	This Report Period	Performance Against Baseline
6.5: Of children who became legally free in the 12 months before the report period, the percent who were discharged from foster care to a finalized adoption in less than 12 months from the date of becoming legally free.	54.3%	75.0%	55.6%	1.3%
6.6: Percent of adoptions that did not disrupt over a 12-month period, of all trial adoptive placements during the previous 12-month period.	97.1%	97.3%	96.6%	-0.5%
6.7: Percent of children whose adoption was finalized over a 24-month period who did not experience dissolution within 24 months of finalization.	99.0%	99.0%	99.7%	0.7%

Metric 6.5 measures the timeliness to adoption for children who became legally free for adoption in the 12 months prior to the reporting period. The baseline for this metric was established at 54.3 percent with the performance target set at 75.0 percent. DHS' performance during the period put them slightly above the baseline at 55.6 percent, but performance declined from the previous period when 60.9 percent of children who became legally free in the 12 months during the report period were adopted within 12 months of becoming legally free.

Metric 6.6 measures the percentage of adoptions that do not disrupt over a 12-month period, of all trial adoption placements during the previous 12-month period. The baseline for this metric was set at 97.1 percent and the performance target was set at 97.3 percent. DHS'

performance was essentially flat during the period, with performance at 96.6 percent, less than one percent below the baseline.

Metric 6.7 measures the percentage of children who achieved permanency through adoption over a 24-month period and who did not experience adoption dissolution within 24 months of finalization. The baseline for this metric was established at 99.0 percent and the performance target was set at 99.0 percent. During the reporting period DHS exceeded the target, with performance at 99.7 percent.

It will be difficult for DHS to make substantial and sustained progress toward achieving the permanency outcomes until it first makes substantial and sustained progress in reducing caseloads and increasing its pool of safe and diverse placements as these performance areas are foundational components to improved permanency outcomes.

Appendix A: Metric Plan Baselines and Targets (Updated October 2014)

Oklahoma Department of Human Services Compromise and Settlement Agreement in D.G. v. Henry

Under Section 2.10(f) of the CSA, the Co-Neutrals shall issue Baseline and Target Outcomes, which shall not be subject to further review by either party but may at the discretion of the Co-Neutrals, after providing the parties an opportunity to comment, be revised by the Co-Neutrals. These Baselines and Target Outcomes are currently in effect.

1. MALTREATMENT IN CARE (MIC)			
Metric	Reporting Frequency	Baseline	Target
1.A: Of all children in foster care during the reporting period, what percent were not victims of substantiated or indicated maltreatment by a foster parent or facility staff member in a 12 month period.	Semi-Annually, in the January and July monthly reports	98.73% (April 2013 – March 2014)	99.68%
1.A (2): Number of children in the legal custody of OKDHS, found to have been maltreated by a resource caregiver over the 12 month period.	Monthly	N/A	N/A
1.B: Of all children in legal custody of OKDHS during the reporting period, what number and percent were not victims of substantiated or indicated maltreatment by a parent and what number were victims.	Semi-Annually, in the January and July monthly reports	98.56% (Oct 2011 – Sept 2012)	99.00%
1.B (2): Number of children in the legal custody of OKDHS, found to have been maltreated by a parent over the 12 month period.	Monthly	N/A	N/A

2. FOSTER AND THERAPEUTIC FOSTER CARE (TFC) HOMES			
Metric	Reporting Frequency	Target SFY 14*	Target SFY 15*
2.A: Number of new foster homes (non-therapeutic, non-kinship) approved for the reporting period.**	Monthly	1,197 (July 1, 2013 Baseline: 1,693)	904 (July 1, 2014 Baseline: 1,958)
Net gain/loss in foster homes (non-therapeutic, non-kinship) for the reporting period***	Semi-Annually, in the January and July monthly reports	615	356
2.B: Number of new therapeutic foster homes (TFC) reported by OKDHS as licensed during the reporting period.	Monthly	150 (July 1, 2013 Baseline: 530)	150 (July 1, 2014 Baseline: 473)

* By May 30 of each year, DHS shall conduct annual trend analysis to set annual targets for foster and TFC homes needed to meet the needs children in and entering care.

