

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

DEC 23 P 3:26

JUAN F., et al.

Plaintiffs

v.

JOHN G. ROWLAND, et al.

Defendants

CIVIL NO. H-89-859 (AHN)

December 23, 2003

ORDER

Juan F. v Rowland Order No. 447 dated October 7, 2003 required the Monitor to develop a definitive exit plan with specific outcomes. I have shared two drafts of the plan with the Plaintiffs and the Defendants and sought the input of my Advisory Board, which consists of 20 members. In addition, I have discussed each measure with the Plaintiffs and Defendants at length. The October 7, 2003 Order provided that: "The Monitor's final decision on the outcome measures, standards and Exit Plan shall be binding on the parties." Many of the comments and suggestions offered were inconsistent with one another or in opposition to others. It was not possible or prudent to adopt all the comments of all the parties. However, the majority of the comments have been incorporated. There can be doubt that I have provided the parties a "meaningful opportunity for comment". The attached Exit Plan is my final decision, and I respectfully ask that you ADOPT AND SO ORDER it.

D. Ray Sirry
Juan F. Court Monitor

ADOPTED AND SO ORDERED:

The Honorable Alan H. Nevas
Senior United States District Court Judge

DATE: 12/23/03

Juan F. v Rowland
Exit Plan

Civil Action No. H-89-859 (AHN)

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Introduction

1. The Monitor reserves the rights, authorities and responsibilities granted in the Monitoring Order of December 1, 1992 as modified, and all the rights, authorities and responsibilities granted in the October 7, 2003 Stipulation and Order (No. 447) all of which are incorporated in this Exit Plan by reference.
2. The Monitor reserves the right to modify the measurement procedures to be used to determine and sustain compliance with any outcome measure herein until July 1, 2004 after which time, there shall be no changes except as may be ordered by the Court. LINK and other reporting options will be finalized during this period.
3. The *Juan F.* class is:
 - A. All children who are now, or will be, in the care, custody, or supervision of the Commissioner of the Department of Children and Youth Services as a result of being abused, neglected or abandoned or being found at risk of such maltreatment; and
 - B. All children about whom the Department knows, or should know by virtue of a report to the Department, who are now, or will be, abused, neglected or abandoned, or who are now, or will be, at serious risk of such maltreatment.
4. The United States District Court for the District of Connecticut retains continuing jurisdiction over this action until the Court terminates such jurisdiction.
5. The Defendants must be in compliance with all of the outcome measures, and in sustained compliance with all of the outcome measures for at least two quarters (six months) prior to asserting compliance and shall maintain compliance through any decision to terminate jurisdiction. The Court Monitor shall then conduct a review of a statistically significant valid sample of cases files at 96% confidence level, and such other measurements as are necessary, to determine whether Defendants are in compliance. The Court Monitor shall then present findings and recommendations to the District Court. The parties shall have a meaningful opportunity to be heard by the Court Monitor before rendering his findings and recommendations.
6. This Exit Plan delineates specific outcome measures whose achievement are a prerequisite for termination the Court's jurisdiction over this action. Specific definitions, guidelines, interpretations and measurement methodology are listed for each outcome measure. The only enforceable measurements are the actual outcome measure that are bolded and placed in text boxes.

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7. The Defendants shall provide funding and other resources necessary to fully implement the Exit Plan.

Outcome Measure 1: Commencement of Investigation

DCF shall assure that at least 90% of all reports of children alleged to be abused, or neglected, shall be prioritized, assigned and the investigation shall commence within the timeframes specified below.

If the report of child abuse or neglect is determined by the DCF Hotline to be...

A. A situation in which failure to respond immediately could result in the death of, or serious injury to a child, then the response time for commencing an investigation is the same calendar day Hotline accepts the report.

B. A non-life threatening situation that is severe enough to warrant a 24 hour response to secure the safety of the child and to access the appropriate and available witnesses, then the response time for commencing an investigation is 24 hours.

C. A non-life threatening situation that, because of the age or condition of the child, the response time for commencing an investigation is 72 hours.

1. Definitions:

The "commencement of an investigation" occurs when the DCF investigator attempts to make face-to-face contact with the parent or person responsible for the child's care, and/or with the child(ren).

A "report of alleged abuse, neglect, or a child in danger of abuse or neglect" comes into existence when the DCF hotline accepts a complaint for investigation and designates a response time for the commencement of the investigation.

A report is "prioritized" by the DCF Hotline when it designates a response time of the same calendar day, 24, or 72 hours for the commencement of the investigation.

A report is "assigned" when the DCF area office designates an investigator to commence the investigation within the time frames specified in this outcome measure.

The Hotline shall determine the primary language of the family, if possible, so the case is assigned to an investigator who speaks that language, or DCF shall secure an interpreter to accompany the investigator.

