



June 25, 2014

Via Electronic Mail

The Honorable Thomas F. Hogan
U.S. District Court for the District of Columbia
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW, Room 4012
Washington, DC 20001
thomas.f.hogan@dcd.uscourts.gov

Re: *LaShawn A. v. Gray*, Civil Action No. 89-1754 (TFH)
Supplemental Report on Performance on Select Exit Standards during
January – March 2014

Dear Judge Hogan:

At the January 24, 2014 status hearing, the District requested and the Monitor agreed to provide two reports in advance of the July 17, 2014 hearing. The first, which has already been provided, is the full monitoring report for the period July 1, 2013 to December 31, 2013. This second supplemental report provides additional data on select Exit Standards from the *LaShawn A. v. Gray Implementation and Exit Plan (IEP)* for the months of January through March 2014. The Exit Standards selected for this supplemental report were requested by CFSA as some of the areas that remain to be achieved and for which the Monitor would be able to relatively quickly verify the performance data provided by CFSA.

Attached is a summary table of the performance data on the selected standards reprinted from the last full monitoring report (July through December 31, 2013) and in the subsequent first three months of 2014. For each of the 13 Exit Standards assessed, we have also indicated the direction of performance change in the first quarter of 2014. It is important to note that there are 88 standards in the IEP of which 23 remain to be achieved. Thirteen of the 23 are discussed in this report; the additional 10 standards that remain to be achieved and are not discussed in this supplemental report will be reviewed in the next full monitoring report, due to be provided to the Court in November 2014.

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The Exit Standards addressed in the supplemental report include:

1. *Timely Initiation of Investigations* – 95% of all investigations will be initiated within 48 hours or there will be documented good faith efforts to initiate investigations whenever the alleged victim child(ren) cannot be located (IEP citation I.A.1.a.).
2. *Timely Completion of Investigations* – 90% of investigations will be completed and a final report of findings shall be entered in FACES.NET within 35 days (IEP citation I.A.1.b.).
3. *Comprehensive Review on New Investigations with Four or More Reports* – 90% of the case records for families subject to a new investigation for whom the current report of child maltreatment is the fourth of greater report of child maltreatment, with the most recent report occurring within the last 12 months will have documentation of a comprehensive review (IEP citation I.A.1.c.).
4. *Social Worker Visitation for Children Experiencing a New Placement or Placement Change* – 90% of children newly placed in foster care or experiencing a placement change will have four visits in the first four weeks of a new placement or placement change as described (IEP citation I.A.6.a.-c.).
5. *Visitation between Parents and Workers* – 80% of parents will have twice monthly visitation with workers in the first three months post-placement or there will be documentation that the parents are unavailable or refuses to cooperate with the Agency (IEP citation I.B.10.).
6. *Visitation between Parents and Children* – 85% of children with the goal of reunification will have weekly visitation with the parent with whom reunification is sought or there will be documentation that a visit is not in the child’s best interest, is clinically inappropriate or did not occur despite the Agency’s efforts (IEP citation I.B.11.).
7. *Reduction of Multiple Placements for Children in Care* – Children served in foster care shall have two or fewer placements; different performance levels are required based upon the length of time children are in care (IEP citation I.B.13.).

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8. *Timely Approval of Foster/Adoptive Parents* – 70% of homes licensed beginning November 1, 2010, will have been approved, and interested parties will be notified within 150 days or there is documentation that the delay (beyond 150 days) is due to something beyond the Agency’s control (IEP citation I.B.14.).
9. *Community-based Service Referrals for Low & Moderate Risk Families* – 90% of families who have been the subject to a report of abuse and/or neglect, whose circumstances are deemed to place a child in their care at low or moderate risk of abuse and neglect and who are in need of and agree to additional supports shall be referred to an appropriate Collaborative or community agency for follow-up (IEP citation I.C.19.).
10. *Health Screenings for Children in Foster Care prior to Placement* – 95% of children in foster care shall have a health screening prior to an initial placement or re-entry into care and 90% of children in foster care who experience a placement change shall have a replacement health screening (IEP citation I.C.22.a.).
11. *Full Medical Evaluations for Children in Foster Care* – 85% of children in foster care shall receive a full medical evaluation within 30 days of placement and 95% of children in foster care shall receive a full medical evaluation within 60 days of placement (IEP citation I.C.22.b.i.).
12. *Full Dental Evaluations for Children in Foster Care* – 25% of children shall receive a full dental evaluation within 30 days of placement; 50% of children shall receive a full dental evaluation within 60 days of placement; and 85% of children shall receive a full dental evaluation within 90 days of placement (IEP citation I.C.22.b.ii.).
13. *Receipt of Medicaid Numbers and Cards* – 90% of children’s caregivers shall be provided with documentation of Medicaid coverage within 5 days of placement and Medicaid cards within 45 days of placement (IEP citation I.C.22.d.).