** DHS and the Co-Neutrals established criteria for counting new non-kin foster and TFC homes toward the annual targets set under 2.A and 2.B.

*** DHS and the Co-Neutrals established a methodology for counting net gains/losses of non-kin foster and TFC homes.

3. CASEWORKER VISITS			
Metric	Reporting Frequency	Baseline	Target
3.1: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between caseworkers and children in foster care for at least 1 calendar month during the reporting period.	Monthly	95.5% (July 2011-June 2012)	95%
3.2: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between primary caseworkers and children in foster care for at least 1 calendar month during the reporting period.	Monthly	51.2% (July 2011-June 2012)	Final: 90% Interim – Last reported month of: FFY 2013 - 65% FFY 2014 - 70% FFY 2015 - 80% FFY 2016 – 90%
3.3(a): The percentage of children in care for at least three consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent three months, or for those children discharged from OKDHS legal custody during the reporting period, the three months prior to discharge. Phase One: for period Jan – Dec 2012	Semi-Annually, in the January and July monthly reports	Of 9,583 children in care more than 3 months, 5070 had 3 consecutive monthly visits by their primary worker = 53% (January - June 2013)	75%
3.3(b): Percentage of children in care for at least six consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent six months, or for those children discharged from OKDHS legal custody during the reporting period, the six months prior to discharge. Phase Two: for period Jan 2015 until the end of the Compromise and Settlement Agreement (CSA)	Semi-Annually, in the January and July monthly reports	Baseline data due by September 30, 2014 for period 1/1/13 – 6/30/14	Co-Neutrals will set target by 12/31/14 75%

4. PLACEMENT STABILITY			
Metric	Report Frequency	Baseline	Target – by June 30, 2016
4.1 (a): Percent of children in legal custody of OKDHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 8 days but less than 12 months, the percentage that had two or fewer placement settings.	Semi-Annually, in the January and July monthly report -same for all placement stability metrics	70% (Oct 2011 – Sept 2012)	88%
4.1(b): Percent of children in legal custody of OKDHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 12 months but less than 24 months, the percentage that had two or fewer placements.	Same	50% (Oct 2011 – Sept 2012)	68%
4.1(c): Percent of children in legal custody of OKDHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 24 months, the percentage that had two or fewer placement settings.	Same	23% (Oct 2011 – Sept 2012)	42%
4.2: Of those children served in foster care for more than 12 months, the percent of children who experienced two or fewer placement settings <i>after</i> their first 12 months in care.	Same	74% (Apr 2012 – Mar 2013)	88%
4.3: Of all moves from one placement to another in the reporting period, the percent in which the new placement constitutes progression toward permanency. (Note: the Co-Neutrals have suspended this metric.)	N/A	N/A	N/A

5. SHELTER USE			
Metric	Report Frequency	Baseline (January-June 2012)	Target
5.1: The number of child-nights during the past six months involving children under age 2 years.	Monthly Analysis of usage every 6 months – same for all shelter metrics	2,923 child-nights	0 by 12/31/12
5.2: The number of child-nights during the past six months involving children age 2 years to 5 years.	Same	8,853 child-nights	0 by 6/30/13
5.3: The number of child-nights during the past six months involving children age 6 years to 12 years.	Same	20,147 child-nights	0 for children 6-7 by 7/1/14 0 for children 8-9 by 10/1/14 0 for children 10-12 by 1/1/15 unless in a sibling group of 3 or more 0 for children 10-12 by 4/1/15 unless with a sibling group of 4 or more
5.4: The number of child-nights during the past six months involving children age children 13 years or older.	Same	20,635 child-nights	Interim Target by 6/30/15 # child-nights: 13,200 80% of children 13+ in shelters will meet Pinnacle Plan (PP) Point 1.17 rules* Final Target by 6/30/16 # child-nights: 8,850 90% of children 13+ in shelters will meet PP Point 1.17 rules

* Pinnacle Plan Point 1.17: “By June 30, 2014, children ages 13 years of age and older may be placed in a shelter, only if a family-like setting is unavailable to meet their needs. Children shall not be placed in a shelter more than one time within a 12-month period and for no more than 30 days in any 12-month period. Exceptions must be rare and must be approved by the deputy director for the respective region, documented in the child’s case file, reported to the division director no later than the following business day, and reported to the OKDHS Director and the Co-Neutrals monthly.

