

Co-Neutral Commentary Four

Issued April 2015

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 custody of DHS due to abuse and neglect by a parent or guardian. 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. 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. 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 February 2015.¹

The CSA further requires the Co-Neutrals to provide commentary and issue a determination as to whether DHS' data submissions provide sufficient information to accurately measure the Department's progress. The Co-Neutrals have previously found data sufficiency for all the CSA performance areas and data metrics. Pursuant to the CSA, the Co-Neutrals may revise any determination of data sufficiency based on subsequent or ongoing data submissions as deemed appropriate.

This document serves as the Co-Neutrals' Fourth Commentary under the CSA and reflects DHS' performance, data, and information available through December 2014. In numerous instances, as described in this report, data and information are only available through September 30, 2014 (due to reporting lags or intervals agreed upon previously by the Co-Neutrals and DHS). In addition, in some instances, the Co-Neutrals report on more recent decisions or activities by DHS to reflect, when possible, the most current view of the reform.

II. Summary of Progress and Challenges Ahead

With more than two years into DHS' implementation of its reform effort, DHS reports progress in a number of areas, as well as ongoing challenges. The following highlights several accomplishments DHS achieved for Oklahoma's children since the last report period:

- *DHS Commitment to Close the DHS-Operated Shelters in Tulsa and Oklahoma City:* To further its commitment to place children in family-based settings, DHS announced, following the end of this reporting period, plans to close the Pauline E. Mayer Shelter in Oklahoma City and the Laura Dester Shelter in Tulsa by the end of 2015.
- *Caseworker Visitation with Children by Primary Caseworker:* DHS continues to report strong performance in the area of caseworkers completing required monthly visits with the children assigned to them. In fact, DHS reported that 96.6 percent of required monthly caseworker visits with children occurred as described in this report. Further, DHS continues to show positive trending with the number of monthly visits conducted by a child's assigned primary caseworker (77.2 percent),

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.

reflecting DHS' ongoing commitment to minimize the use of secondary caseworkers to support children in DHS custody.

- *Reducing the Number of Child Welfare Supervisors who Carry and Manage their Own Cases:* DHS reported that as of December 31, 2014, 34 supervisors carried more than two cases, which more than cuts in half the number reported for June 30, 2014, when 79 supervisors carried more than two cases. Additional work remains for DHS to meet the 90 percent target of supervisor workload compliance and to further reduce the number of cases managed by supervisors. However, DHS is making progress in this area.
- *Reducing the Child Protective Services (CPS) Investigations Backlog:* DHS developed and implemented a plan to reduce the number of overdue CPS investigations, effectively cutting the backlog from 1,335 in mid-November 2014 to 1,062 at the end of December 2014. As of March 23, 2015, DHS reported the backlog had been further reduced to 278 cases.

The Co-Neutrals observed, among others, the following challenges during this report period:

- *Inadequate Supply of Foster and Therapeutic Foster Homes for Children:* DHS understands that it must increase the number of available foster homes and therapeutic foster homes to meet the needs of children in care. During this reporting period, approvals for both types of homes lagged behind the monthly pace necessary to meet the annual and interim Target Outcomes.
- *High Caseloads:* DHS showed some modest progress in further reducing caseloads during the period, but most caseworkers endeavor to perform their jobs with excessive caseloads.
- *Overuse of Shelters for Children Ages Thirteen and Older:* The number of children ages 13 and older in shelters continued to trend negatively above the baseline established at the beginning of the reform. During the first six months of 2012, children ages 13 and older spent a total of 20,635 nights in shelters, which increased to 25,108 nights during the last six months of 2014. DHS must develop the placement resources and supports needed to care for these older children who linger the longest in shelters.

- *Permanency Delays:* For most of the metrics that track the timeliness of children achieving permanency, DHS’ performance has continued to trend negatively with outcomes worse than at the beginning of the reform.

The CSA requires that the Co-Neutrals determine whether DHS has “made good faith efforts to achieve substantial and sustained progress” toward a Target Outcome. This standard 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.

Fundamental to this analysis is a clear understanding of the core strategies DHS has identified and implemented to achieve substantial and sustained progress toward the Target Outcomes. At the time of this writing, the Co-Neutrals observed DHS starting to modify earlier strategies that have not resulted in progress, to make some necessary adjustments where possible, and to develop core strategies in certain performance areas. DHS is in the process of analyzing which additional core strategies should be employed for the balance of the performance areas under the CSA and is expected to present those plans to the Co-Neutrals in the Spring of 2015.

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	No	Reserving Judgment	38

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.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	40
2. FOSTER AND THERAPEUTIC FOSTER CARE (TFC) HOMES				
2.A: Number of new foster homes (non-therapeutic, non-kinship) approved for the reporting period.	Target for SFY15 due June 30, 2015 and interim target due March 31, 2015	Annual and interim targets not yet due	Reserving Judgment	19
Net gain/loss in foster homes (non-therapeutic, non-kinship) for the reporting period.	Target for SFY15 due June 30, 2015	Annual target not yet due	Reserving Judgment	21
2.B: Number of new therapeutic foster homes (TFC) reported by DHS as approved for the reporting period.	Target for SFY15 due June 30, 2015	Annual target not yet due	No	22
Net gain/loss in TFC homes for the reporting period.	Target for SFY15 due June 30, 2015	First net gain target for TFC due June 30, 2015	Reserving judgment	23
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	42
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	Yes	Yes	Yes	43

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
the reporting period.				
3.3a: 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	Yes	Yes	44
4. PLACEMENT STABILITY				
4.1a: 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 limited	Reserving Judgment	46
4.1b: 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 limited	Reserving Judgment	46
4.1c: 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 limited	Reserving Judgment	46

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
4.2: 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	No	Reserving Judgment	46
5. SHELTER USE				
5.1: The number of child-nights during the past six months involving children under age 2 years.	No	Yes	Yes	31
5.2: The number of child-nights during the past six months involving children age 2 years to 5 years.	No	Yes	Yes	31
5.3: The number of child-nights during the past six months involving children age 6 years to 12 years.	No	No	No	34
5.4: The number of child-nights during the past six months involving children age children 13 years or older.	No	No	No	34
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	Yes – for children ages 12 and under No – for children ages 13 and older	Yes – for children ages 12 and under No – for children ages 13 and older	48
6.2a: 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	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
6.2b: 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	Reserving Judgment	51
6.2c: 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	Reserving Judgment	52
6.2d: 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.	Target is due June 30, 2016	No	Reserving Judgment	53
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	54
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	Reserving Judgment	55

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
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	Reserving Judgment	57
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	Reserving Judgment	57
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	58
7. CASELOADS				
Supervisors	No	Yes	Yes	28
Caseworkers	No	No	Reserving Judgment	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. In addition, the Co-Neutrals undertook announced and unannounced visits to children's shelters. The Co-Neutrals also reviewed and analyzed a wide range of aggregate and detailed data produced by DHS, and child and foster home records, policies, memos, and other internal information relevant to DHS' work during the period.

The remainder of this report includes:

- Context Data of Children in DHS Custody (Section III);
- Remedial Order (Section IV);

- Seven Performance Categories: Assessment of Progress and Good Faith Efforts (Section V);
- Appendices; and,
- Glossary of Acronyms.

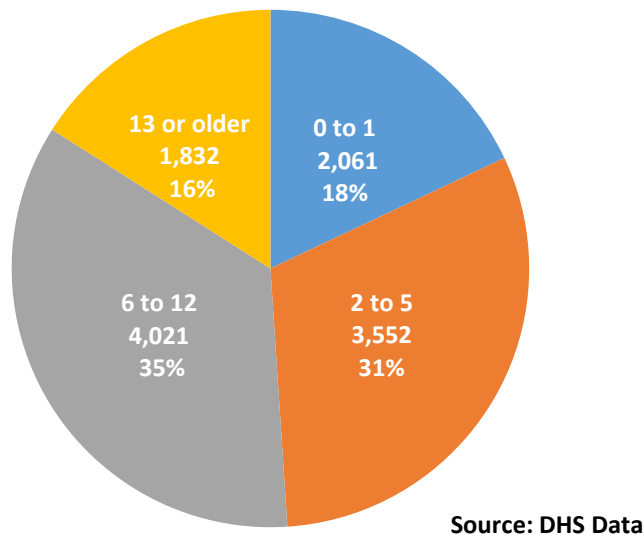
III. Context: Children in DHS Custody

Demographics

DHS reported there were 11,466 children in custody as of September 30, 2014 compared to 11,063 children in custody on March 31, 2014. During the reporting period from April 1, 2014 to September 30, 2014, 2,842 children entered care and 2,779 children exited care.²

Young children aged zero to five years make up the largest portion of children in care (5,613 or 49 percent). Children aged six to 12 years comprise 35 percent (4,021) of the population in care. Sixteen percent (1,832) are 13 years or older, as detailed in the following chart:

Figure 1: Children in Care on September 30, 2014 by Age Group (Total = 11,466)

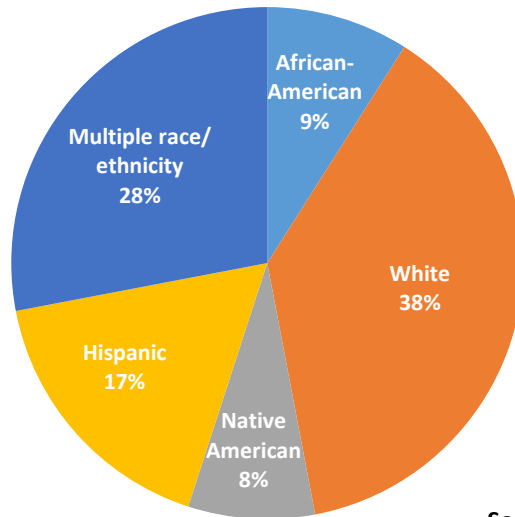


With regard to gender, the population is split almost equally — 51 percent male and 49 percent female. With regard to race, the population of children is nine percent African-American, 38

² The number of children in care at the end of this period comes from federal data reporting, while the number of children in care at the end of last period comes from a non-federal data submission. Because of slight differences in reporting, adding the entries and subtracting the exits from the number of children in care as of the previous reporting period will not sum to the children in care at the end of this reporting period.

percent White, and eight percent Native American. In addition, 17 percent of children identified with Hispanic ethnicity (and can be of any race). Twenty-eight percent identified with multiple race and ethnicity categories, of which 73 percent identified as Native American.³

Figure 2: Children in Care on September 30, 2014 by Race (Total = 11,466)



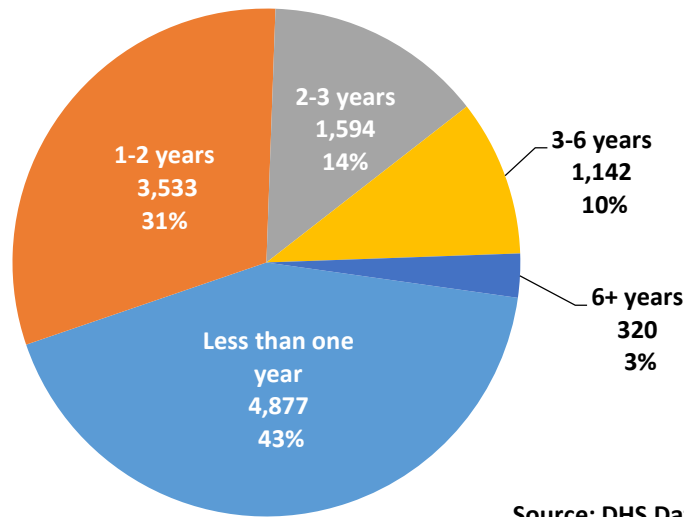
Source: DHS Data

As presented in Figure 3 below, DHS' data shows that of the children in care on September 30, 2014, 43 percent (4,877) were in care for less than one year; 31 percent (3,533) between one and two years; 14 percent (1,594) between two and three years; ten percent (1,142) between three and six years; and three percent (320) for more than six years.⁴

³ Overall, 28 percent of children identified as Native American including those children who identified with more than one race and ethnicity category.

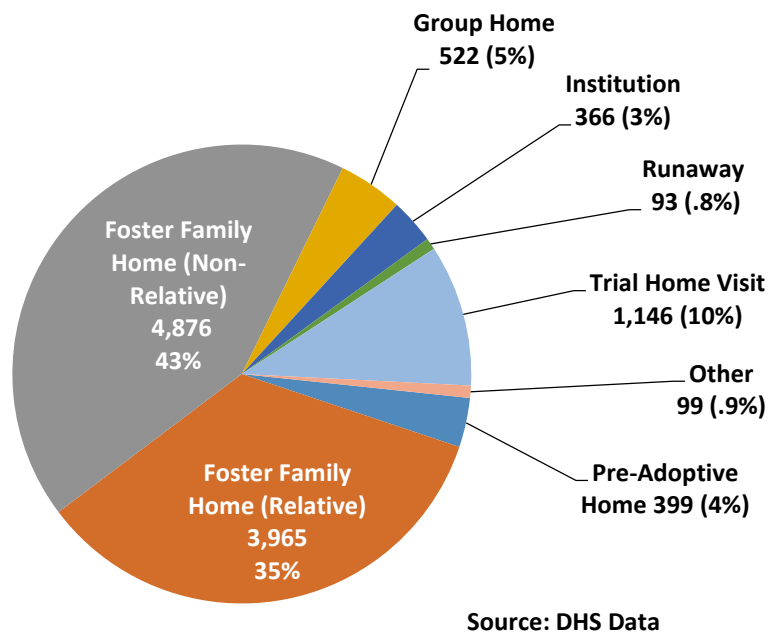
⁴ In Figures 3 and 4, percentages do not add up to 100 due to rounding.