Below the Monitor summarizes the supplemental findings by substantive area of the *LaShawn* IEP. Overall, the data point to continued progress as there were improvements in seven of the 13 Exit Standards reviewed for this three month period.

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Summary of Findings:

Investigative Practice and Referrals for Community-based Services:

Four *LaShawn* Exit Standards related to investigations are included in this report. Two of the standards showed continued improvement and performance data for two of the three months met the IEP Exit Standard (*IEP citation I.A.1.c.* – completion of comprehensive reviews of the case history and current circumstances for families who are subject to a new investigation for whom the current report of child maltreatment is the fourth or greater report with the most recent report occurring within the last 12 months and *IEP citation I.C.19.* – community-based service referrals for low and moderate risk families).¹

Performance on initiating investigations with 48 hours (*IEP citation I.A.1.a.*) remained unchanged with between 88 and 91 percent of investigations initiated within 48 hours between January and March 2014. This is slightly below the required Exit Standard of 95 percent performance.

Performance on the fourth measure of investigative practice included in this supplemental report – timely completion of investigations (*IEP citation I.A.1.b.*) – has declined since the July through December 2013 monitoring period. Compliance has steadily decreased between January and March 2014, and in March 2014, 48 percent of investigations were completed within 35 days and as of the last day of the month, 105 investigations were in backlog status, having been open for longer than 35 days. The Monitor thinks and CFSA agrees that this decrease in performance is related to caseload pressure in CPS investigative units. Although we have not yet validated the caseload data for this period, CFSA data for February and March 2014 shows a significant increase in the percentage of workers whose caseloads are above the required standard of no more than 12 investigations per worker.² CFSA noted the caseload decline in its reporting to the Monitor and immediately initiated steps to address the decline by hiring additional workers and

¹ The Exit Standard for comprehensive reviews has been at compliance levels for five of the past six months reviewed (October 2013 through March 2014).

² In February 2014, CFSA reports that 77 percent of investigative workers had caseloads of 12 or fewer and two workers were responsible for more than 15 investigations. In March 2014, CFSA reports that 64 percent of investigative workers had caseloads of 12 or fewer and 10 were responsible for more than 15 investigations.

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is currently reviewing the investigations open longer than 35 days to determine barriers as well as service needs for the families.

Visits:

Three *LaShawn* Exit Standards related to visits (*IEP citation I.A.6.a.- c.* – visitation between social workers and children when they are newly placed or replaced; *IEP citation I.B.10.* – visitation between social workers and parents; and *IEP citation I.B.11.* – visitation between parents and children) are included in this supplemental report. Performance data for the first quarter of 2014 show that visitation between parents and children with a goal of reunification has improved since the July through December 2013 monitoring period, increasing from a monthly range of 64 to 66 percent to a monthly range between January and March 2014 of 73 to 75 percent. Data show that worker visits to children during the first four weeks of placement and worker visits to parents with a goal of reunification continued at approximately the same level achieved during the previous monitoring period.

Placement and Placement Support:

Data for two *LaShawn* Exit Standards related to placement and placement support are included in the supplemental report (*IEP citation I.B.13.* – reduction of multiple placements and *IEP citation I.B.14.* – timely licensure of foster parents). The Exit Standard related to placement stability has three subparts, reflecting differing levels of expected performance for children in care for different periods of time (12 months or less, between 12 and 24 months and greater than two years). CFSA's performance on the sub-part related to children in care for two or more years has been at or above compliance levels as since January 2011 and was maintained in this three month period. Additionally, during the first quarter of 2014, CFSA data show improvements to compliance levels in the second sub-part of this Exit Standard which requires that children served in foster care during the previous 12 months who were in care for at least 12 months but less than 24 months have two or fewer placements. These improvements in the reduction of multiple placements for children in CFSA care for two years or less are the result of changes to the placement process which allow for better matching caregivers and placement settings to children's needs and improvements in the availability of supports for caregivers which promote stability of placement.

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CFSA also continues to demonstrate improvement and has performed at required levels in the first three months of 2014 in timely approval of foster parents, reaching 74 percent of homes licensed within the required 150 day timeframe. This is a considerable improvement from the data for the last half of 2013 which showed 59 percent of homes achieving timely licensure.