6. PERMANENCY			
Metric	Report Frequency	Baseline	Target
6.1: Of all children who were legally free but not living in an adoptive placement as of January 10, 2014 ²⁸ , the number of children who have achieved permanency.	Semi-Annually, in the January and July monthly reports - same for all permanency metrics	Jan 10, 2014 Cohort 292 children	90% of children ages 12 and under on Jan 10, 2014 will achieve permanency 80% of children ages 13 and older on Jan 10, 2014 will achieve permanency
6.2(a): The number and percent of children who entered foster care 12-18 months prior to the end of the reporting period who reach permanency within one year of removal, by type of permanency.	Same	Total = 35% Reunification = 31.4% Adoption = 1.6% Guardianship = 2%	Total = 55%
6.2(b): The number and percent of children who entered their 12 th month in foster care between 12-18 months prior to the end of the reporting period who reach permanency within two years of removal, by type of permanency.	Same	Total = 43.9% Reunification = 22.3% Adoption = 18.9% Guardianship = 2.7%	Total = 75%
6.2(c): The number and percent of children who entered their 24 th month in foster care between 12-18 months prior to end of reporting period who reach permanency within three years of removal, by type of permanency.	Same	Data due: 9/30/13 Total = 48.5% Reunification = 13.0% Adoption = 32.7% Guardianship = 2.9%	Total = 70%
6.2(d): The number and percent of children who entered their 36 th month in foster care between 12-18 months, prior to the end of the reporting period who reach permanency within four years of removal.	Same	Total = 46.6% Reunification = 8.8% Adoption = 37.3% Guardianship = .4%	Total = 55%

²⁸ The legally free cohort for Metric 6.1 was to be set originally on March 7, 2013, the date the Metrics Plan was finalized, but due to since-corrected data challenges the cohort was established for January 10, 2014.

6. PERMENACY			
Metric	Report Frequency	Baseline	Target
6.3 Of all children discharged from foster care in the 12 month period prior to the reporting period, the percentage of children who re-enter foster care during the 12 months following discharge.	Same	10/3% Discharged year ending 9/30/11 re-entered as of 9/30/12	8/2%
6.4: Among legally free foster youth who turned 16 in the period 24 to 36 months prior to the report date, the percent that exited to permanency by age 18; stayed in foster care after age 18, and exited without permanency by age 18.	Same	30.43% (July 2009-June 2010)	50% by 12/31/14 75% by 12/31/15 80% by 6/30/16
6.5: Of all children who became legally free for adoption in the 12 month period prior to the year of the reporting period, the percentage who were discharged from foster care to a finalized adoption in less than 12 months from the date of becoming legally free.	Same	54.3% (Oct 2011-Sept 2012)	75% by June 30, 2016
6.6: The percent of adoptions that did not disrupt over a 12 month period, of all trial adoptive placements during the previous 12 month period.	Same	97.1% (Apr 2008-Mar 2010)	97.3%
6.7: The percent of children whose adoption was finalized over a 24 month period who did not experience dissolution within 24 months of finalization.	Same	99%	99%

7. CASELOADS				
Metric	Report Frequency	Standard	Baseline	Target
Supervisors	Quarterly, every Jan, April, July and Oct – same for all caseloads	1:5 ratio	58.8% (as of June 30, 2014)	90% meet standard by June 30, 2014
Child Protective Services (CPS)	Same	12 open investigations or assessments	Same Baseline for All Case Carrying Workers: 27% - <i>meet standard</i> 8% - <i>1-20% above standard</i> 65% - <i>21%+ above standard</i>	Same Interim Target for All Case Carrying Workers – by Dec 31, 2013: 45% - <i>meet standard</i> 30% - <i>1-20% above standard</i> 25% - <i>21%+ above standard</i> Final Target: 90% of all workers meet their standard by June 30, 2014
OCA (Office of Client Advocacy)	Same	12 open investigations		
Family Centered Services (FCS)	Same	8 families		
Permanency	Same	15 children		
Foster Care	Same	22 families		
Adoption	Same	8 families & 8 children		

Appendix B: Criteria for Counting New Non-Kin Foster and TFC Homes, SFY 2015

Foster Homes (Non-Therapeutic, Non-Kin)

Definition: non-therapeutic, non-kin foster homes include state and contracted foster homes.