Figure 3: Children in Care on September 30, 2014 by Length of Stay (Total = 11,466)



As the following chart demonstrates, 91 percent of children in DHS’ custody live in family settings, including with relatives (35 percent), foster families (43 percent), with their own parents (10 percent), and in homes that intend to adopt (four percent). Of children in custody, 888 (eight percent) live in institutional settings, including residential treatment and other congregate care facilities. The remaining two percent reside in unidentified placements or are AWOL.

Figure 4: Children in Care on September 30, 2014 by Placement Type (Total = 11,466)



IV. Remedial Order

Section 2.14 of the CSA 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. On November 14, 2014, the Co-Neutrals issued a Remedial Order⁵ directing DHS to undertake and maintain diagnostic and remedial activities in three areas: 1) developing foster homes; 2) achieving manageable caseloads; and 3) reducing a backlog of child abuse and neglect investigations. The Remedial Order requires DHS to identify core strategies to improve performance in each of these areas. Additional information and reports on progress related to the Remedial Order is included in the corresponding sections below on foster homes and caseloads.

V. Seven Performance Categories: Assessment of Progress and Good Faith Efforts

In this section, as required by the CSA, the Co-Neutrals review the seven performance categories under the CSA, providing commentary on DHS' overall progress and its efforts to achieve substantial and sustained progress toward each Target Outcome. As described in Table 1 (Summary of Target Outcomes) and Appendix A, not all performance categories and their corresponding metrics have a Target Outcome that was due before the end of this reporting period (through December 31, 2014).

A. Foster Care and Therapeutic Foster Care Homes

In the Pinnacle Plan, DHS agreed to develop a broad array of family-based placements sufficient to meet the needs of children in its custody. DHS committed to develop innovative strategies to recruit, support and retain foster families and to streamline the foster home approval process. DHS acknowledged it must develop many more safe and stable family-based placements in order to meet its commitments to reduce shelter care use, ensure child safety, improve placement stability, and achieve positive permanency outcomes for children and youth.

DHS faced many challenges throughout SFY14 as it transitioned to a new model of public-private agency partnerships for the recruitment of foster homes and failed to make substantial or sustained progress toward achieving the SFY14 Target Outcome to develop 1,197 new foster homes.⁶ Now in SFY15, half way through the timeline set for the full implementation of the Pinnacle Plan, DHS has pledged to adopt a focused set of core strategies to significantly increase the pool of foster and therapeutic homes available for the placement of children and youth, which has not been accomplished over the last two years.

⁵ See Appendix B for the Remedial Order

⁶ See Co-Neutral Commentary 3 for a full discussion of SFY14 performance.

Foster Home Targets

The CSA requires that targets are established each year for the number of foster homes developed for children, including children in need of therapeutic foster care. Under the CSA, the Co-Neutrals are authorized to verify and confirm a baseline of available homes and to establish DHS' performance 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 non-kin foster homes. The net gain foster home target for this same period was established at 356 homes.⁷

On November 14, 2014, to better track DHS' progress in meeting the annual target, the Co-Neutrals established an interim target for foster homes: DHS must develop 678 new non-kin foster homes by March 31, 2015.⁸ For future years, the Co-Neutrals will establish an annual interim target (both date and target number to be determined) which will be based on the annual target established for the fiscal year. (See Appendix C for the November 14, 2014 memorandum that established the requirement for an annual interim target.)

The Co-Neutrals established the SFY15 criteria for new non kin-foster homes as follows:⁹

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 past 12 months.

The SFY15 annual target of 904 new foster homes requires that DHS approve approximately 75 new homes each month. During the first four months of SFY15, performance appeared to lag as DHS approved 274 new homes, approximately 69 new homes each month. (See Figure 5.) DHS reported to the Co-Neutrals that it was working to improve performance by establishing

⁷ Beginning in December 2014, DHS reported progress toward achieving the net gain target in its monthly public report.

⁸ DHS will report progress toward achieving the interim target for new non-kin foster homes in its monthly reports.

⁹ The Co-Neutrals annually review these criteria and update them as appropriate.

workgroups of private agency and foster parent representatives to identify and address systemic barriers to timely foster home approval. As a result, DHS reported that it had contracted for an electronic fingerprinting service to reduce wait times that persisted in its manual fingerprinting process. DHS also reported that it discontinued DHS' staff review of new private agency foster home studies for three of the four private agencies retained to recruit new homes because the home reviews consistently met DHS review criteria and because the DHS secondary review slowed foster home approval. DHS further reported that, with the assistance of independent consultants, work had begun to develop a statewide recruitment plan that would be implemented by DHS and its private agency partners.

While DHS' efforts early in SFY15 appeared to become more focused and collaborative with the private agencies, the Co-Neutrals were concerned that DHS had not developed the overall capacity to recruit the number of foster homes sufficient to meet the needs of children and youth in its care. The Co-Neutrals urged DHS to greatly expand its contracted foster home development work to additional providers and directed DHS to develop a plan that includes a set of core strategies to timely, substantially, and sustainably increase the number of available of foster and therapeutic foster homes.

The Remedial Order issued on November 14, 2014 requires DHS to adopt a set of core strategies in a remediation plan designed to catalyze the process of new foster home development. DHS submitted its remediation plan to the Co-Neutrals on January 23, 2015 and the Co-Neutrals conditionally¹⁰ approved the plan on February 6, 2015. DHS resubmitted a revised plan on March 10, 2015, and the Co-Neutrals gave final approval of the plan on March 12, 2015.

In the plan, DHS acknowledged that its decision to limit the 2013 RFP foster home contracts to four agencies did not bring sufficient capacity to the system quickly enough. DHS has now committed to rapidly expand foster home recruitment contracts with one of the supported foster care agencies and, for the first time, to contract for foster home development with youth services agencies throughout Oklahoma. DHS' remediation plan states:

DHS has contracted with private agencies for the recruitment and retention of resource families and established, along with providers, the recruitment goals for the year. Until recently, efforts were not producing an increased number of certified resource families at a pace that would ensure goal achievement. Therefore it is essential to evaluate and assess other options to ensure targets are met within established timeframes. DHS will immediately expand the use of

¹⁰ The Co-Neutrals requested that DHS submit additional data and information by March 10, 2015.

current contracts and will immediately contract with additional providers to expand capacity. These efforts are underway with a target date of March 1, 2015 for the full execution of additional contracts.¹¹

DHS also committed in the remediation plan for a senior level staff member to:

- conduct weekly reviews of prospective foster homes engaged in the recruitment process with private agencies to assess the timeliness of home approval and to work with agencies to reduce barriers as they are identified;
- to develop a statewide SFY16 recruitment plan, with the assistance of national experts and in collaboration with private agency partners, to assign regional recruitment coordinators who will partner with private agencies to implement targeted recruitment plans; and,
- to contact foster families that exited in good standing within the last two years to determine their interest in fostering and to implement strategies for improved customer service.

DHS also agreed to utilize data to modify existing foster care contract requirements to ensure that foster home recruitment is targeted to the populations of children in care who need homes. DHS has also committed to improve supportive services available to foster families through an array of efforts.

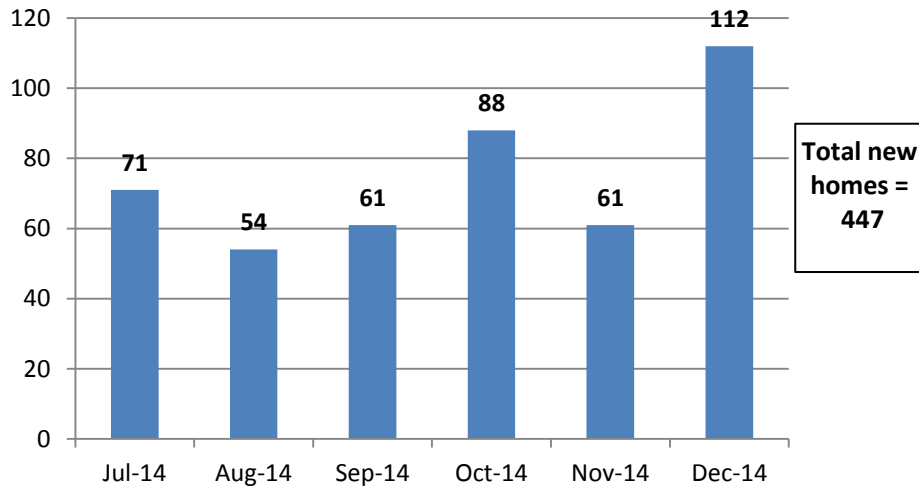
DHS has much work to do in the upcoming months to implement the commitments in the remediation plan, to timely address barriers and to demonstrate good faith efforts to achieve substantial and sustained progress toward the SFY15 Target Outcome of 904 new non-kin foster homes. The Co-Neutrals will evaluate the quality, pace and progress of DHS' efforts in the October 2015 Commentary and, for this reporting period, reserve judgment on DHS' efforts to achieve substantial and sustained progress toward the SFY15 foster home Target Outcomes.

SFY15 Foster Home Performance

In the first six months of SFY15, DHS and its private agency partners approved 447 new foster homes.

¹¹ From DHS' January 23, 2015 Remedial Order, Foster Home Remediation Plan

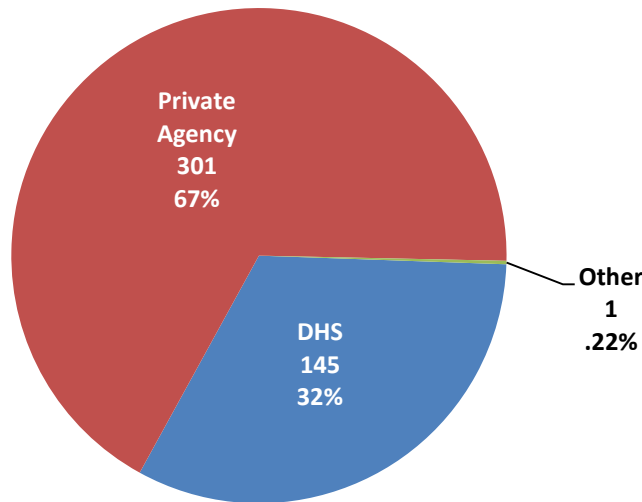
Figure 5: New Foster Care Homes, July - December 2014



Source: DHS Data

The private agencies approved 302 new homes (68 percent), and DHS approved 145 new homes (32 percent). The private agencies made significant gains during the current period compared to performance in SFY14, when they developed only 35 percent of all new foster homes.

Figure 6: SFY15 New Foster Homes (Total = 447)

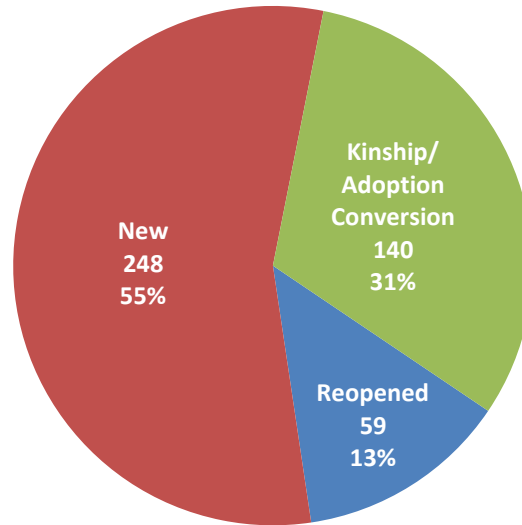


Source: DHS Data

Of the 447 foster homes approved during the first half of SFY15, 248 families (55 percent) were newly recruited by DHS and the private agencies. One hundred forty homes (31 percent) were already approved by DHS as adoption or kinship homes and were then converted to traditional

foster homes. Fifty-nine (13 percent) were DHS resource homes¹² that were closed for more than a year and reopened during the first six months of SFY15.¹³

Figure 7: SFY15 New Foster Home Types (Total = 447)



Source: DHS Data

SFY15 Net Gain Target and Performance

The Co-Neutrals established the SFY15 net gain Target Outcome of 356 foster homes and worked with DHS to establish a written methodology for calculating net gain/loss. DHS presented data showing that 1,907 foster homes were open on July 1, 2014 and 2,139 foster homes were open on January 1, 2015 for a net gain of 232 foster homes in the first six months of SFY15.¹⁴

Of the 2,139 foster homes reported as open on January 1, 2015, 1,535 (72 percent) were occupied and 604 (28 percent) were vacant.¹⁵ DHS' data further showed that of the 604 foster homes vacant on January 1, 2015, 152 (25 percent) had been vacant at least six months, and 41 homes (seven percent) had been vacant over one year. The length of time these foster homes

¹² DHS resource homes that are reopened could have been previously approved as a number of different types of DHS resources, including traditional, kinship, emergency foster care, TFC and DDS homes.

¹³ Due to rounding, the percentages do not add up to 100.

¹⁴ As of this report writing, DHS identified 149 contracted foster homes that appear in one or both baseline datasets for June 30, 2014 and January 1, 2015. DHS determined that these homes are not available to any child in need of a foster home placement and should be removed from the baseline data. DHS and the Co-Neutrals are jointly reviewing DHS' data and will provide an update in the October 2015 Commentary.

¹⁵ Seventy-two vacant foster homes were jointly approved as another type of resource (adoption, DDS, etc.) and were occupied by children in those resource types on January 1, 2015.

have been vacant raises questions and concerns as it is widely acknowledged that there is not a sufficient pool of foster homes for children.

The Co-Neutrals also found that DHS' data showed that a significant percentage of the homes reported vacant were also listed as unavailable for placements. DHS and the Co-Neutrals reviewed this data and found that some data and program adjustments would be needed to ensure that DHS' data accurately shows which foster homes are open and available for child placements and which ones should be closed or temporarily tagged as unavailable for placements.