Well-Being:

January through March 2014 performance data for four health and dental care *LaShawn* Exit Standards are included in the supplemental report (*IEP citation I.C.22.a.* – health screening prior to placement, re-entry or replacement; *IEP citation I.C.22.b.i.* – full medical evaluation after placement; *IEP citation I.C.22.b.ii.* – full dental evaluation after placement; and *IEP citation I.C.22.d.* – caregiver receipt of Medicaid number and card).

CFSA has made some improvement in the monthly range of performance toward completion of initial, re-entry and replacement health screenings and timely comprehensive medical evaluations. Completion of full dental evaluations within 90 days of placement has declined slightly to the lower level of monthly performance found in the July through December 2013 monitoring period with a monthly range between January and March 2014 of 78 to 80 percent; this sub-part of the full dental evaluation Exit Standard requires 85 percent. There was no change in performance on receipt of Medicaid number or cards, although CFSA reports that they have recently developed a new process with the Department of Human Services to issues Medicaid cards timely.

Amendments to May 2014 Progress Report:

Subsequent to our providing the Court with the progress report for the July through December 2013 monitoring period, CFSA provided supplemental data for two Exit Standards. These corrected performance data will be included in subsequent reporting and are detailed below for notification to the Court:

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- *IEP citation I.C.22.d. – Receipt of documentation of Medicaid coverage*
The monitoring report indicated that in August 2013, no applicable foster parents received the child's Medicaid number within five days of placement. Based upon supplemental data provided, compliance in August 2013 is 81 percent.³
- *IEP citation I.B.11. – Visitation between parents and children*
The monitoring report provided that in December 2013, 66 percent of applicable children had weekly visits with their parents. Based upon the supplemental data provided, compliance in December 2013 is 65 percent.⁴

Please let me know if you have any questions.

Sincerely,



Judith Meltzer
Deputy Director
Court-appointed Monitor, *LaShawn A. v. Gray*

cc: Marcia Lowry, CRI
Adam Dembrow, CRI
Kate Wood, CRI
Brenda Donald, Director, CFSA
Beatriz Otero, Deputy Mayor for Health and Human Services
Richard Love, OAG
Lucy Pittman, Deputy General Counsel
Mary Williams, CFSA
Thea Cohen, Clerk, US District Court

³ The IEP requires a performance level of 90 percent.

⁴ The IEP requires a performance level of 85 percent.

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**SUMMARY TABLE OF SELECT *LaSHAWN A. v. GRAY* IMPLEMENTATION AND EXIT PLAN
STANDARD PERFORMANCE between January and March 2014**

Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
<p>1. <i>Investigations</i>: Investigations of alleged child abuse and neglect shall be initiated or documented good faith efforts shall be made to initiate investigations within 48 hours after receipt of a report to the hotline of child maltreatment.</p> <p style="text-align: right;">(IEP citation I.A.1.a.)</p>	95% of all investigations will be initiated within 48 hours or there will be documented good faith efforts to initiate investigations whenever the alleged victim child(ren) cannot be immediately located.	Monthly range of 83 – 90%	91%	89%	88%	↔
<p>2. <i>Investigations</i>: Investigations of alleged child abuse and neglect shall be completed within 30 days after receipt of a report to the hotline of child maltreatment and the final report of findings for each investigation shall be completed within five days of the completion of the investigation.</p> <p style="text-align: right;">(IEP citation I.A.1.b.)</p>	90% of investigations will be completed and a final report of findings shall be entered in FACES.NET within 35 days.	Monthly range of 58 – 74%	62%	61%	48%	↓

¹ Data from July – December 2013 are reprinted from the May 14, 2014 monitoring report.

² For direction of change, “↑” indicates that, in the Monitor’s judgment based on data and an understanding of case practice, performance is trending upwards generally by at least three percentage points; “↓” indicates performance is trending downward generally by at least three percentage points; “↔” indicates that, in the Monitor’s judgment, there has been no change in performance.