2. Measurement Procedure to be used by Monitor:

A. The Monitor shall determine if this outcome has been achieved through LINK quarterly reports. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.

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- B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this outcome measure.

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Outcome Measure 2: Completion of the Investigation

At least 85% of all reports of alleged child maltreatment accepted by the DCF Hotline shall have their investigations completed within 45 calendar days of acceptance by the Hotline.

1. Definitions:

The completion of the investigation occurs when the investigator has interviewed each family member, including the parents, other adults and all children in the home as well as necessary collateral contacts and the investigator's DCF supervisor verifies the investigator's determination of substantiation or non-substantiation and the determination is entered in LINK.

Investigations shall be conducted by workers who speak the primary language of the family or the investigators shall be accompanied by an interpreter.

2. Measurement Procedure to be used by Monitor:

A. The Monitor shall determine if this outcome has been achieved through LINK quarterly reports. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.

B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this outcome measure.

Outcome Measure 3: Treatment Plans

In at least 90% of the cases, except probate, interstate, voluntary and subsidy only cases, clinically appropriate individualized family and child specific treatment plans shall be developed in conjunction with parents, children, providers and others involved with the case and approved by a DCF supervisor within 60 days of case opening in a treatment unit, or a child's placement out-of-home, whichever comes sooner, and for each six (6) month period thereafter.

"Approved by the DCF supervisor," means the DCF supervisor verifies and confirms that the functions of a written treatment plan are developed and used to:

- A. Identify in a time limited and goal oriented format the problem areas, needs and proposed services to be provided to all children, parents, relatives and caretakers who are active participants in the case.**
- B. Document and describe reasonable efforts to prevent out-of-home placement of children.**
- C. Define mutual responsibilities and expectations of children, parents, caretakers and service providers toward reaching identified case goals.**
- D. Document and describe reasonable efforts to reunify children with their families in a timely manner.**
- E. Determine sibling and parental visitation schedule if siblings are not placed together.**

The individualized family and child specific treatment plans are the written working agreement between the child, family, caretakers if any, service provider (s) and DCF. The agreement describes and documents the child and/or family's service needs as well as what DCF, the family, and/or the child is required to do to achieve the goals of the plan. This includes all in-home and out-of-home cases except probate, interstate, voluntary and subsidy only cases.

Treatment plans shall be written in the primary language of the family and/or child. Treatment planning conferences shall be conducted in the primary language of the family and/or child.

1. Measurement to be used by the Monitor:

- A. DCF will randomly select 25 cases quarterly for a qualitative review, including unannounced attendance at the treatment planning conferences, to determine if this outcome measure is being achieved and to report on the barriers to meeting this measure.**

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- B. The Monitor's Office will randomly select 15 cases quarterly for a qualitative review, including unannounced attendance at the treatment planning conferences, to determine if this outcome measure is being achieved.

- C. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this outcome measure.

Outcome Measure 4: Search for Relatives

If a child(ren) must be removed from his/her home, DCF shall conduct and document a search for maternal and paternal relatives, extended formal or informal networks, friends of the child or family, former foster parents, or other persons known to the child. The search period shall extend through the first six (6) month administrative case review following removal from home. The search shall be conducted and documented in at least 85% of the cases.

1. Definitions:

Temporary placement with relatives to whom the child is emotionally attached and who can ensure the child's safety may be the most desirable arrangement.

Placement with a relative or non-relative caretaker with whom the child is familiar requires the completion of an assessment for a relative certification or special study license.

2. Measurements to be used by the Monitor:

- A. The Monitor shall determine if this outcome has been achieved through DCF quarterly outcome reports. DCF will report quarterly on the barriers to meeting this measure.

- B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 5: Repeat Maltreatment of In-Home Children

No more than 7% of the children who are victims of substantiated maltreatment during any six-month period shall be the substantiated victims of additional maltreatment during any subsequent six-month period. This outcome shall begin to be measured within the six-month period beginning March 1, 2004.

1. Measurements to be used by the Monitor:
 - A. The Monitor shall determine if this outcome has been achieved through a LINK six-month outcome report. DCF will report every six (6) months on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for one (1) six (6) month period and maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 6: Maltreatment of Children in Out-of-Home Care

No more than 2% of the children in out-of-home care on or after January 1, 2004 shall be the victims of substantiated maltreatment by substitute caregivers while in out-of-home care.

1. Definitions:

Maltreatment by parents or guardians while the child is in out-of-home care are not counted for the purpose of this measurement.

Regulatory violations are not considered substantiations, and shall be handled as specified in DCF policy.

2. Measurements to be used by the Monitor:

A. The Monitor shall determine if this outcome has been achieved through LINK quarterly outcome reports. DCF will report quarterly on the barriers to meeting this measure.

B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 7: Reunification

At least 60% of all children who are reunified with their parents or guardians shall be reunified within 12 months of their most recent removal from the child's home.