The Co-Neutrals understand there are a number of reasons why a foster home would remain open yet be registered as unavailable to accept placements for a short period of time. These reasons include foster parents needing time for medical care, vacations, changes in family structure (e.g., birth or adoption of a child), home relocation, or if the home is experiencing a CPS investigation. However, DHS shared with the Co-Neutrals that it had identified some challenges with its child welfare data system (KIDS) that lead to inconsistencies in recording whether foster homes are available or unavailable. DHS understands the critical need to have an accurate picture of its pool of available foster homes, both to support caseworkers who at any moment are trying to place children in DHS' foster homes and to establish appropriate targets for developing the foster homes Oklahoma needs for children in DHS custody.

At the time of this report writing, DHS leadership had already begun to make changes in the KIDS system and provide guidance to all DHS foster care supervisors that will help establish a more accurate record of those foster homes that are open and available to accept placements. Further, DHS and the Co-Neutrals are continuing a joint review of the foster home data as it relates to homes reported as vacant and/or unavailable and the Co-Neutrals will provide an update regarding this review in their next Commentary.

Therapeutic Foster Care

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 in TFC homes. DHS committed to develop a sufficient pool of TFC homes within the continuum of placement settings in order to avoid children's placement in higher levels of congregate care, to step-down children from higher levels of care, and to ensure that appropriate services are provided for children in need of behavioral health treatment.

In 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 homes as compared to available TFC homes to analyze how well existing capacity meets the projected need.

In July 2014, DHS submitted to the Co-Neutrals its proposed TFC new home target for SFY15. DHS reported that it had analyzed available data and needed 196 new TFC homes statewide. DHS reported that it continued 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 established the SFY15 target at 150 new TFC homes which, if met, would be a 35 percent performance improvement over SFY14 when DHS developed 111 new TFC homes.

At the close of SFY14, DHS reported that 11 percent of TFC-only homes had been vacant for at least six months. The Co-Neutral's raised concern in the October 2014 Commentary regarding the high TFC vacancy rate and DHS' monitoring of its TFC bed utilization. In order to bring focus to these issues, on November 14, 2014 and as provided for in Section 2.10 (f) of the CSA, the Co-Neutrals revised the Metrics, Baselines and Targets Plan (Metrics Plan) to include a net gain target and reporting requirements for TFC homes.

Therapeutic Foster Care (TFC) homes - Annual Net Gain Target

The Metrics Plan establishes that "OKDHS shall establish targets for licensing new therapeutic homes to be submitted to the Co-Neutrals by May 30th of each year." The Co-Neutrals require that DHS also establish an annual net gain target for new TFC homes.¹⁶

- a. For SFY15, the Co-Neutrals establish a net gain target of 56 TFC homes. For future years, DHS will submit to the Co-Neutrals proposed annual net gain targets for TFC homes by May 30th of each year.
- b. Beginning in December 2014, DHS will report progress toward achieving the SFY15 net gain target of new TFC homes in its monthly reports.

In the first six months of SFY15, DHS reported that 63 new TFC homes were opened. DHS reported a net gain of 31 TFC homes with a baseline of 475 unique TFC homes open on July 1, 2014 and 506 unique TFC homes open on January 1, 2015.¹⁷ In the second half of SFY15, DHS

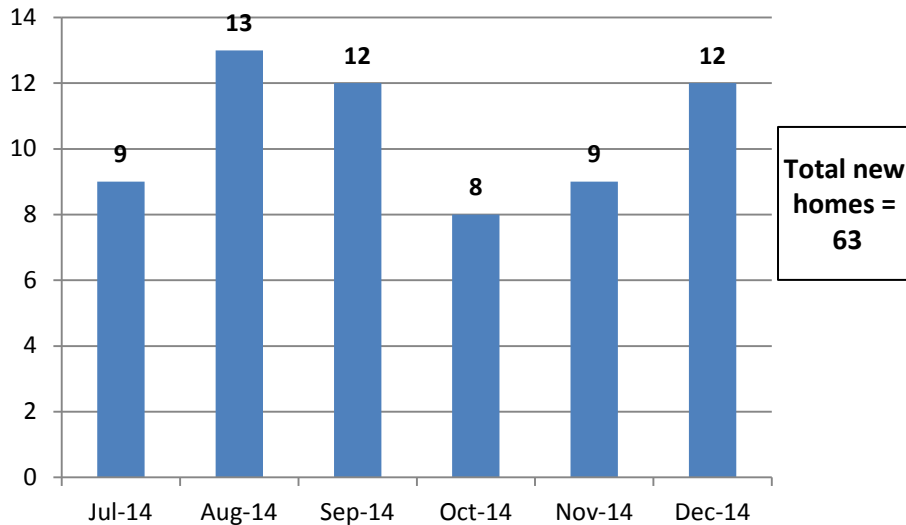
¹⁶ New TFC homes included in the net gain count are subject to the SFY15 Criteria for Counting New Non-Kin Foster and TFC Homes established by DHS and the Co-Neutrals.

¹⁷ During the period, 37 TFCs closed, while 68 TFC homes opened during the period.

must make good faith efforts to accelerate performance and develop 87 additional TFC homes, (15 homes per month) to meet the SFY15 Target Outcome of 150 homes.

SFY15 TFC Performance

Figure 8: New Therapeutic Foster Homes, July - December 2014

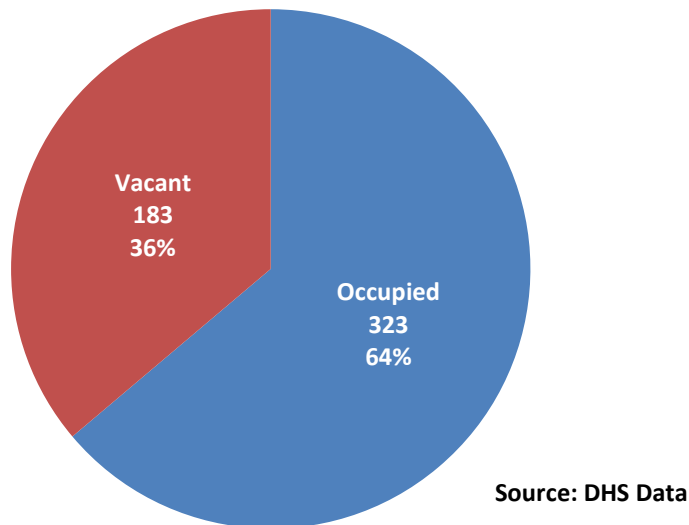


Source: DHS Data

Over the past two years, DHS reported to the Co-Neutrals that it worked to improve data quality regarding the number of open and available TFC homes as well as the number of children requiring TFC placements. In recent discussions, DHS advised the Co-Neutrals that the historical TFC waiting list of 160-180 children continues to persist. At the same time, DHS advised the Co-Neutrals that 185 TFC beds were open and available but were vacant. When questioned regarding how it is possible for a waiting list of up to 180 children to exist at the same time 185 vacant beds are reportedly available, DHS acknowledged that there does not currently exist a systemic, routine process to manage bed utilization with the TFC agencies. Further, DHS confirmed that it had not conducted an analysis of its data to understand the problem so that corrective steps could be taken. Rather, DHS reported that when a home is listed as vacant and available for 90 days or more, DHS staff contact the private agency and inquire about the status of the home. It is unclear to the Co-Neutrals, however, what action DHS takes either to ensure a vacant bed is filled or, when appropriate, to remove a home from the list of available placements. The Co-Neutrals conducted their own data analysis and

determined that there were 506 TFC homes open on January 1, 2015, of which 323 (64 percent) were occupied and 183 (36 percent) were vacant.¹⁸

Figure 9: Occupancy Rate of TFC Homes (Total = 506)



Of the 183 TFC homes vacant on January 1, 2015, 79 (43.2 percent) had been vacant at least six months, and 37 homes (20 percent) had been vacant over a year. Here too, as DHS reviews and works to establish accuracy in how its foster care homes are listed as available or unavailable, it must conduct the same close review to determine if the TFC homes listed as vacant and available or unavailable for extended periods are still viable or should be closed.

DHS reported to the Co-Neutrals that its focus in the first half of SFY15 was to increase reimbursements to TFC agencies, to work with TFC agencies to develop recruitment plans and to develop performance based contracts scheduled to be implemented with TFC agencies in SFY16. DHS reported that the performance based contracts are meant to support the development of new homes, the placement of teenagers, and the placement of children with higher levels of behavioral and mental health acuity. TFC agencies reported to the Co-Neutrals that its work with DHS has been collaborative but that the recruitment of new TFC homes continues to lag. As of the writing of this report, DHS has not yet identified, but indicates it will, a set of core strategies and activities to address persistent problems in this performance area. The Co-Neutrals conclude for this reporting period that DHS has not yet made good faith efforts to achieve substantial and sustained progress to achieve the Target Outcomes for TFC homes.

¹⁸ Twenty-five TFC homes are jointly approved and occupied as a non-TFC resource.

The Co-Neutrals have advised DHS to move with a sense of urgency to develop a core strategy plan in collaboration with TFC providers. The plan should be grounded in data and analysis to improve TFC development, maximize bed utilization and eliminate child waiting lists. The Co-Neutrals expect DHS to submit the TFC core strategy plan in the Spring of 2015 for approval and to implement the plan when approved. The Co-Neutrals will report on DHS' efforts to implement the plan in the October 2015 Commentary.

B. Caseworker Caseloads and Supervisor Workloads

Performance Standards – Caseworker Caseloads¹⁹

The CSA requires 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

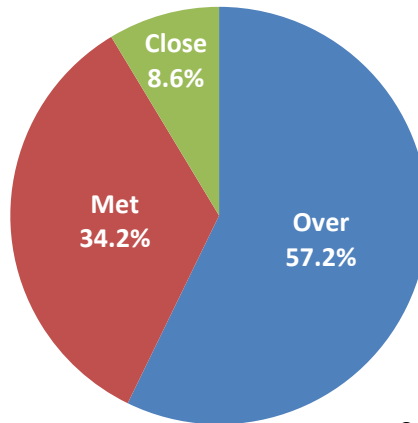
Role	Standards	Weight Per Case
CPS	12 Open Investigations or Assessments	0.0833
OCA	12 Open Investigations	0.0833
Family Centered Services	8 Families	0.125
Permanency Planning	15 Children	0.0667
Resource	22 Families	0.0455
Adoption	8 Families & 8 Children	0.0625
Supervisors	1 Supervisor Dedicated to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

Performance – Target Outcomes

DHS reported that 34.2 percent of caseworkers met the established workload standard as of December 31, 2014, with 8.6 percent of workers close to the standard and 57.2 percent over the workload standard.

¹⁹ 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.

Figure 10: Workers Meeting Workload Standards, December 31, 2014



Source: DHS Data

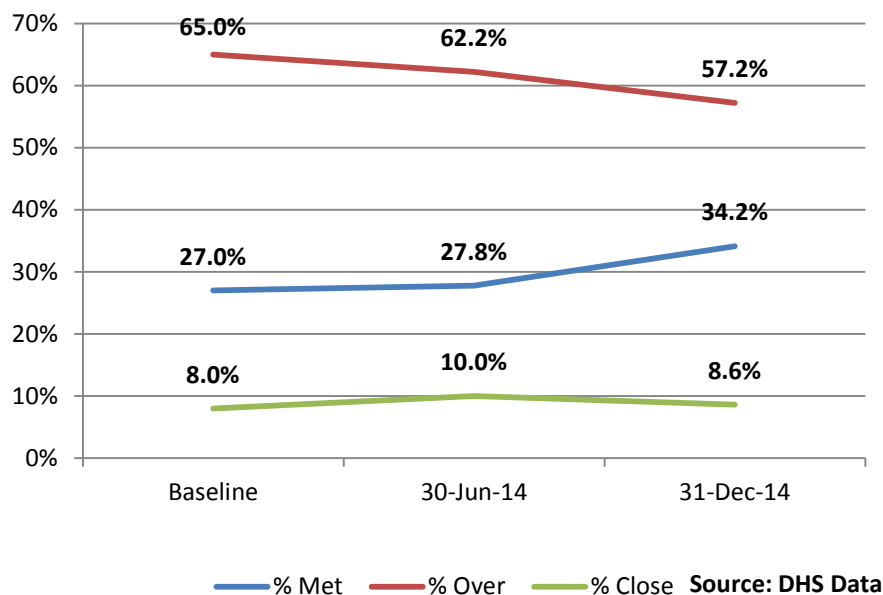
DHS committed to achieve a final target of 90 percent of caseworkers meeting workload standards by June 30, 2014. As presented in Figure 11 below, DHS did not meet this Target Outcome by either June 30, 2014 or December 31, 2014.

DHS' caseload performance data, as of September 30, 2014, showed that DHS was trending slightly negatively against the starting baseline of 27 percent, as only 26.6 percent of caseworkers were meeting their caseload standard. Shortly thereafter, the Co-Neutrals issued the Remedial Order, which directed DHS to develop a staff tracking report that integrates key information, including current caseloads, number of workers needed to achieve 90 percent caseload compliance, number of caseworker positions allocated and filled in each district, number of vacant positions, and other relevant factors. The Co-Neutrals also required that DHS identify a set of "priority districts" with the greatest caseload challenges, vacant positions and staff turnover. Further, the Remedial Order directed DHS leadership to conference weekly with the district directors of the priority districts to review their district's data and progress, challenges and barriers with caseloads, hiring and retention.