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
<p>3. <i>Investigations</i>: For families who are subject to a new investigation for whom the current report of child maltreatment is the fourth or greater report of child maltreatment, with the most recent report occurring within the last 12 months, CFSA will conduct a comprehensive review of the case history and the current circumstances that bring the family to CFSA's attention.</p> <p>(IEP citation I.A.1.c.)</p>	<p>90% of the case records for families subject to a new investigation for whom the current report of child maltreatment is the fourth or greater report of child maltreatment, with the most recent report occurring within the last 12 months will have documentation of a comprehensive review.</p>	<p>Monthly range of 76 – 94%</p>	<p>96%</p>	<p>87%</p>	<p>93%</p>	<p>↑</p>

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
<p>10. <u>Visitation for Children Experiencing a New Placement or a Placement Change:</u></p> <p>a. A CFSA social worker or private agency social worker with case management responsibility shall make at least two visits to each child during the first four weeks of a new placement or a placement change.</p> <p>b. A CFSA social worker, private agency social worker, family support worker or nurse care manager shall make two additional visits to each child during the first four weeks of a new placement or a placement change.</p> <p>c. At least one of the above visits during the first four weeks of a new placement or a placement change shall be in the child's home. (IEP citation I.A.6.a-c.)³</p>	<p>90% of children newly placed in foster care or experiencing a placement change will have four visits in the first four weeks of a new placement or placement change as described.</p>	<p>a.-c. Monthly range of 75 – 87% of applicable children had four visits in first four weeks of new placement or placement change.</p>	<p>a.-c. 82%⁴</p>	<p>a.-c. 87%⁵</p>	<p>a.-c. 85%⁶</p>	<p>↔</p>

³ Subsection d. of this standard was not newly assessed for this supplemental report and therefore is not included in the Table.

⁴ In January 2014, there were 105 children applicable to this measure and 85 had been in the new placement for four weeks; 78 (92%) of these children had at least three visits during the first four weeks of a new placement or placement change.

⁵ In February 2014, there were 106 children applicable to this measure and 85 had been in the new placement for four weeks; 81 (95%) of these children had at least three visits during the first four weeks of a new placement or placement change.

⁶ In March 2014, there were 116 children applicable to this measure and 91 had been in the new placement for four weeks; 88 (97%) of these children received at least three visits during the first four weeks of a new placement or placement change.

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
<p>18. <i>Visits between Parents and Workers:</i></p> <p>a. For children with a permanency goal of reunification, in accordance with the case plan, the CFSA social worker or private agency social worker with case-management responsibility shall visit with the parent(s) at least one time per month in the first three months post-placement.</p> <p>b. A CFSA social worker, nurse care manager or family support worker shall make a second visit during each month for the first three months post-placement.</p> <p>(IEP citation I.B.10.)</p>	<p>80% of parents will have twice monthly visitation with workers in the first three months post-placement.⁷</p>	<p>Between October – December 2013, monthly range of 48 – 72%</p>	<p>73%⁸</p>	<p>59%⁹</p>	<p>62%¹⁰</p>	<p>↔</p>

⁷ This Exit Standard is also satisfied when there is documentation that the parent(s) is(are) unavailable or refuses to cooperate with the Agency.

⁸ Of the 45 applicable parents, 32 had twice monthly visits with a worker and for one additional parent, there was documentation in the record that the parent was unavailable or refuses to cooperate with the Agency despite efforts by the Agency.

⁹ Of the 32 applicable parents, 19 had twice monthly visits with a worker.

¹⁰ Of the 45 applicable parents, 27 had twice monthly visits with a worker and for one additional parent, there was documentation in the record that the parent was unavailable or refuses to cooperate with the Agency despite efforts by the Agency.

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
<p>19. <u>Visits between Parents and Children:</u> There shall be weekly visits between parents and children with a goal of reunification unless clinically inappropriate and approved by the Family Court. In cases in which visitation does not occur, the Agency shall demonstrate and there shall be documentation in the case record that visitation was not in the child's best interest, is clinically inappropriate or did not occur despite efforts by the Agency to facilitate it. (IEP citation I.B.11.)</p>	<p>85% of children with the goal of reunification will have weekly visitation with the parent with whom reunification is sought. ¹¹</p>	<p>Between October – December 2013, monthly range of 64 – 66%</p>	<p>73%¹²</p>	<p>75%¹³</p>	<p>74%¹⁴</p>	<p>↑</p>
<p>23. <u>Reduction of Multiple Placements for Children in Care:</u> (IEP citation I.B.13.)</p>	<p>a. Of all children served in foster care during the previous 12 months who were in care at least 8 days and less than 12 months, 83% shall have had two or fewer placements.</p>	<p>Monthly range of 79 – 82%</p>	<p>81%</p>	<p>81%</p>	<p>82%</p>	<p>↑</p>

¹¹ This Exit Standard is also satisfied when there is documentation that a visit is not in the child's best interest, is clinically inappropriate or did not occur despite efforts by the Agency to facilitate it.

¹² Of the 302 applicable children, 213 had weekly visits with their parents and for an additional eight children, there was documentation in the record that visits could not occur despite efforts by the Agency.