Count

1. A home certified for the first time as a foster home. This includes homes certified at the same time to be both an adoptive and foster home.
2. A home newly certified as a foster home if the home is already approved as an adoptive home.
3. A home reopened or recertified as a foster home as long as the home has been closed as a foster home for more than twelve months.
4. A home certified as a kinship home that is then reassessed and/or certified as a traditional foster home resource open for non-kinship placements. OKDHS must be able to identify these converted or dually certified homes in its reporting if the home existed as a kinship home within the last 12 months.

Do Not Count

1. Any home or family already open or certified as a foster home.
2. Any home certified as a foster home open to kinship placements only.
3. Any certified foster home closed within the previous twelve months.
4. Any home opened as a new resource that is established as a “poor prognosis foster home.” In addition, any home categorized or considered as unavailable because it is held for the placement of any specific subset of foster children to the exclusion of any children in DHS custody.²⁹

Therapeutic Foster Care (TFC) Homes

Count

1. A home certified for the first time as a therapeutic foster care home and does not already exist as a certified traditional foster home.

Do Not Count

1. Any certified TFC home that closed in the previous twelve months.
2. Any newly certified TFC that already exists as a certified traditional foster home.

²⁹ Revised September 5, 2014 to include this (4.) criterion to the types of non-kin foster homes that do not count.

Appendix C: Caseworker and Supervisor Workload Methodology

The Compromise and Settlement Agreement (CSA) establishes that DHS will commit to specific strategies and performance standards, as outlined in the Pinnacle Plan, to improve caseloads as well as specific Target Outcomes as outlined in the March 7, 2103 Metrics, Baselines and Targets plan (“Metrics Plan”). This document outlines the methodology DHS and the Co-Neutrals established to measure DHS progress toward meeting the agreed upon outcomes and standards for both caseworker and supervisor workloads and incorporates information from numerous iterative communications and agreements between DHS and the Co-Neutrals.

Performance Standards

The performance standards for caseworker and supervisor workloads are established in the Pinnacle Plan and the Metrics Plan as follows:

Role	Standards	Weight Per Case
CPS	12 Open Investigations or Assessments	0.0833
OCA	12 Open Investigations	0.0833
Family Centered Services	8 Families	0.125
Permanency Planning	15 Children	0.0667
Resource	22 Families*	0.0455
Adoption	8 Families & 8 Children	0.0625
Supervisors	1 Supervisor Dedicated to 5 Workers	0.2 per worker

*The resource family standard may be revised subject to the approval of the Co-Neutrals if staff are responsible for completing assessments.

Performance Targets

DHS committed to the following interim and final targets for both caseworker and supervisor workloads.

By December 31, 2013, for all caseload carrying staff and supervisors:

- 45% meet standards
- 30% have workloads that are 1-20% above standards
- 25% have workloads that are 21% or more above standards

By June 30, 2014³⁰, for all caseload carrying staff and supervisors:

- 90% meet standards

³⁰ DHS submitted a revised workload analysis to the Co-Neutrals on April 11, 2014, stating that DHS would need to hire a total of 1,388 new caseworkers between April 1st, 2014 and March 31st, 2015 (116 per month) in order to reach by June 30, 2015 the target of 90% of caseworkers meeting the workload standards.

Methodology for Caseworker Workloads

The parties agreed to a simple principle – all work counts. The caseload counting process is straightforward for staff who are assigned 100% of the time to a single role and who work full-time at that role (1.0 full-time equivalent or FTE). Caseload rates are pro-rated for staff who work less than full-time. Caseload rates for staff who spend part-time in caseload carrying or supervisor functions and part-time in other functions are analyzed as if they are part-time staff and their caseloads pro-rated accordingly.

Staff who carry “mixed” caseloads carry more than one type of case. Using the above-noted standards set forth in the Pinnacle Plan, each individual case is assigned a weight and then the weights are added up in order to determine a worker’s caseload.