1. Measurements to be used by the Monitor:
 - A. DCF shall report quarterly on the number of children who are reunified, and what percentage of those were reunified within 12 months of the child's removal from his/her home. DCF will report quarterly on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

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Outcome Measure 8: Adoption

At least 32% of the children who are adopted shall have their adoptions finalized within 24 months of the child's most recent removal from his/her home.

1. Measurements to be used by the Monitor:
 - A. DCF shall report quarterly on the number of children who are adopted, and what percentage of those are adopted within 24 months of the child's removal from their home. DCF will report quarterly on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with the measure.

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Outcome Measure 9: Transfer of Guardianship

At least 70% of all children, whose custody is legally transferred, shall have their guardianship transferred within 24 months of the child's most recent removal from their home.

1. Measurements to be used by the Monitor:
 - A. DCF shall report quarterly on the number of children whose guardianship is legally transferred, and what percentage of those were legally transferred within 24 months of the child's removal from their home. DCF will report quarterly on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 10: Sibling Placement

At least 95% of the siblings entering out-of-home placement shall be placed together unless there are documented therapeutic reasons for separate placements.

1. Definitions:

Therapeutic reasons include such things but are not limited to situations where siblings are placed with multiple relatives, one (1) sibling requires hospitalization and others do not, where siblings were abused by another sibling, etc. The therapeutic reason the siblings must be placed apart shall be documented in LINK by the DCF supervisor.

2. Measurements to be used by the Monitor:

- A. DCF shall report quarterly on this outcome measure. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.
- B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure

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Outcome Measure 11: Re-Entry into DCF Custody

Of all children who enter DCF custody, seven (7)% or fewer shall have re-entered care within 12 months of the prior out-of-home placement.

1. Measurements to be used by the Monitor:
 - A. The Monitor shall determine if this outcome has been achieved through LINK quarterly reports. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 12: Multiple Placements

Beginning on January 1, 2004, at least 85% of the children in DCF custody shall experience no more than three (3) placements during a 12 month period.

1. Definitions:

This includes Safe Home placements but excludes respite, hospitalizations of less than seven (7) days, home visits, runaways or children sent to the Connecticut Juvenile Training School.

2. Measurements to be used by the Monitor:

- A. The Monitor shall determine if this outcome has been achieved through LINK quarterly reports. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.
- B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

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Outcome Measure 13: Foster Parent Training

Licensed DCF foster or pre-adoptive parents shall be offered 45 hours of post-licensing training within 18 months of initial licensure and at least 9 hours each subsequent year. This measure does not apply to relative, special study or independently licensed foster parents for whom 8 hours of pre-service training is required.

1. Definitions:

The Department will ensure that all modules requiring social worker attendance are attended by social workers. The Department will also hold training sessions near foster parents, offer daycare, night and weekend training sessions and other inducements to make it likely that foster parents can attend the training. Attendance at training will be a factor considered in licensure or re-licensure of foster parents.

Training shall be offered in the primary language of the foster parents.

2. Measurements to be used by the Monitor:

A. The Monitor shall determine if this outcome has been achieved through LINK quarterly reports. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.

B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

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Outcome Measure 14: Placement Within Licensed Capacity

At least 96% of all children placed in foster homes shall be in foster homes operating within their licensed capacity, except when necessary to accommodate sibling groups.

1. Definitions:

The placement of the sibling group must be the cause of the overcapacity to allow the exception and this must be documented in LINK.

2. Measurements to be used by the Monitor:

A. The Monitor shall determine if this outcome has been achieved through LINK quarterly reports. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.

B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

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Outcome Measure 15: Childrens' Needs Met

At least 80% of all families and children shall have all their medical, dental, mental health and other service needs provided as specified in their most recently approved clinically appropriate treatment plan.

1. Definitions:

If there are no timeframes specified in the most recent treatment plan, the timeframe used for measurement will be the six (6) months following the effective date of the treatment plan.

2. Measurements to be used by the Monitor:

- A. DCF will randomly select 25 cases quarterly for a qualitative review, including unannounced attendance at the treatment planning conferences, to determine if this outcome measure is being achieved and to report on the barriers to meeting this measure.
- B. The Monitor's Office will randomly select 15 cases quarterly for a qualitative review, including unannounced attendance at the treatment planning conferences, to determine if this outcome measure is being achieved.
- C. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 16: Worker-Child Visitation (Out-of-Home)

DCF shall visit at least 85% of all out-of-home children at least once a month, except for probate, interstate or voluntary cases. All children must be seen by their DCF social worker at least quarterly.

1. Definitions:

Children in out-of-home placement, pre-adoptive placements, and therapeutic foster home placements can be visited by other social workers (ICPC or private agency) if the visit is at least once a month and a report documenting the substantive content of the visit is sent to DCF and entered into LINK.