At the close of the reporting period, the Co-Neutrals observed DHS working diligently to assemble the most rigorous (to date), data-informed, statewide hiring plan constructed by the agency during the past three years. This work, which continues as of the writing of this report, integrates district-level attrition analysis and accounts for the amount of time DHS has committed to offer newly hired staff before distributing a gradually increasing caseload to them. The document identifies which districts must hire what staff by when in order to bring DHS to 90 percent caseload compliance by the Summer of 2016. In this Commentary, the Co-Neutrals reserve judgment on DHS' efforts to achieve substantial and sustained progress toward the caseload Target Outcomes in order to give the agency additional time to implement

the hiring plan as created. The Co-Neutrals will draw future judgments based in large part on an analysis of DHS' efforts to implement the hiring plan, including overcoming systemic barriers, proactively recruiting staff, improving retention and streamlining hiring processes.

Figure 11: Worker Caseloads: Percent of Workers Meeting Workload Standards



Performance Standards and Target Outcomes – Supervisor Workloads

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.

Although DHS has not achieved the target of 90 percent of supervisors meeting the 1:5 workload standard, DHS showed substantial progress over the last six months with the number of supervisors meeting the standard, which also reflects a decrease in the number of supervisors who are assigned and managing their own cases.

As of December 31, 2014, DHS data shows that 70.9 percent of supervisors met the 1:5 workload standard, compared to just 58.8 percent on June 30, 2014. DHS also reported improvements with the number of supervisors moving into the “close” range for meeting the standard (up to 18 percent from 17.3 percent) and a positive decline (23.9 percent down to 11.1 percent) for the percent of supervisors managing workloads over the standard.

Child welfare cases managed by supervisors carry the same case weight as the cases managed by caseworkers and are calculated into each supervisor's workload ratio. As of June 30, 2014, 79 supervisors carried more than two cases, but by December 31, 2014, only 34 supervisors carried more than two cases. While important work remains to be done, both to meet the 90 percent Target Outcome of supervisor workload compliance and to further reduce the number of cases managed by supervisors, DHS is clearly making progress in this area.

C. Shelter Use

The CSA requires that DHS establish performance targets related to the placement of children in shelters (CSA Section 2.10). More specifically, 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 DHS' performance in this area, the Co-Neutrals engage 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; review of shelter authorization forms to understand why children are admitted to shelters and if reasonable efforts are made to identify a family-like placement before resorting to a shelter placement; and finally, review of 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. In this period, the Co-Neutrals reviewed 64 shelter authorization forms and 177 shelter incident forms.

During this review period, the Co-Neutrals focused their shelter Target Outcome verification efforts on analyzing, discussing and evaluating DHS' proposed core strategies to achieve substantial and sustained progress towards the shelter Target Outcomes. This involved multiple discussions with DHS and external stakeholders at a time when DHS' progress was decidedly mixed. While the population of young children in shelters remains well below the original baseline, the population of older children in shelters far exceeds the baseline set in 2012.

DHS' Decision to Close Oklahoma's State-Operated Shelters

In February 2015, after this reporting period ended, DHS leadership announced plans to steadily reduce the number of children placed in DHS' two state-operated shelters (PEM and LD) in order to close the facilities for use as shelters. As of the time of this report writing, DHS indicates it will close the two public shelters by the end of 2015. The Co-Neutrals commend DHS for this decision, which should result in additional reductions in shelter-nights, particularly with the younger groups of children who, for this reporting period, were placed more often in the two state shelters as shown in Table 3 and Table 4 below. The closures make sense so long

as DHS does what it has committed to do: substantially expand the number of family-based placements for children in care. Older children (ages six and older) are more often placed in the 27 non-state operated shelters that DHS accesses as shown in Table 3 and Table 4 below. As such, the Co-Neutrals will continue to monitor DHS' shelter placements in both state operated and non-state operated shelters.

In addition to its decisions to close the two public shelters, DHS has more recently adopted a number of additional core strategies with regard to shelters. The Co-Neutrals will review these strategies as they begin to be implemented and discuss them in future reports.

Table 3: Child-Nights by Shelter, July 1, 2014 to December 31, 2014

Age Group	Total Child-Nights	Shelter			% Other Shelters	% Laura Dester and Pauline Mayer Shelters
		Other Shelters	Laura Dester	Pauline E. Mayer		
Age 0-1	505	143	56	306	28%	72%
Age 2-5	2,689	684	1,019	986	25%	75%
Age 6-12	18,602	10,050	5,160	3,392	54%	46%
Age 13+	25,137	17,277	5,617	2,243	69%	31%
Total Child-nights	46,933	28,154	11,852	6,927	60%	40%

Table 4: Unique Children by Shelter, July 1, 2014 to December 31, 2014

Age Group	Total Unique Children	Shelter			% Other Shelters	% Laura Dester and Pauline Mayer Shelters
		Other Shelters	Laura Dester	Pauline E. Mayer		
Age 0-1	33	8	8	17	24%	76%
Age 2-5	119	41	38	40	34%	66%
Age 6-12	522	314	119	89	60%	40%
Age 13+	622	435	108	79	70%	30%
Total Children	1,296	798	273	225	62%	38%

Note: Children who stayed in more than one shelter category were counted for each category. Because of this, not all percentages add up to 100.

Performance Standards

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 and reducing 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 being placed together.²⁰

The timelines set in the Metrics Plan for DHS to meet its shelter targets have been extended twice as DHS’ ongoing shortage of foster homes has negatively impacted its commitment to the original targets of ending shelter placements for children ages zero to one by December 31, 2012; children ages two to five by June 30, 2013; and, children six to 12 by June 30, 2014. DHS has been working toward the following extended targets, which were approved in June 2014:

- 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.

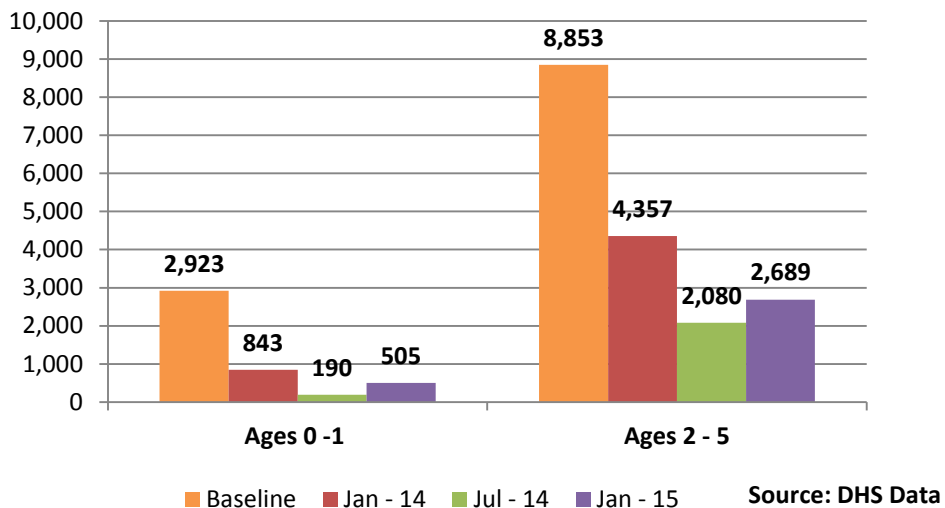
Performance for Children under Age Six, Shelter Metrics 5.1 and 5.2

Although DHS has not reached the Target Outcome of zero child-nights in shelters for children under age six, it has sustained a substantial reduction in shelter-nights in comparison to the baseline of 2,923 child-nights for children ages zero to one, and 8,853 child-nights for children ages two to five. During this reporting period, DHS identified 505 child-nights in shelters for

²⁰ In June 2014, DHS requested and the Co-Neutrals approved that a set of three siblings, with all children being over six years old, could be considered - until April 1, 2015 - a large sibling group for the purposes of receiving an exception to place the siblings together in a shelter.

children zero to one, representing 33 unique children. DHS reported that the shelter placements for 23 of these 33 children met an automatic exception. Further, DHS' data shows 2,689 child-nights in shelters during this report period for children ages two to five, representing 119 unique children. DHS reported that the shelter placements for 49 of these 119 children met an automatic exception.

Figure 12: Metrics 5.1 and 5.2 – Shelter-Nights, Children Ages 0 - 5



The Co-Neutrals' Commentary Three found that DHS had made good faith efforts to achieve substantial and sustained progress with regard to eliminating shelter placements for children under age six. DHS has maintained a substantially lower number of child-nights relative to the baseline and has taken a significant step to further reduce shelter placements of the youngest children with its commitment to close the two state-operated shelters. However, shelter records show that DHS continues to struggle with the shortage of family-like placements available to meet the diverse and special needs of children in DHS custody.

For this period, the Co-Neutrals reviewed 64 shelter authorization forms (shelter placement forms that are completed by casework staff and approved by DHS senior management), which show a pattern of problems with regard to placements for young children, though they also reflect a dynamic that exists for older children too:

- Police Involvement:** For the most part, children who are removed by the police continue to be taken directly to shelters or shelter admission is assumed. In the forms reviewed this period, there were a few police-involved removals in which shelter admission was not automatic, which is progress. However, the majority of cases with police involvement reviewed by the Co-Neutrals resulted in shelter admission. In

addition, the shelter authorization forms show that police involvement is viewed by some DHS caseworkers (and signed off by managers) as meaning reasonable efforts to avoid a shelter placement are not needed. For example, one form noted that “efforts were not made at the time of entry because the children were in Protective Custody.” This practice will need to be curtailed to limit further the number of young children entering shelter care.

- **Specialized Medical Homes:** In two cases, foster parents asked DHS to remove children who had been placed with them because of the special medical needs of the children. DHS will need to review whether their existing cadre of homes includes an adequate number of foster parents who are willing to care for children with complex or chronic medical conditions. For the most part, the shelters do not have full-time medical staff (neither the public nor private shelters) and are an inappropriate option for these children.
- **Foster Home Placement Disruptions:** Of the 64 authorization forms reviewed, 28 involved admission to shelters because of placement disruption. Of the 28, two were reported to involve children who had medical needs that could not be handled by the foster parents (see above). In 13 of the 28, the child’s behavior was cited as the problem; the children in most of these cases were about four years old. Better training and support for foster parents to manage the behaviors of young children experiencing the effects of stress and trauma will help DHS avoid unnecessary placement disruptions and shelter placements like those described above.
- **TFC Placement Disruptions:** It is unclear why children’s placements are disrupting from TFC homes given that these caregivers are trained and selected to work with higher-needs children. In two cases, TFC homes requested that a young child be removed due to their behavior issues (e.g., kicking, screaming, and biting). In these cases, one child was age four and the other was age seven. DHS will need to review, analyze and address why these disruptions are occurring.

Despite some slippage with regard to progress for young children admitted to shelters, the Co-Neutrals still find that DHS has made good faith efforts to achieve substantial and sustained progress toward the Target Outcomes for children under age six in shelters (shelter Metrics 5.1 and 5.2). 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. DHS will need to attend to the specific problems identified above if the practice of using shelters for young children is to be stopped altogether.

Performance for Children Ages Six to 12 and Ages 13 and Older, Shelter Metrics 5.3 and 5.4

DHS continues to struggle with achieving the same type of major reductions in child-nights for children ages six and older as it has for children under age six. In fact, for this reporting period though there was some decline in the number of child-nights for children ages six to 12 years old, the number of child-nights for children ages 13 and older continued to trend negatively upward and well above the baseline (22 percent above) as shown in Table 5.

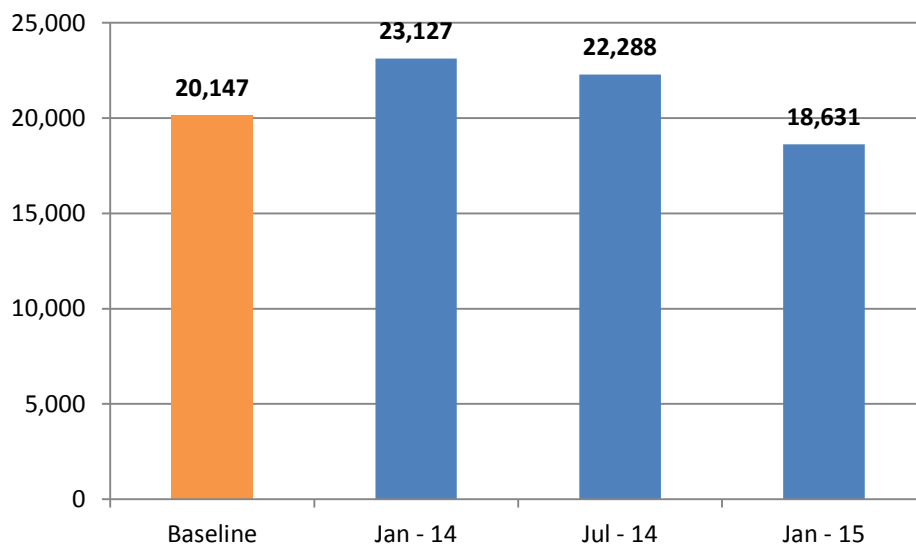
Table 5: Child-Nights in Shelters by Age, July to December 2014 and Change from Baseline

Child-Nights in Shelters by Age	Baseline (Jan 2012-June 2013)	Performance (July 2014-Dec 2014)	Change (n)	Change (%)
0 to 1	2,923	505	-2,418	-83.0%
2 to 5	8,853	2,689	-6,164	-70.0%
6 to 12	20,147	18,631	-1,516	-8.0%
13 & Older	20,635	25,108	4,473	22.0%
TOTAL	52,558	46,933	-5,625	-11.0%

Shelter Metric 5.3 – Children Ages Six to 12

DHS did make some progress in terms of total shelter-nights for children ages 6-12 since the last report period, but the progress is not substantial (18,631 shelter-nights) compared to the starting baseline of 20,147 child-nights, which represents only an eight percent reduction.