For example a worker carrying 13 pending investigations would have 108% of a caseload ($13 \times .083333 = 1.083333$) and would be over the caseload standard. While a worker carrying 6 CPS cases and 3 FCS cases would have 88% of a caseload -- ($6 \times .083 = .5$) + ($3 \times 0.125 = .38$) = .88 -- and would meet, or be under, the standard.

Any caseworker who is not assigned cases will be excluded from the caseworker workload calculation.

Office of Child Advocacy CPS Investigators and Private Agency Foster Care Workers

DHS will include in its quarterly caseload reporting, the caseloads for OCA investigators and foster care workers in all the supported foster care contract agencies. The detailed caseload data for OCA and the private agencies will be reported separately from DHS’ child welfare workers.

Secondary Case Assignments

As discussed and verified by the Co-Neutrals, DHS uses secondary assignments for a broad range of purposes: from minor tasks such as providing a worker access to an assigned case record in order to complete administrative tasks to major tasks such as the regular visitation of children in care and/or the regular visitation of the parents from whom children were removed, as well as assuming the lead role in a CPS investigation.

From the inception of its caseload counting and reporting under the CSA, DHS has counted any child for whom a permanency worker has a secondary assignment and is also assigned responsibility to the child. The child would also count in the number of children assigned to the worker with the primary assignment.

Under separate communications, DHS and the Co-Neutrals have agreed to a revised schedule for DHS to meet its commitment in the Pinnacle Plan to end the use of secondary assignments (see memo dated June 16, 2014 from the Co-Neutrals to Directors Lake and Smith).

While DHS continues to employ secondary assignments, DHS will count in its caseload and workload calculations for all types of workers and supervisors, any secondary assignment that involves the regular or routine responsibility of working with a child, a parent or the family unit to help achieve permanency for a child or to ensure the safety of a child through a CPS investigation. This does cause some children and cases to be double counted, but does give credit for this work as required.

Pending work

DHS represents that the majority of the pending cases reflected in its detailed worker caseload data only require administrative updates for closure. The Co-Neutrals have allowed DHS a grace period to resolve pending cases, with DHS beginning to incorporate any remaining or new pending cases in its January 2015 caseload calculations.

Other assigned work

Based on the information DHS has presented, “other assigned work” will not count in the caseload calculations.

Graduated Caseload Assignments

In the Pinnacle Plan, DHS committed to a strategy of supporting new caseworkers, reducing turnover and thereby reducing overall caseloads by assigning graduated caseloads to new workers as their time demonstrating successful casework increases and their commensurate skills grow. The Pinnacle Plan outlined and the Co-Neutrals approved graduated assignments for new caseworkers as follows:

- 25 percent of caseload standard upon successful completion of CORE training and the comprehensive skills test;
- 50 percent after six months of successful work; and
- 100 percent after nine months of successful work.

Quarterly, DHS will report to the Co-Neutrals separate caseload data on the implementation of this strategy, showing the caseloads for staff who should be working with a graduated caseload based on the date of their successful completion of HOT testing. DHS will not incorporate graduated caseloads into the caseload performance calculations that DHS also reports quarterly in its monthly data reports for the Co-Neutrals and the public.

Child Welfare Field Training Program (CWSIII Mentors)

As of mid-June 2014, DHS reported it was in the early stages of piloting the field training program and had not determined the preferred or best approach to implementing this initiative. DHS is still planning to implement this strategy to support new workers, help reduce turnover and thereby reduce caseloads generally. However, DHS is not required to incorporate either a fixed or variable caseload calculation into its quarterly-reported caseload performance data to reflect this initiative.

Hiring and Turnover

DHS will report monthly to the Co-Neutrals data on the number of new caseworkers hired each month and will report quarterly data on caseworker turnover. This data will distinguish those workers who are in positions designated to carry a caseload.

DHS is clear that the preferred practice and goal is to have supervisors supervise staff and not to have supervisors supervise and carry cases directly. However, because of existing challenges, there are a significant number of supervisors who both supervise staff and carry cases themselves. As a result, DHS uses a “hybrid methodology” for supervisor workloads that incorporates both supervising responsibilities and caseload carrying responsibilities by the same individual.³¹ The following are the parameters for the supervisor workload hybrid methodology:

1. As set forth in the Pinnacle Plan, supervisors shall supervise up to five staff.
2. Supervisor workload reporting will include all supervisors who supervise staff in positions designated to carry a caseload. Supervisors who are not supervising staff in positions designated to carry a caseload are not included in the reporting.
3. In calculating cases assigned to supervisors, there are two types of assignments made to supervisors:
 - a. “Re-assignments:” Assignments made to supervisors only for the purpose of having that supervisor re-assign that case to a worker. In these instances, such re-assignment work by the supervisor is part of supervision and the supervisor is not responsible for any of the activities (investigations, visits, etc.) that would be the work of the caseworker. DHS assures the Co-Neutrals that such re-assignments are quickly resolved.