These requirements are minimal, especially for younger children who are most vulnerable to maltreatment. Such children shall be visited more frequently and this shall be documented in LINK.

2. Measurement to be used by the Monitor:

- A. DCF shall report quarterly on this outcome measure. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.
- B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 17: Worker-Child Visitation (In-Home)

DCF shall visit at least 85% of all in-home family cases at least twice a month, except for probate, interstate or voluntary cases.

1. Measurement to be used by the Monitor:
 - A. DCF shall report quarterly on this outcome measure. The percentage will be determined by averaging the three (3) months in each quarter. DCF will report quarterly on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

Outcome Measure 18: Caseload Standards

By July 1, 2004 the caseload of no DCF social worker shall exceed the following caseload standards, with exceptions for emergency reasons on caseloads, lasting no more than 30 days:

- A. Investigators shall have no more than 17 investigative cases at any time.**
- B. In-Home treatment workers shall have no more than 15 cases at any time.**
- C. Out-of-Home treatment workers shall have no more than 20 individual children assigned to them at any time. This includes voluntary placements.**
- D. Adoption and adolescent specialty workers shall have no more than 20 cases at any time.**
- E. Probate workers shall have no more than 35 cases at any time. When the probate or interstate worker is also assigned to provide services to the family, those families shall be counted as in home treatment cases with a ratio of 1:20 cases.**
- F. Social workers with in-home voluntary and interstate compact cases shall have no more than 49 cases at any time.**
- G. A worker with a mixed caseload shall not exceed the maximum weighted caseload derived from the caseload standards in A through F above.**
- H. These standards supercede those of Order No. 441 dated July 29, 2003.**

1. Measurements to be used by the Monitor:

- A. The Monitor shall determine if this outcome has been achieved through LINK daily reports. DCF will report quarterly on the barriers to meeting this measure.**
- B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.**

Outcome Measure 19: Reduction in the Number of Children Placed in Residential Care

The number of children placed in privately operated residential treatment care shall not exceed 11% of the total number of children in DCF out-of-home care.

The circumstances of all children in-state and out-of-state residential facilities shall be assessed after the Court's approval of this Exit Plan on a child specific basis to determine if their needs can be met in a less restrictive setting. The placement of any additional children out-of-state after the approval of this plan shall require the approval of the Transition Task Force.

1. Definitions:

Residential treatment facilities are 24-hour mental health facilities, which operate for the purpose of effecting positive change and normal growth and development for emotionally disturbed, behavioral disordered and socially maladjusted youth. Children are referred through a holistic treatment plan involving DCF staff and mental health professionals.

Target Population: seriously emotionally disturbed children up to age 18. State operated facilities, stand alone group homes, Safe Homes, and juvenile justice 24 hour facilities are not included in this measure.

2. Measurements to be used by the Monitor:

A. DCF will report on the number of children in in-state and out-of-state residential facilities quarterly. DCF will report quarterly on the barriers to meeting this measure.

B. DCF will report on its aggregate assessments of the needs of all children placed residentially sorted by in-state and out-of-state.

C. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified compliance with this measure.

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Outcome Measure 20: Discharge Measures

At least 85% of all children age 18 or older shall have achieved one or more of the following prior to discharge from DCF custody:

- A. Graduation from High School**
- B. Acquisition of a GED**
- C. Enrollment in college or other post secondary training program full-time.**
- D. Enrollment in college or other post secondary training program part-time with part-time employment.**
- E. Full-time Employment**
- F. Enlistment full-time member of the military**

1. Measurements to be used by the Monitor:
 - A. The Monitor shall determine if this outcome has been achieved through quarterly outcome reports. DCF will report quarterly on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified with this measure.

Outcome Measure 21: Discharge of Mentally Ill or Retarded Children

DCF shall submit a written discharge plan to either/or DMHAS or DMR for all children who are mentally ill or mentally retarded and require adult services.

1. Measurements to be used by the Monitor:
 - A. The Monitor shall determine if this outcome has been achieved through quarterly outcome reports. DCF will report quarterly on the barriers to meeting this measure.
 - B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified with this measure.

Outcome Measure 22: Multi-disciplinary Exams (MDE)

At least 85% of the children entering the custody of DCF for the first time shall have an MDE conducted within 30 days of placement.

All cases should have a multi-disciplinary exam completed even if one cannot be done within 30 days.

1. Definitions:

A written report documenting the results of the MDE is due to DCF before treatment planning conference.

2. Measurements to be used by the Monitor:

A. DCF will randomly select 25 cases quarterly for a qualitative review, including unannounced attendance at the treatment planning conferences, to determine if this outcome measure is being achieved.

B. The Monitor shall find that DCF has complied with this outcome measure when DCF has documented this outcome measure in LINK for two (2) consecutive quarters, maintains compliance through exit from this action, and the Monitor has verified with this measure.