Figure 13: Metric 5.3 – Shelter-Nights, Children Ages 6 - 12



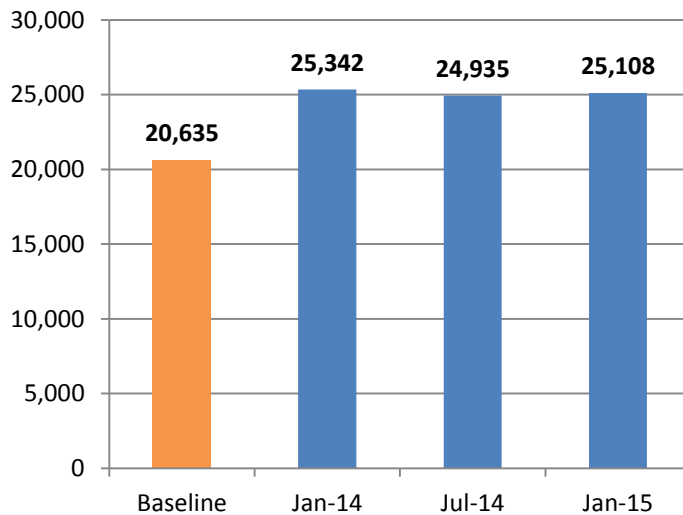
Source: DHS Data

Shelter Metric 5.4 and Pinnacle Plan Commitment 1.17 – Youth 13 and Older

DHS’ Pinnacle Plan did not contemplate that shelter usage would be completely eliminated during the implementation of DHS’ reform efforts under the CSA. However, DHS did commit under the Pinnacle Plan (Point 1.17) that by June 30, 2014, the state would place children ages 13 and older in a shelter only if a family-like placement is not available to meet their needs; and further, would not place any child 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 the last report period, the number of child-nights in shelters for children ages 13 and older has increased to 25,108 and, as mentioned, remains substantially above the starting baseline of 20,635 child-nights for this older age group.

Figure 14: Metric 5.4 – Shelter-Nights, Children Ages 13 and Older



Source: DHS Data

During this six-month review period, DHS for the first time is reporting its performance against the Pinnacle Plan 1.17 Metric as shown in Table 6 below. Also during this reporting period, DHS and the Co-Neutrals established the baseline for this metric, which is based on the previous six-month reporting period, January 2014 through June 2014 (see Table 6).

By June 30, 2015, DHS committed to an interim target²¹ of ensuring 80 percent of children ages 13 and older would meet the Pinnacle Plan 1.17 commitment. DHS’ baseline showed that 200 (33.7 percent) of the 593 children ages 13 and older with an overnight shelter stay from January

²¹ The final target for this metric (1.17) is 90 percent of children meeting the commitment by June 30, 2016.

to June 2014 were compliant with Pinnacle Plan 1.17, having had no more than one shelter stay and/or no more than 30 nights in a shelter over a 12-month period. For the following six-month performance period, DHS' compliance with Pinnacle Plan 1.17 moved downward with only 166 (29.6 percent) out of 561 children ages 13 and older meeting the more limited shelter stay commitment of Pinnacle Plan 1.17.

Table 6: Baseline and Performance, Pinnacle Plan 1.17

Performance Categories	Baseline		Current Performance	
	Jan – June 2014		July – Dec 2014	
Children Age 13+, with a shelter stay of at least 1 day	593	100.0%	561	100.0%
Shelter Placements Compliant with Pinnacle Plan 1.17				
Those with 1 stay, less than 31 days	200	33.7%	166	29.6%
Compliant TOTAL		33.7%		29.6%
Shelter Placements Not Compliant with Pinnacle Plan 1.17				
Those with 1 stay, 31 or more days	136	22.9%	149	26.6%
Those with 2 or more stays, less than 31 days	74	12.5%	56	10.0%
Those with 2 or more stays, 31 or more days	183	30.9%	190	33.9%
Not Compliant TOTAL		66.3%		70.5%

While the interim target for Pinnacle Plan 1.17 is not due until June 30, 2015, the Co-Neutrals continue to be concerned with the high number of older children placed in shelters. In the last Commentary, the Co-Neutrals observed that DHS presented no strategic vision for how shelters, foster homes, group homes and other residential programs should interact and support each other to best transition children to placements that meet their needs along a continuum. This remained true through the end of this review period. Given this gap and the ongoing high number of shelter-nights for older children, the Co-Neutrals do not find that DHS has made good faith efforts to achieve substantial and sustained progress to reduce shelter stays for children in DHS custody who are ages six and older (shelter Metrics 5.3 and 5.4).

The Co-Neutrals' review of shelter authorization forms during this period found that developing a sufficient supply of TFC placements, and ensuring those homes do not remain vacant, will be critical to reductions in shelter utilization. Many children and youth in the shelters have the types of therapeutic needs that should make them eligible for TFC placements. The Co-Neutrals have asked DHS to analyze why there are so many children on the TFC waiting list (up to 180) and a similar number (185) of open TFC beds. This is particularly relevant to the growing number of older youth placed in shelters who may be served best in a TFC home.

One core strategy identified by DHS in regards to older youth placed in shelters is the development of more group home beds. It would be premature for DHS to develop new group homes before it has a better understanding why so many of its TFC beds are vacant. In addition, DHS needs a better understanding of the needs of its youth in group care. A report just released by the federal Children’s Bureau reported that 40 percent of the children and youth in group care have no “clinical indications” for higher levels of care like group homes or residential treatment centers.²² This is not to say that group care could not be helpful for youth with specialized needs, but DHS should have a better understanding of the needs of its population before developing new group settings. It is possible, for example, that DHS needs specialized TFC homes for children with a variety of special needs, such as, youth who are medically fragile; have intellectual disabilities; are teen parents; or have gender identity issues that require specialized support. The incongruity between the waiting list and the number of open TFC beds in Oklahoma needs immediate attention.

Shelter Environment

Given the ongoing high number of older youth in shelters, the Co-Neutrals began to review incident reports for children in the two state shelters. The incident reports are completed when a child requires medical attention and/or is involved in a situation that involves medical treatment, a loss of privileges or the use of restraints. For this period, the Co-Neutrals reviewed 177 incident reports. As noted in the Co-Neutrals’ last Commentary, these reports paint a picture of non-therapeutic residential settings that are ill-equipped to care for children experiencing trauma and/or with other special needs.

As noted above, DHS has now decided to close its state shelters, which will address some of these issues. However, given the prevalence of shelter placements and that child-nights for older children is much higher than contemplated by the CSA and the Pinnacle Plan, DHS will also need to address this trend immediately, in collaboration with both its public and private shelter providers.

D. Child Maltreatment in Care (MIC)

Section 2.10 of the CSA requires DHS to reduce abuse and neglect of children in its custody, which Oklahoma tracks and reports by the number of children abused or neglected in two distinct categories, based on the type of perpetrator. The first (Metric 1a) consists of alternative caregivers: a foster parent, therapeutic foster parent, kinship parent, or institutional staff person (all referred to as resource caregivers). The second (Metric 1b) involves abuse or neglect

²² A National Look at the Use of Congregate Care in Child Welfare, U.S. Department of Health and Human Services, Administration for Children’s Services, Children’s Bureau, March 2015.

by a parent while the child is in DHS' custody.

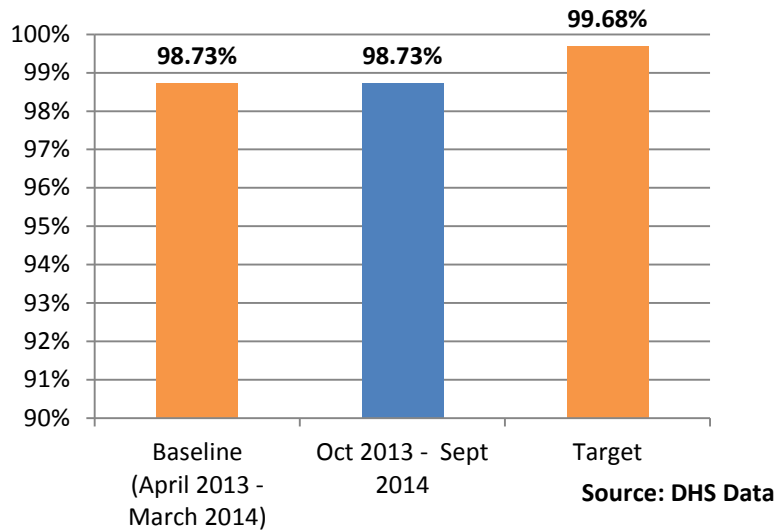
Child Safety: Abuse and Neglect by Resource Caregivers While Child is in the Legal Custody of DHS, Metric 1a

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.²³

For this metric's report period, which covers the 12 months of October 2013 through September 2014, DHS reported that 206 children out of 16,272 in DHS custody were victims of child maltreatment. Applying the federal metric, this represents a rate of 98.73 percent of children in DHS custody during this period who were not victims of child maltreatment. For DHS to have met the Target Outcome of 99.68 percent children in custody absent of child maltreatment, DHS would have had to keep an additional 154 children safe from abuse and neglect by a resource caregiver. During the baseline period, April 2013 to March 2014, DHS served 15,806 children and youth, and determined 200 children had been maltreated by a resource caregiver, for a rate of 98.73 percent, the same as the current report period.

²³ In October 2014, the federal Children's Bureau changed the metric it uses to assess state child welfare efforts to reduce maltreatment in care. The new federal metric combines maltreatment in care by resource caregivers and by parents, with some additional adjustments to the methodology. For consistency and comparability, the Co-Neutrals will continue to use the two metrics listed here in their reporting.

Figure 15: Metric 1a - Absence of Maltreatment in Care by Resource Caregivers



In addition to publicly reporting performance on this federal metric semi-annually, DHS publicly reports substantiations of child maltreatment in their monthly data. Over the same 12-month period, October 1, 2013 to September 30, 2014, DHS reported 260²⁴ substantiations of child abuse and neglect. Of these, 54 substantiations are not included in the federal metric adopted by the Co-Neutrals as Measure 1a for two reasons: (1) 52 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) two cases were not counted in the federal metric because they represent multiple substantiations for the same child.

During the period, the Co-Neutrals commenced a case record review of all 247²⁵ abuse and neglect substantiations by a resource caregiver that DHS initially reported in its monthly MIC data for the current 12-month reporting period and encouraged DHS to do the same to identify areas for improvement in child safety. That review continued after the reporting period and will forge the basis of discussions between the Co-Neutrals and the parties in the Spring of 2015. In future Commentaries, the Co-Neutrals will evaluate DHS’ efforts to achieve the Target Outcomes to protect children in custody from abuse and neglect, based on DHS’ analysis of data and information, including trends, patterns and practice issues surfaced by DHS and, separately, by the Co-Neutrals in the case record review. The Co-Neutrals have advised DHS to

²⁴ A rollup of DHS’ monthly data shows 247 substantiations of abuse and neglect of children in DHS custody. However, the total number of substantiations used in the Co-Neutrals’ analysis is 260; 14 substantiations were not included in the monthly data due to data lag and other programmatic reasons but were eventually reported by DHS in the data submitted to the federal government.

²⁵ See footnote 20 above.

develop a core strategy plan to improve child safety, which DHS plans to submit in the Spring of 2015. The Co-Neutrals are reserving judgment on DHS' efforts to achieve substantial and sustained progress in this performance area and will report on DHS' efforts to implement its core strategy plan in the October 2015 Commentary.

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

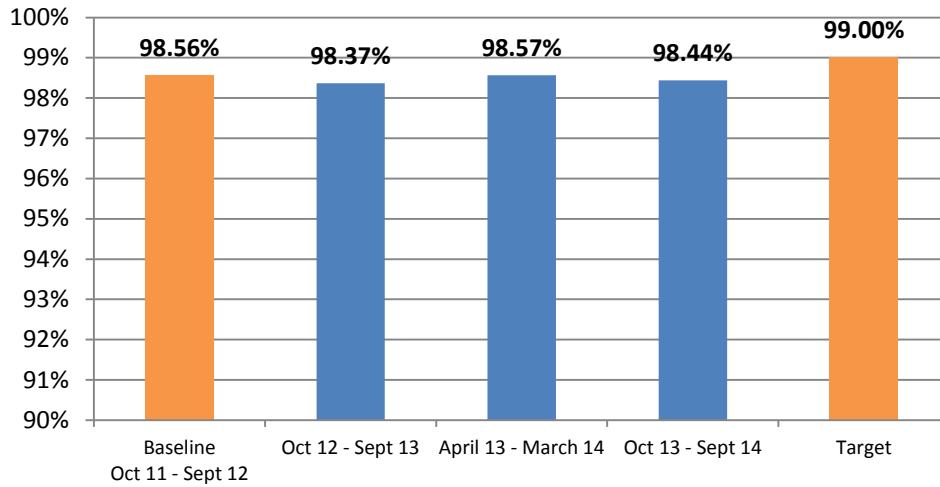
The Co-Neutrals adapted the methodology utilized in the preceding section, Abuse and Neglect by Resource Caregivers, to measure abuse and neglect by parents while a child is in the legal custody of DHS. This includes the significant population of children who remain the legal responsibility of DHS but 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 DHS recognizes 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.

For the previous period, April 2013 to March 2014, DHS served 15,806 children in custody, 220 of whom had parents who abused or neglected them while in DHS custody, yielding a performance rate of 98.57 percent. DHS reports that for this 12-month report period, October 2013 through September 2014, there were 254²⁶ children who were maltreated by their parents while in DHS custody. This represents a performance rate of 98.44 percent for this period against a target of 99 percent. For DHS to have reached the target during this period, the agency would have had to prevent maltreatment for an additional 92 children.

²⁶ DHS reported in its federal submission data that 259 children in custody were maltreated by a parent. Data errors in the records of five of these 259 children resulted in over-reporting.