³¹ In January 2015, the Co-Neutrals will review the necessity of continuing the hybrid methodology for supervisor reporting as DHS’ system and workforce stabilize.

- b. “Direct assignments:” Assignments made to supervisors for the purpose of having the supervisor do the casework directly. It is this type of assignments that DHS expects to eliminate as the system stabilizes.
- 4. The Co-Neutrals understand from OKDHS that it is not possible given current system capacity to distinguish between these two types of assignments in the data system. Caseloads by supervisors must currently be counted as “point-in-time,” meaning they are a snapshot of all activity in the moment the data is extracted and so both types of assignments are captured. As a proxy for re-assignments, DHS and the Co-Neutrals agreed that two assignments of any type not be weighted in assessing supervisor caseloads³².
- 5. However, if a supervisor has more than two assignments, every assignment over two will be weighted as a direct, caseload-carrying case. We want to re-state the principle that all work counts and each case, whether it is carried by a supervisor or by a worker, has the same weight. Those case weights are the same for caseworker cases, set forth in Pinnacle Plan and noted above under *Performance Standards*.
- 6. When assessing whether a supervisor who is both carrying cases (with over 2 assignments) and supervising is compliant with the caseload standards, the hybrid methodology takes into account both the weights of the cases and the weight of each person supervised.
- 7. In assessing the “hybrid” supervisors, they can be divided into two basic categories:
 - a. Supervisors who are already supervising 5 (or more) staff AND have more than two assignments. For this group of supervisors, any assignment over two places them out of compliance.
 - b. Supervisors who have fewer than 5 staff assigned to them. Until their roster of 5 staff is filled, during this interim period while the system is stabilizing, these supervisors can carry more than two assignments directly without being out of compliance with the caseload standards.
 - i. Note that any supervisor with fewer than five workers AND no more than two assignments is compliant for the purposes of this methodology.

³² The Co-Neutrals grant this proxy of not counting two assigned cases on a supervisor’s workload on a temporary basis, acknowledging the existing system limitations, pending re-review of the hybrid methodology in January 2015.

- ii. If a supervisor has fewer than five workers BUT more than two assignments, those additional assignments have to be weighted.

1. If the supervisor is carrying only one type of case, based on the case weights above, the supervisor can carry the following:

Caseload Type	If sup has only 4 caseworkers, they can carry an additional:	If sup has only 3 caseworkers, they can carry an additional:	If the sup has only 2 caseworkers, they can carry an additional:	If the sup has only 1 caseworkers, they can carry an additional:
Child Protective Services	2	5	7	10
<i>OR</i>				
Family Centered Services	2	3	5	6
<i>OR</i>				
Permanency Planning	3	6	9	12
<i>OR</i>				
Resource Worker	4	9	13	18
<i>OR</i>				
Adoption Worker	3	6	10	13

2. In the rare event that one of these supervisors is carrying more than one type of case, add up the worker weights plus the assignment weights over two. Begin with the number of workers assigned to the supervisor. Each worker assigned to that supervisor, given the 1:5 ratio, is assigned a weight of 0.2 as set forth in the last row of the table above. A supervisor with only four workers assigned has a weight of $0.2 \times 4 = 0.8$. A supervisor with only three workers assigned has a weight of $0.2 \times 3 = 0.6$. And so on for supervisors with only two ($=0.4$) or one worker ($=0.2$) assigned. Then add the weight for each type and number of case above.
- If the total weight is 1.01 or less, the worker meets standards.
 - If the total weight is more than 1.01, the supervisor has not met standards.