Figure 16: Metric 1b - Absence of Maltreatment in Care by Parents



Source: DHS Data

In DHS' monthly-reported data for this 12-month period, DHS shows an additional 87 substantiations of maltreatment of children by their parents while in DHS custody. These 87 substantiations are not included among the 254 children reported in the federal measure because of the federal exception applicable in Metric 1a 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.

The Co-Neutrals have advised DHS to develop a core strategy plan to improve child safety, which DHS plans to submit in the Spring of 2015. The Co-Neutrals are reserving judgment on DHS' efforts to achieve substantial and sustained progress in this performance area and will report on DHS' efforts to implement its core strategy plan in the October 2015 Commentary.

E. Caseworker Visitation

DHS understands 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.²⁷ Regular visits by the same caseworker to the

²⁷ 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

same child are associated with faster permanency, building relationships between caseworkers, children and caregivers, and providing benchmarks to assess children's 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:

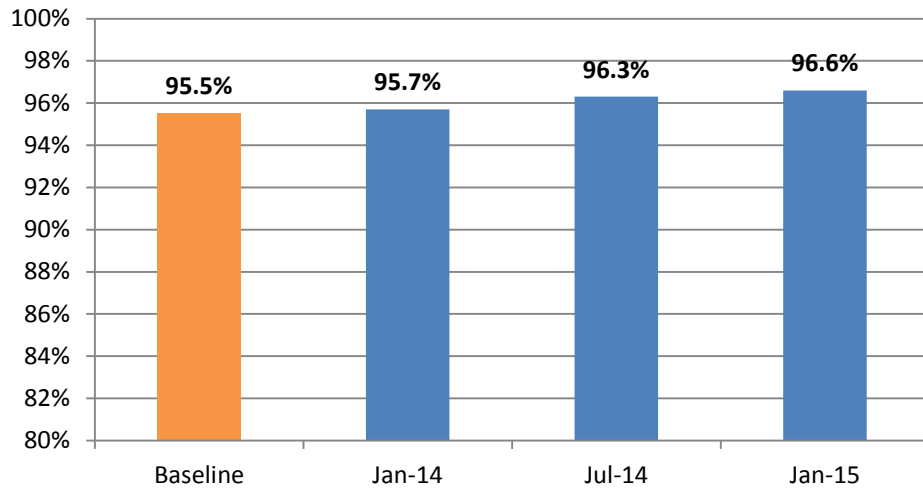
3.1: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between caseworkers and children in foster care for at least one calendar month during the reporting period.

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 reported that caseworkers made 124,355 (96.6 percent) out of 128,745 required visits with children during the reporting period of January 1, 2014 to December 31, 2014. The baseline for DHS' performance was an already strong 95.5 percent of all required visits made. DHS showed improved performance when it last reported in July 2014 that its staff had completed 96.3 percent of all required visits for the period July 1, 2013 to June 30, 2014. This most recent report period indicates even further progress.

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.

Figure 17: Metric 3.1 - Frequency of Visits by All Workers



Source: DHS Data

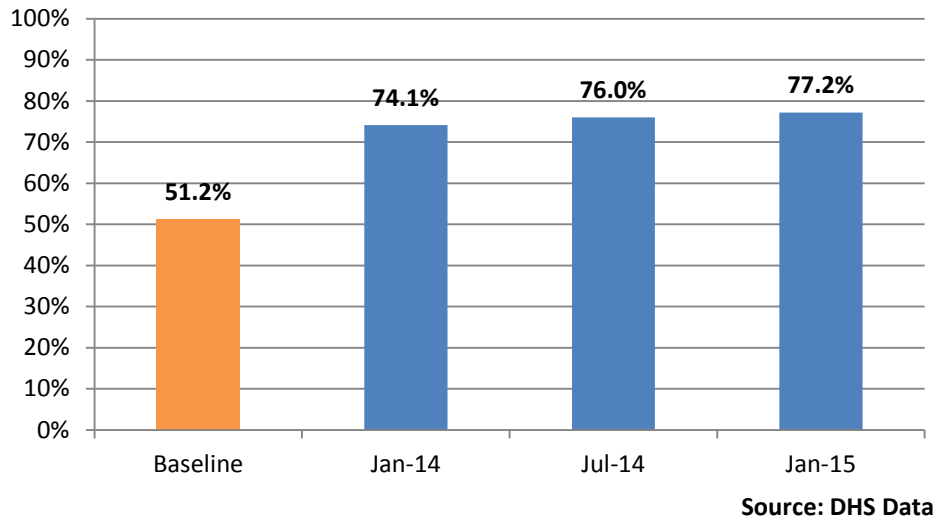
In focus groups with workers and supervisors, the Co-Neutrals have heard that visits are a priority and that workers feel strongly that they must see the children on their caseload once per month. This continues to be a strength of the system and the Co-Neutrals conclude that DHS has made good faith 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 previous commentaries, the Co-Neutrals approved DHS' request to stagger implementation of this commitment until January 1, 2015.

DHS reported that primary workers made 99,358 visits with children out of 128,745 required monthly visits, which represents 77.2 percent of all required visits during the reporting period of January 1, 2014 to December 31, 2014. For monthly visits conducted by primary workers only, the baseline for DHS' performance was 51.2 percent and the interim target due for FFY2014 is 70 percent.²⁸

²⁸ Nine of the twelve months of this reporting period, covering January 1, 2014 to December 31, 2014, fell within FFY2014, for which the interim target is 70 percent. For December 2014, the last month of this reporting, DHS reported its performance at 81.0 percent.

Figure 18: Metric 3.2 - Frequency of Primary Worker Visits



DHS has continued to trend positively in this performance area, which reflects DHS' successful implementation of its commitment to end the use of secondary workers. The Co-Neutrals conclude that DHS has made good faith efforts to achieve substantial and sustained progress with the Target Outcome for Metric 3.2.

Performance Metrics for Continuity of Visits, Metrics 3.3a and 3.3b

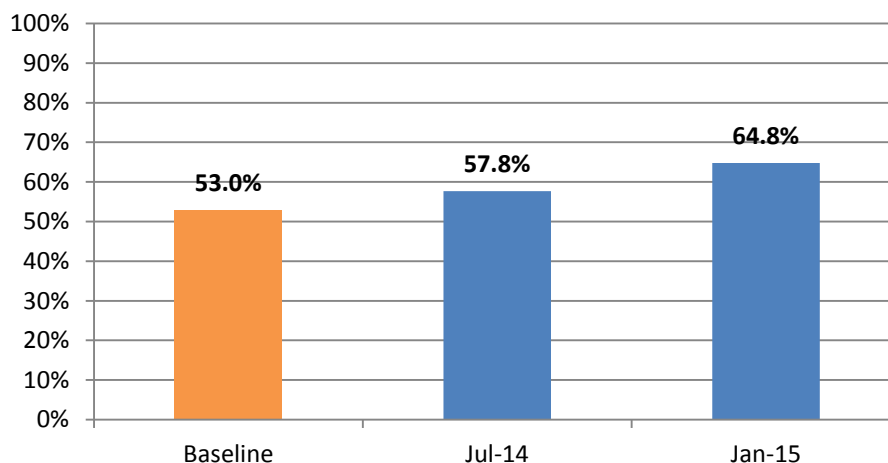
The metric the Co-Neutrals use to assess Oklahoma's progress on continuity of children's visits with the same caseworker is staged in two phases: first assessing continuity of visits over three months (Metric 3.3a) and then over six months (Metric 3.3b). For the period from January 1, 2014 to December 31, 2014, the Co-Neutrals use a metric that measures continuity over a three-month period:

3.3a: 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 for this metric was 53 percent and set a target of 75 percent by December 31, 2014. DHS reported that between July 1, 2014 and December 31, 2014, there were 10,250 children in DHS custody who required at least three consecutive visits. Of these 10,250 children, 6,640 (64.8 percent) were visited by the same primary caseworker in their most recent three months in care. This data shows progress over

the performance data DHS reported for the previous six months when 57.8 percent of children had three consecutive visits with the same primary worker.

Figure 19: Metric 3.3a - Continuity of Worker Visits by Primary Workers



Source: DHS Data

Although DHS did not reach the 75 percent target for this metric by December 31, 2014, the Co-Neutrals understand that DHS' improved performance from 53 to 64.8 percent in one year represents, again, DHS' commitment to complete child visits and reduce its case assignments to secondary workers. The Co-Neutrals find that DHS has made good faith efforts to achieve substantial and sustained progress for this first phase of the continuity of visits metric.

DHS, in its next semi-annual data report, will present performance data on the second phase of the continuity of visits metric (3.3b), which will assess the number of children with consecutive monthly visits with the same primary caseworker over a six-month period. Moving forward, this six-month continuity metric replaces the first phase of this metric (3.3a) that reviewed a three-month period of visits.

During this performance period, DHS and the Co-Neutrals established the baseline and target for the six-month continuity of visits metric. For the period of July 1, 2013 to June 30, 2014, DHS reported a baseline of 40.6 percent and the Co-Neutrals approved a final target of 65 percent.

As DHS continues to work toward improving caseloads and ending the use of secondary workers – except in limited, supervisor approved cases – the Co-Neutrals anticipate that DHS will continue to report progress with all its metrics for caseworker visits. As DHS reduces its caseloads, the Co-Neutrals also expect that DHS will work to improve the quality of caseworker visits.

Caseworkers and supervisors have expressed to the Co-Neutrals that while completing visits is a priority, their high caseloads frequently limit their time with children, parents, foster parents or group home staff. Both caseworkers and supervisors readily admit that they will need longer visits to ensure that visits are used to thoroughly review any issues of concern and to establish a relationship with the children, birth parents/guardians and foster parents or other substitute caretakers on their caseloads (such as group home staff). The Co-Neutrals are undertaking a review of DHS case records that includes an assessment of the quality of caseworker visits as one area of case practice, among several, that are used to ensure the safety and well-being of children in care. The Co-Neutrals have shared with DHS their findings from this review in order to conduct a joint assessment of the records and will report on findings in the next Commentary.

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 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.

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 October 1, 2013 to September 30, 2014 for Metrics 4.1 (a through c) and 4.2.

Performance Outcomes

DHS understands the importance of a child's first placement being the best placement to support placement stability and that this approach requires DHS to establish and maintain a robust continuum of care (foster homes, TFCs and higher levels of care such as group homes) to meet the diverse needs of children in DHS' custody. Achieving stable placements also requires caseworkers to have manageable caseloads, so they have the time needed to focus on the children and foster families who depend on their support.

For this reporting period, DHS continues to show some improvements for Metrics 4.1 a, b and c as noted in Table 7 below. These metrics report on the number of children who experience two or fewer placements at different lengths of time in DHS custody (e.g., 12, 24 or 36 months). For Metric 4.2, as well, DHS achieved some small improvements over the starting baseline (from 74

to 77.7 percent) – despite a slight decline in performance in this report period compared to the last (from 78 to 77.7 percent).

Table 7: 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	Performance Oct 2013 – Sept 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%	76.1%
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%	54.0%
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%	27.5%
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%	78.0%	77.7%

While DHS is trending positively for these metrics, the level of improvement is not yet substantial. The Co-Neutrals have advised DHS to move with a sense of urgency to develop a core strategy plan, which DHS plans to submit in the Spring of 2015. The Co-Neutrals are reserving judgment on DHS’ efforts to achieve substantial and sustained progress in this performance area and will report on DHS’ efforts to implement its core strategy plan in the October 2015 Commentary.

G. Permanency

Children and youth in the child welfare system need and deserve loving and permanent families to keep them safe and to support their emotional, physical and social development. When DHS removes a child from their family due to abuse and/or neglect, the agency establishes a permanency case goal for the child. For most children, reunification, adoption or guardianship is the child’s permanency goal and DHS develops individualized case plans designed to achieve timely permanency for all children in the state’s custody. In the Pinnacle Plan, DHS also committed to implement targeted strategies for children who experience permanency challenges. This includes youth who are legally free for adoption but are at risk of exiting foster care without a permanent family, children who are legally free without an identified adoptive placement, children and youth in congregate care and children with a goal of reunification who remain in foster care without permanency. DHS’ recent data analysis shows children with disabilities, as well as older youth, are more likely to experience longer lengths of stay. Given this, it is imperative that DHS target its efforts to support these groups of children.

Since the beginning of DHS' reform efforts, the Co-Neutrals have encouraged DHS to sequence its implementation of the Pinnacle Plan with an initial, intense focus on three performance areas – reducing caseloads so that staff have the time and capacity to care for children; increasing the supply of foster and therapeutic foster homes so that children who have been removed from their families have safe and appropriate places to live; and reducing the use of shelter placements for children. At this point in the reform process, DHS should be as intensely focused on achieving timely permanency for children consistent with the Metrics Plan as with all other elements of the reform work.

In recent discussions, the Co-Neutrals encouraged DHS leadership to evaluate the many Pinnacle Plan permanency commitments and, from these commitments, adopt a set of core strategies DHS leadership believes will result in improved timely permanency outcomes for children in its custody. DHS agreed to do so and is expected to submit a core strategy plan to the Co-Neutrals in the Spring of 2015. DHS' performance trended negatively for most of the permanency measures. However, the Co-Neutrals reserve judgment on DHS' efforts to achieve substantial and sustained progress toward the permanency Target Outcomes in this reporting period for eight of the ten permanency measures.²⁹ The Co-Neutrals will afford DHS additional time, through June 30, 2015, to demonstrate its adoption and effective implementation of core strategies to achieve substantial and sustained progress toward the permanency Target Outcomes.

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 free³⁰ children and youth without an identified family to permanency expeditiously. DHS' strategy to achieve permanency for the cohort was to allocate additional adoption staff throughout the state to convene permanency case review conferences. The purpose of the reviews is for 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 then developed, and both adoption and permanency staff are responsible for advancing, tracking, and monitoring progress. DHS reported that it continued to utilize this targeted, child-specific review process throughout the reporting period and will continue to do so moving forward.

²⁹ For one of the ten permanency measures, Metric 6.1, the Co-Neutrals are evaluating performance using the Target Outcomes set for two separate age groups established for the identified point-in-time legally free cohort.

³⁰ These are children and youth whose parents rights have been legally terminated by the Court.

DHS and the Co-Neutrals established a point-in-time cohort of 292 children who were legally free for adoption 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 these children and youth as follows:

- By June 30, 2016, 90 percent of the 207 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.

DHS reported that 47 (22.7 percent) of the 207 children in the younger segment of the cohort (ages 12 and under) achieved permanency as of January 1, 2015. This is an increase of 30 children since August 15, 2014 when DHS last reported to the Co-Neutrals that 17 children had achieved permanency. For this younger segment of the cohort, the Co-Neutrals find that DHS has made good faith efforts to achieve sustained, positive trending toward the Target Outcome.

For the 85 youth in the older group (ages 13 and older), DHS reported that a total of eight children achieved permanency as of January 1, 2015, an increase of six children since August 15, 2014. DHS also reported that as of December 31, 2014, six children in the older age group of the cohort have aged out of custody without achieving permanency. Given the low number of children who are moving to permanency in this older segment of the cohort, as well as the number of children aging out, DHS will need to expand its permanency strategies to ensure the children in this age group achieve permanency. The Co-Neutrals do not find that DHS has made good faith efforts to achieve substantial and sustained progress toward the Target Outcome for the older segment of the legally free cohort identified for Metric 6.1.

DHS reported that an additional 30 children placed in adoptive homes were in trial adoption status on January 1, 2015, a sign that more children should achieve permanency in upcoming months. The Co-Neutrals will report on these permanency outcomes and the distribution across the two age groups in the October 2015 Commentary.

Table 8: Permanency Performance for Metric 6.1

Permanency Metric	Baseline	Permanency Target by June 30, 2016	Permanency Achieved as of August 15, 2014	Permanency Achieved as of January 1, 2015
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	47 children (22.7%) achieved permanency
	85 children- Age 13 and older	80%	2 children (2.4%) achieved permanency	8 children (9.4%) achieved permanency

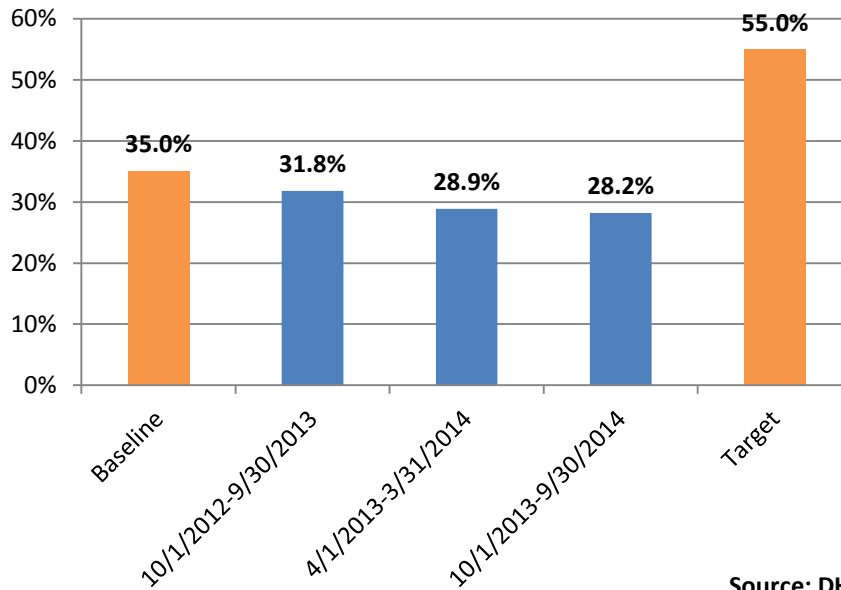
Final Target Outcomes for this cohort of children are set to be achieved by June 30, 2016, and there are no interim performance targets. The progress made thus far by DHS is encouraging, particularly for children ages 12 and younger, and the Co-Neutrals look forward to discussing in the next Commentary DHS’ ongoing efforts on behalf of children and youth in the cohort.

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

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. In three (6.2 a, b and c) of the four 6.2 metrics for timeliness to permanency, DHS is trending negatively with the remaining metric (6.2d) showing some recent improvement. The following Figures detail the baselines, performance to date and targets for the achievement of timely permanency for children in DHS’ custody.

Metric 6.2a, Permanency within 12 months of removal: DHS reported that of the 2,901 children who entered foster care between April 1, 2013 and September 30, 2013, 818 children achieved permanency within 12 months of their removal date. This represents a permanency achievement rate of 28.2 percent for Metric 6.2a – the Target Outcome is 55 percent. The goal is for DHS to achieve a higher outcome number for this metric. With the baseline set at 35 percent, DHS’ performance has trended negatively and below the baseline for three consecutive reporting periods.

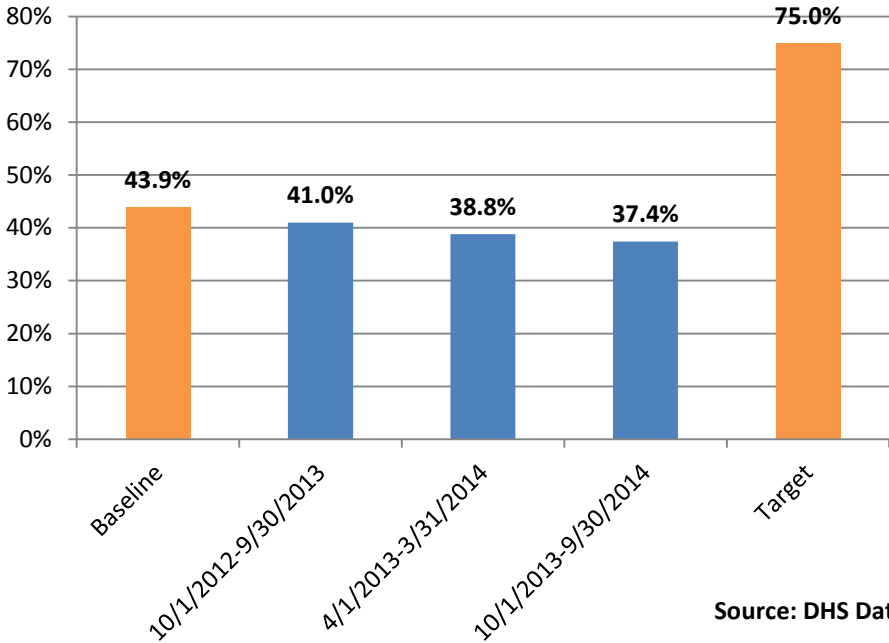
Figure 20: Metric 6.2a - Permanency within 12 Months of Removal



Source: DHS Data

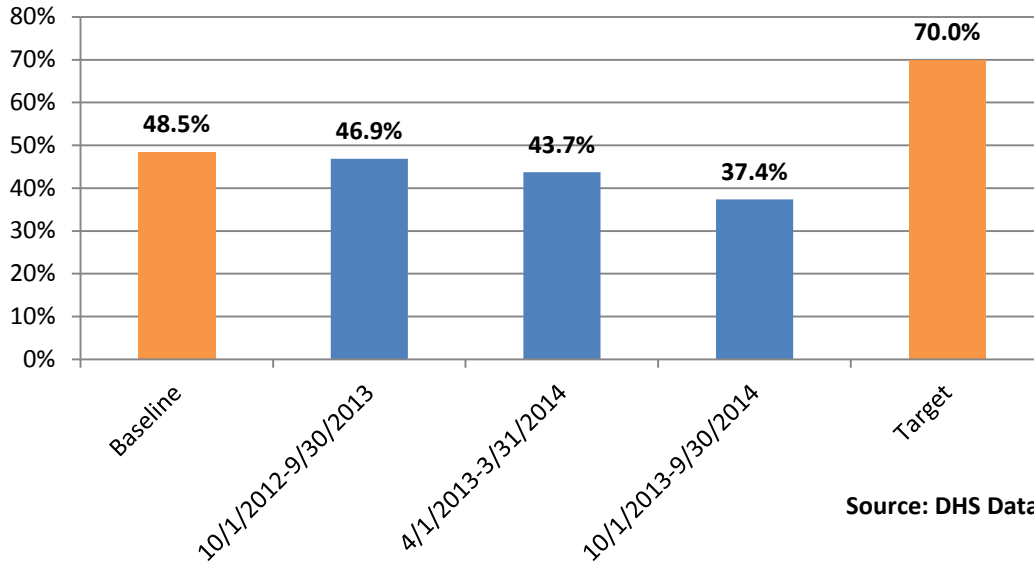
Metric 6.2b, Permanency within two years of removal: DHS reported that of the 1,787 children who entered foster care between April 1, 2012 and September 30, 2012 and stayed in foster care for at least 12 months, 669 children achieved permanency within two years of their removal date. This represents a permanency achievement rate of 37.4 percent for Metric 6.2b – the Target Outcome is 75 percent. The goal is for DHS to achieve a higher outcome number for this metric. With the baseline set at 43.9 percent, DHS’ performance has trended negatively, as performance was consistently below and further from the baseline in each reporting period.

Figure 21: Metric 6.2b - Permanency within 2 years of Removal



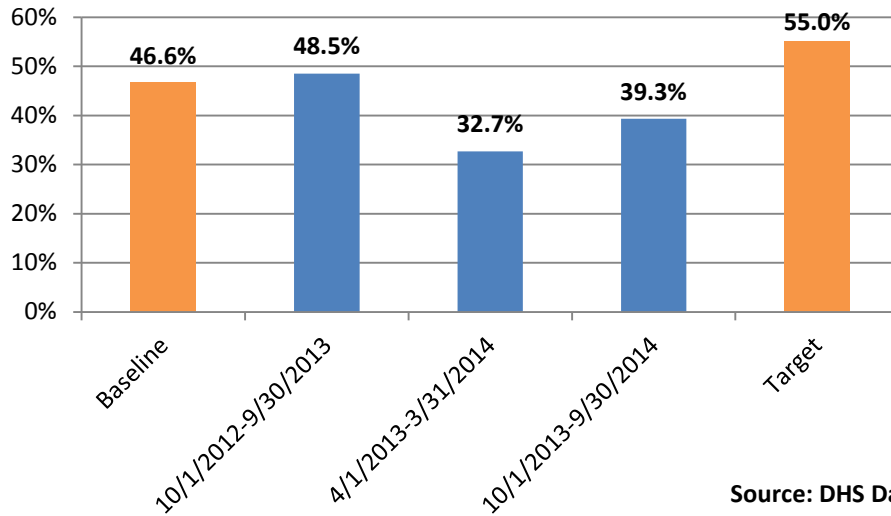
Metric 6.2c, Permanency within three years of removal: DHS reported that of the 924 children who entered foster care between April 1, 2011 and September 30, 2011 and stayed in foster care for at least 24 months, 346 children achieved permanency within three years of their removal date. This represents a permanency achievement rate of 37.4 percent for Metric 6.2c – the Target Outcome is 70 percent. With the baseline set at 48.5 percent, performance is trending negatively with DHS reporting three consecutive performance outcomes that represent a decrease from the previously reported data. The goal is for DHS to achieve a higher outcome number for this metric. All three performance outcomes DHS has reported to date for Metric 6.2c have been below the baseline.

Figure 22: Metric 6.2c - Permanency within 3 years of Removal



Metric 6.2d, Permanency within four years of removal: DHS reported that of the 359 children who entered foster care between April 1, 2010 and September 30, 2010 and stayed in foster care for at least 36 months, 141 children achieved permanency within four years of their removal date. This represents a permanency achievement rate of 39.3 percent for Metric 6.2d – the Target Outcome is 55 percent. As shown in Figure 23 below, DHS has shown mixed performance in the last three reporting periods. The goal is for DHS to achieve a higher outcome number for this metric. With the baseline set at 46.6 percent, DHS reported that its performance for this period is below the baseline. However, performance improved from the last reporting period when 32.7 percent of children in the cohort achieved permanency.

Figure 23: Metric 6.2d - Permanency within 4 years of Removal



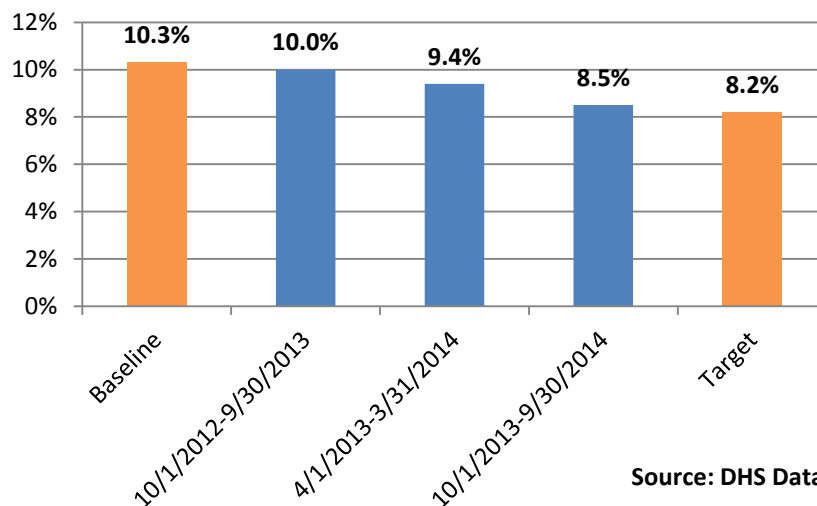
DHS has acknowledged there have been significant challenges to improved permanency practice due to the increase in the number of children in care, high worker caseloads, worker turnover, and the lack of placement resources for children in DHS' custody. DHS has also acknowledged that progress in reducing worker caseloads and in developing an increased pool of foster home and TFC placements are directly linked to better permanency outcomes for children and youth.