Examples:

Supervisor A	4 caseworkers	2 assignments	1 investigation	1 FCS	Total	<i>Met Standards?</i>
	0.80	0.0	0.083	0.125	1.008	Yes
Supervisor B	4 caseworkers	2 assignments	2 permanency planning	2 adoptions	Total	<i>Met Standards?</i>
	0.80	0.0	0.133	0.125	1.058	No

8. For supervisor workloads, DHS will include all units in its supervisor workload analysis and verify its data before it is reported to ensure it reflects the most up to date information, including recent promotions or changes of supervisors, as well as supervisor vacancies that extend beyond temporary, short-term absences (e.g., vacations) that are routinely covered by a district/field manager.

Appendix D: Shelter Incident Reports

The following is a list of scenes extracted from 106 incident reports the Co-Neutrals reviewed from the two Oklahoma state-operated shelters: Pauline E. Mayer located in Oklahoma City and Laura Dester, located in Tulsa. The incident reports are written by shelter staff and DHS caseworkers when a child needs any type of medical attention (e.g., a Band-Aid) or there has been some minor or major altercation or behavioral incident. In addition, while many of the incident reports note that staff try to talk to or redirect the children, the consequences are often time-outs, restraints and loss of privileges – even for very young children. These punitive practices seem more readily accessed for children than any therapeutic help or support.

Incidents where punitive restrictions are placed on children:

- Children (under age 12; exact ages not noted in report) are lined up and told who is allowed to go to the computer lab and who isn't based on restrictions. One of the boys who wasn't allowed turned over a chair, got mad and got another "three days restriction."
- Older boy (but not older than 11 years old; report not specific) thinks another boy has his "toy" so comes out of room and hits him. Result is "three days restriction" for "assault on a peer."
- A child is bouncing a ball in the common area and told it is not allowed. Child continues and gets the ball taken away and a time out. Child runs into the restriction room. Report noted "out of bounds/defiance."
- A teenage girl wakes up early and asks if she can get out of her bed at 6 a.m. and is "asked to get back in her bed." Girl begins to kick her and the one next to her and is given a time out, a 45-second hold and then a two-minute hold.
- A teenage girl is crying on the dining room floor and says she wants to go back to her room. Told not allowed until after lunch so screams and throws her shoes. Punishment is "1 day restriction for defiance."
- A teenage boy sent to bed at 9:35 p.m. and doesn't want to go. Is "disrespecting and cussing" staff and gets 24 hours of restriction.
- A brother hits his sister with shoes and gets "3 days [restriction for] assault."

Incidents in which higher-level medical and therapeutic care is needed but no expertise seems readily available on site:

- Two little boys who are brothers, ages three and five, got a call from their mother and are so upset afterwards that they start to “turn their [toddler] beds over.”
- A four year old bangs his head against floor saying he wants to kill himself.
- A six year old has a hard time leaving the playground and tells staff he wants to “kill himself”; report notes it takes 3 adults to force him into his car seat; the same boy melts down later that night because he knows he is not allowed to go on an elementary age child outing because of his behavior.
- An eight year old child on a van heading back to the shelter from McDonald’s is so upset about not getting a soda that he hits his head against the van and gives himself a nose bleed.
- An eight year old goes “beserk” and has to be put in a hold.
- A wheel-chair bound girl had a feeding tube that came out of her stomach who had to be brought to the ER because no medical staff were on site.
- Severely disabled 17 year old is asked to turn down his music so throws chair and starts hitting head against wall.
- An extremely developmentally delayed 15 year old “continuously out of area” storms through shelter when she can’t stay in offices. At one point, “lock down” is suggested for her.
- A 17 year old with extreme developmental problems who has been in the shelter for nearly a year takes a pair of scissors and threatens to cut staff and children.