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 is no more than 8.2 percent of children re-entering care. For this period, DHS reported that of the 2,638 children who discharged to permanency (not including adoption) between October 1, 2012 and September 30, 2013, 225 children re-entered care within 12 months, which represents 8.5 percent of child re-entries. DHS' performance has trended positively with respect to this permanency metric, as performance moved closer to the final Target Outcome in each of the reporting periods.

Figure 24: Metric 6.3 - Re-entry within 12 Months of Exit



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 Target Outcomes 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.

For this period, DHS reported that 148 legally free children turned 16 years old between October 1, 2011 and September 30, 2012. Thirty-seven of these children, representing 25 percent, achieved permanency as follows:

- Twenty-four were adopted;
- Ten exited through guardianship;
- Two were reunified with their families; and
- One youth exited through custody to a relative.

Of significant concern to the Co-Neutrals, 92 (62.2 percent) of the 148 youth in the cohort exited the state’s custody without permanency. Nineteen youth (12.8 percent) remained in care on the last day of the reporting period.

As shown in the table below, performance outcomes have been below the baseline in all three reporting periods and fall well-short of the 50 percent interim permanency target established for December 31, 2014.

Table 9: Permanency Performance for Metric 6.4

Permanency Metric	Baseline	Reported Jan 2014	Reported July 2014	Reported Jan 2015	Target
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.	30.4% (July '09-June '10)	20.7%	26.9%	25.0%	50.0% by 12/31/14 75.0% by 12/31/15 80.0% by 6/30/16

One of DHS’ primary strategies to advance permanency for older youth was to convene Permanency Roundtables (PRT) for legally free youth 16 years of age or older who are at risk of aging out of foster care without permanency. The goal of the PRT is to identify barriers to permanency, to engage a team of partners to brainstorm creative solutions to those barriers, and to design an individualized Permanency Action Plan. In July 2013, DHS identified 247 youth to participate in the PRT meeting process. As of March 2015, DHS completed PRT meetings for 143 youth in the cohort.

DHS reported that data collection at the end of each PRT identified three main barriers to achieving permanency for these youth: limited or lost connections to youth’s kin, culture and community; staff turnover; and youth’s behavioral and mental health needs. DHS reported that the data gathered to determine whether or not PRTs have successfully influenced positive permanency outcomes is inconclusive but there is a slight indication of positive improvements of permanency achievement in this population. DHS reported data validity limitations due to:

- Limited responses from workers;
- Reduced action plan timeframes due to the age of youth and the risk of youth aging out before the action plan could be completed;
- Inadequacies in the type of data gathered and measurement capacity; and
- Staff turnover has affected survey responses and action plan completion.

DHS leadership reported to the Co-Neutrals that they continue to evaluate PRT implementation to determine the capacity the agency needs to implement the PRT model with fidelity and to determine the populations of children and youth for whom PRT meetings will be utilized on an ongoing basis.

Timeliness to Adoption for Children who become Legally Free, Metric 6.5

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 percent. In January 2014, DHS’ first reported performance data for this metric showed DHS’ performance at 60.9 percent – 6.6 percent above the baseline. Since that time, DHS’ performance declined to 55.6 percent in the previous period and 51.9 percent in current period which is below the established baseline. DHS reported that of the 1,618 children who became legally free between October 1, 2012 and September 30, 2013, 839 (51.9 percent) were adopted within 12 months of becoming legally free.

Table 10: Permanency Performance for Metric 6.5

Permanency Metric	Baseline	Reported Jan 2014	Reported July 2014	Current Report Jan 2015	Target
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%	60.9%	55.6%	51.9%	75.0%

Adoption Permanency, Metrics 6.6, and 6.7

The remaining permanency metrics (6.6 and 6.7) measure how well DHS avoids pre-adoption placement disruptions and post-adoption finalization dissolutions.

Metric 6.6 measures the percentage of adoption placements 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 Target Outcome was set at 97.3 percent. DHS’ performance has remained flat and below the baseline across the last three report periods. See Table 11 below. For this reporting period, DHS’ data shows that, of the 1,239 children who entered a trial adoption placement between October 1, 2012 and September 30, 2013, 1,195 children (96.4 percent) did not disrupt within 12 months of entering

trial adoption. Forty-four children experienced disruptions in their adoption placements and in order for DHS to have met the Target Outcome for this reporting period, 10 less children would have experienced disruptions in their adoption placements.

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 adoption finalization. The baseline for this metric was established at 99.0 percent and the Target Outcome was set at 99.0 percent. For this reporting period, DHS’ data shows that, of the 2,865 children who were adopted between October 1, 2010 and September 30, 2012, 2,856 children (99.7 percent) did not disrupt within 24 months of being adopted. DHS has consistently exceeded the Target Outcome for both the current and last two performance periods, reporting performance at 99.7 in each period. See Table 11 below.

Table 11: Permanency Performance Metrics 6.6, and 6.7

Permanency Metric	Baseline	Reported Jan 2014	Reported July 2014	Current Report Jan 2015	Target June 2013
6.6: Percent of adoption placements that did not disrupt over a 12-month period, of all trial adoption placements during the previous 12-month period.	97.1%	96.2%	96.4%	96.4%	97.3%
6.7: Percent of children whose adoption was finalized over a 24-month period who did not experience adoption dissolution within 24 months of finalization.	99.0%	99.7%	99.7%	99.7%	99.0%

Appendix A: Metric Plan Baselines and Targets (Updated February 2015)

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)	End of Year: 904 Interim Target: 678 by 3/31/15 (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)
Net gain/loss in therapeutic foster homes (TFC) for the reporting period.	Semi-Annually, in the January and July monthly reports	n/a	56

* By May 30 of each year, DHS shall conduct annual trend analysis to set annual targets for the total number of new homes developed and the net gain for foster and TFC homes needed to meet the needs of children in and entering care. The Co-Neutrals also set an interim target of newly approved homes for the year.

** 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	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	40.6% (January 2013 – June 2014)	65%

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 ³¹ , 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	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%

³¹ 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: <i>27% - meet standard</i> <i>8% - 1-20% above standard</i> <i>65% - 21%+ above standard</i>	Same Interim Target for All Case Carrying Workers – by Dec 31, 2013: <i>45% - meet standard</i> <i>30% - 1-20% above standard</i> <i>25% - 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: Remedial Order

D.G. vs. Yarborough

Case No. 08-CV-074

Remedial Order

Based on the findings of the Co-Neutrals' Commentaries issued in October 2013, April 2014 and October 2014, and pursuant to Section 2.14 of the *D.G. v Yarborough* Compromise and Settlement Agreement, the Oklahoma Department of Human Services (DHS) is hereby directed to undertake and maintain the following diagnostic and remedial activities:

1) Foster Homes

- a) DHS shall immediately identify systemic barriers that prevented the agency from making substantial and sustained progress toward achieving its new foster home Target Outcome for SFY14.
- b) DHS shall review its current core strategies to develop new foster homes, evaluate the effectiveness of those strategies, and ensure that all tools available to DHS to achieve the foster home Target Outcomes are incorporated into a remediation plan.
- c) DHS shall develop and submit to the Co-Neutrals by January 10, 2015 a remediation plan, with proposed timeframes, designed to ensure DHS achieves its foster home Target Outcomes for SFY15. The remediation plan shall be subject to the approval of the Co-Neutrals, and upon Co-Neutral approval, DHS shall immediately implement the remediation plan.
- d) Director Lake shall, by November 30, 2014, identify a senior DHS staff person responsible for continually assessing progress and identifying barriers toward achieving the foster home Target Outcomes. This individual shall serve as the DHS liaison to the Co-Neutrals for all matters related to the foster home performance area.

2) Caseloads

- a) DHS shall prepare weekly caseload and position management reports that identify the following for every district office:
 - i) The number of caseworker positions allocated to the district.
 - ii) The list of caseworkers currently employed (list their caseload carrying capacity under graduated caseloads – 0%, 25%, 50% and 100%).
 - iii) The caseloads for each caseworker.

- iv) The number of caseworkers (by type) needed to achieve 90 percent caseload compliance based on the previous week's workload.
- v) The number of vacant caseworker positions available to fill.
- vi) The number of vacant caseworker positions posted to fill.
- vii) The number of caseworker positions vacated and/or new resignations or transfers announced during the previous week.

While the primary purpose of the weekly caseload and position management report is for DHS leadership to track progress and manage toward better outcomes, DHS will also submit these reports weekly to the Co-Neutrals. Starting on December 1, 2014, DHS will submit to the Co-Neutrals its first weekly report, containing all the data elements listed above for which DHS already has the capacity to report. By February 28, 2015, DHS will provide weekly reports to the Co-Neutrals that include all the data elements set forth above.

- b) By January 10, 2015, DHS shall identify a set of priority districts that have the highest needs in terms of caseloads, vacancies and turnover. The priority districts will be identified using criteria proposed by DHS based on a threshold of a percentage of workers who are above the caseload carrying standard, a percentage of vacancies and a rate of turnovers. The Co-Neutrals will review and approve DHS' proposed criteria and selected list of priority districts. Once the set of priority districts have been identified and approved, DHS shall provide monthly reports to the Co-Neutrals on targeted strategies to hire and retain caseworkers for this priority set of districts. These plans shall include the results of diagnostic assessments of any barriers to hiring and retention in the targeted district offices and strategies to overcome those barriers.
- c) DHS shall produce and submit to the Co-Neutrals monthly reports on its plans and progress toward implementing graduated caseloads and the field mentor training program, two core caseload strategies DHS included in the Pinnacle Plan.
- d) Director Lake shall identify a senior DHS person responsible for continually assessing the weekly caseload and position management reports to identify barriers (short-term, long-term, local and statewide) and opportunities to achieve substantial and sustained progress toward caseload Target Outcomes. This individual shall serve as the DHS liaison to the Co-Neutrals for all matters related to the caseload performance area. The Co-Neutrals direct that this same person will engage in weekly calls with all District Directors in priority districts and monthly calls with all remaining District Directors related to progress and challenges with caseloads, retention and hiring.

3) Child Protective Services (CPS) Investigation Backlog

- e) DHS shall develop and submit to the Co-Neutrals by December 15, 2014 a remediation plan to reduce its backlog of overdue CPS investigations. The remediation plan shall identify current barriers to DHS' completing investigations within the required 60-day timeframe and core strategies DHS will employ to reduce the backlog. DHS' remediation plan will propose interim targets and dates for backlog reduction and a final target date for eliminating the backlog.

- f) Director Lake shall identify a senior DHS person responsible for continually assessing progress or negative trending with the backlog reduction and identifying barriers (short-term, long-term, local and statewide) to timely completions of CPS investigations. This individual shall serve as the DHS liaison to the Co-Neutrals for all matters related to the CPS investigation backlog.

This order is effective upon publication which is the date noted below.

By:



Eileen Crummy

Co-Neutral



Kathleen Noonan

Co-Neutral



Kevin Ryan

Co-Neutral

Dated: November 14, 2014

Appendix C: November 14, 2014 Memorandum regarding Interim Targets

To: Ed Lake and Jami Ledoux

From: Eileen Crummy, Kathleen Noonan and Kevin Ryan

Date: November 14, 2014

Re: Metrics Plan Revisions

As provided for in Section 2.10 (f) of the Compromise and Settlement Agreement, the Co-Neutrals are revising the Metrics, Baselines and Targets Plan (Metrics Plan) to include the following targets and reporting requirements:

2. Therapeutic Foster Care (TFC) homes - Annual Net Gain Target

The Metrics Plan establishes that “OKDHS shall establish targets for licensing new therapeutic homes to be submitted to the Co-Neutrals by May 30th of each year.” The Co-Neutrals require that DHS also establish an annual target for new TFC homes.³²

- a. For SFY15, the Co-Neutrals establish a net gain target of 56 TFC homes. For future years, DHS will submit to the Co-Neutrals annual net gain targets for TFC homes by May 30th of each year.
- b. Beginning in December 2014, DHS will report progress toward achieving the SFY15 net gain target of new TFC homes in its monthly report.

3. Foster Homes³³ – Annual Net Gain Target, Monthly Reporting

The Co-Neutrals established the SFY15 net gain target of 356 new foster homes.

- a. Beginning in December 2014, DHS will report progress toward achieving the SFY15 net gain target of new foster homes in its monthly report.

4. Foster Homes – Annual Interim Target and Monthly Reporting

The Co-Neutrals determined that the SFY15 new foster home target is 904 homes. In order to better track DHS’ progress in meeting the annual target, the Co-Neutrals establish an interim SFY15 target.

³² New TFC homes included in the net gain count are subject to the SFY15t Criteria for Counting New Non-Kin Foster and TFC Homes established by DHS and the Co-Neutrals.

³³ Non-kinship foster homes

- a. By March 31, 2015, DHS will develop 678 new non-kin foster homes as an interim target for SFY15. For future years, the Co-Neutrals will establish an annual interim target (both date and target number to be determined) for new foster homes, which will be based on the annual target established for that year.
- b. Beginning in December 2014, DHS will report progress toward achieving the interim target for new foster homes in its monthly report.

The Co-Neutrals will accept comments from DHS and Plaintiffs before finalizing these revisions to the Metrics Plan. Please provide comments by Friday, November 21, 2014.

c Marcia Lowry
Fred Dorwart
Ron Baze

Glossary 1: Acronyms

CPS	Child Protective Services
CSA	Compromise and Settlement Agreement
CWS³⁴	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

³⁴ 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.