Appendix E: In-Home and Out of Home Investigations Past Due

In-Home Investigations Past Due DAYS PAST DUE						
REGION/COUNTY	81-90	91-120	121-160	161-180	Over 180	Total
OTHER	4	11	13	7	104	139
STATE OFFICE	4	11	13	7	104	139
REGION 1	155	84	64	32	25	360
BECKHAM	5			1		6
BLAINE	5		9	3	2	19
CANADIAN	14	8	5	1	1	29
CUSTER	17	10	7	6	6	46
GARFIELD	27	20	24	16	11	98
KAY	22	10	6			38
KINGFISHER	5	4	1			10
MAJOR	2					2
NOBLE	10	4	4		1	19
OSAGE	14	4		1		19
PAWNEE	13	10	2	2	1	28
PAYNE	5	4	4		2	15
TEXAS	7		1	1	1	10
WASHITA		1				1
WOODS	5	5		1		11
WOODWARD	4	4	1			9
REGION 2	119	57	68	35	18	297
CADDO	1	1				2
CARTER	36	18	11	4	3	72
CLEVELAND 14A	5	3	5	6	4	23
CLEVELAND 14C	31	24	37	19	8	119
COMANCHE		1			1	2
GRADY	3					3
GREER	1					1
JACKSON	2					2
KIOWA	5					5
LINCOLN	22	8	10	4		44
MARSHALL			1	1	1	3
MURRAY	1					1
POTTAWATOMIE	12	2	4	1	1	20
REGION 3	94	20	11	8	26	159
OKLAHOMA 55A					1	1
OKLAHOMA 55B	4					4
OKLAHOMA 55D	64	16	5	4	20	109
OKLAHOMA 55F	14	3	6	3	3	29
OKLAHOMA 55I					1	1
OKLAHOMA 55L	12	1		1	1	15
REGION 4	41	13	3	4	12	73

ADAIR	2	3	1	1		7
ATOKA		1				1
BRYAN	1				1	2
CHEROKEE	1	2	1			4
CREEK	1	2				3
LEFLORE				1	1	2
MCCURTAIN	9	1				10
MCINTOSH				1	1	2
MUSKOGEE	13	1			2	16
OKFUSKEE			1		2	3
PITTSBURG				1	1	2
PONTOTOC	2	1				3
SEMINOLE		1			1	2
SEQUOYAH	11				3	14
WAGONER	1	1				2
REGION 5	86	42	12	7	23	170
CRAIG	4				1	5
DELAWARE	2				1	3
MAYES	11	15		2		28
ROGERS	18	9			1	28
TULSA 72D	1					1
TULSA 72G	46	17	12	3	14	92
WASHINGTON	4	1		2	6	13
Total	499	227	171	93	208	1198

Out-of-Home Investigations Past Due DAYS PAST DUE							
REGION/COUNTY	31-60	61-90	91-120	121-150	151-180	Over 180	Total
OTHER						1	1
STATE OFFICE						1	1
REGION 1	9	4					13
CANADIAN	2						2
GARFIELD		2					2
KAY		1					1
KINGFISHER	1						1
NOBLE	1						1
OSAGE	3						3
PAWNEE	1						1
PAYNE		1					1
WASHITA	1						1
REGION 2	6	2	2		1		11
CARTER	1						1
CLEVELAND 14C	1	2	1		1		5
GREER	1						1
KIOWA	1						1
LINCOLN	1						1
POTTAWATOMIE	1		1				2
REGION 3	5						5
OKLAHOMA 55L	5						5
REGION 4	9					1	10
ADAIR						1	1
CHEROKEE	1						1
CREEK	1						1
MUSKOGEE	2						2
PUSHMATAHA	1						1
SEQUOYAH	3						3
WAGONER	1						1
REGION 5	11	1	2	1		1	16
MAYES	1						1
NOWATA			1				1
ROGERS	2	1		1			4
TULSA 72G	8		1			1	10
Total	40	7	4	1	1	3	56

Glossary 1: Acronyms

CPS	Child Protective Services
CSA	Compromise and Settlement Agreement
CWS ³³	Child Welfare Specialist
CQI	Department of Human Services Continuous Quality Improvement
DHS	Oklahoma Department of Human Services
FFY	Federal Fiscal Year
LD	Laura Dester Shelter (state-operated)
MIC	Maltreatment in Care
NCANDS	National Child Abuse and Neglect Data System
OCA	Department of Human Services Office of Client Advocacy
PEM	Pauline E. Mayer Shelter (state-operated)
RFP	Request for Proposals
RFP	Resource Family Placement
SFY	State Fiscal Year
TFC	Therapeutic foster care

³³ CWS additionally is the acronym for Child Welfare Services – the agency within DHS that is charged with improving the safety, permanence and well-being of children and families involved in the Child Welfare system.