¹³ Of the 304 applicable children, 223 had weekly visits with their parents and for an additional six children, there was documentation in the record that visits could not occur despite efforts by the Agency.

¹⁴ Of the 315 applicable children, 224 had weekly visits with their parents and for an additional 10 children, there was documentation in the record that visits could not occur despite efforts by the Agency.

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
	b. Of all children served in foster care during the previous 12 months who were in care for at least 12 months but less than 24 months, 60% shall have had two or fewer placements.	Monthly range of 47 – 56%	60%	60%	63%	
	c. Of all children served in foster care during the previous 12 months who were in care for at least 24 months, 75% shall have had two or fewer placements in that 12 month period.	Monthly range of 74 – 78%	76%	77%	76%	
<p>24. <u>Timely Approval of Foster/Adoptive Parents</u>: CFSA shall have in place a process for recruiting, studying and approving families, including relative caregivers, interested in becoming foster or adoptive parents that results in the necessary training, home studies and decisions on approval being completed within 150 days of beginning training. (IEP citation I.B.14.)</p>	<p>70% of homes licensed beginning November 1, 2010, will have been approved, and interested parties will have been notified within 150 days.¹⁵</p>	<p>59% of foster homes licensed between July – December 2013 received their license within 150 days.</p>	<p>74% (42/57) of foster homes licensed between January and March 2014 received their license within 150 days.</p>			<p>↑</p>

¹⁵ The Exit Standard is satisfied where there is documentation that establishes that failure to meet the 150 day timeline is due to delays that are beyond the control of the District of Columbia.

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
<p>35. <u>Community-based Service Referrals for Low & Moderate Risk Families:</u> (IEP citation I.C.19.)</p>	<p>90% of families who have been the subject of a report of abuse and/or neglect, whose circumstances are deemed to place a child in their care at low or moderate risk of abuse and neglect and who are in need of and agree to additional supports shall be referred to an appropriate Collaborative or community agency for follow-up. Low and moderate risk cases for which CFSA decides to open an ongoing CFSA case are excluded from this requirement.</p>	<p>Monthly range of 43 – 89% of applicable closed investigations were referred to a Collaborative or community agency.</p>	<p>86%¹⁶</p>	<p>89%¹⁷</p>	<p>95%¹⁸</p>	<p>↑</p>
<p>39. <u>Health and Dental Care:</u> Children in foster care shall have a health screening prior to placement. (IEP citation I.C.22.a.)</p>	<p>95% of children in foster care shall have a health screening prior to an initial placement or re-entry into care. 90% of children in foster care who experience a placement change shall have a replacement health screening.</p>	<p>Initial and re-entries: monthly range of 87 – 100% Replacements: monthly range of 83 – 87%</p>	<p>Initial and re-entries: 94% Replacements: 87%</p>	<p>Initial and re-entries: 100% Replacements: 89%</p>	<p>Initial and re-entries: 92% Replacements: 86%</p>	<p>↑</p>

¹⁶ In January 2014, 18 of the 21 applicable families with investigations closed that month were referred to a Collaborative or community agency.

¹⁷ In February 2014, 25 of the 28 applicable families with investigations closed that month were referred to a Collaborative or community agency.

¹⁸ In March 2014, 37 of the 39 applicable families with investigations closed that month were referred to a Collaborative or community agency.

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
40. <i>Health and Dental Care</i> : Children in foster care shall receive a full medical evaluation within 30 days of placement. (IEP citation I.C.22.b.i.)	85% of children in foster care shall receive a full medical evaluation within 30 days of placement. 95% of children in foster care shall receive a full medical evaluation within 60 days of placement.	Within 30 days: monthly range of 74 – 83% Within 60 days: monthly range of 86 – 97%	Within 30 days: 77% Within 60 days ¹⁹ : 97%	Within 30 days: 88% Within 60 days ²⁰ : 97%	Within 30 days: 78% Within 60 days ²¹ : 96%	↑
41. <i>Health and Dental Care</i> : Children in foster care shall receive a full dental evaluation within 30 days of placement. (IEP citation I.C.22.b.ii.)	25% of children shall receive a full dental evaluation within 30 days of placement. 50% of children shall receive a full dental evaluation within 60 days of placement. 85% of children shall receive a full dental evaluation within 90 days of placement.	Within 30 days: monthly range of 51 – 79% Within 60 days: monthly range of 75 – 90% Within 90 days: monthly range of 79 – 92%	Within 30 days: 37% Within 60 days: 76% Within 90 days: 80%	Within 30 days: 42% Within 60 days: 69% Within 90 days: 78%	Within 30 days: 51% Within 60 days: 73% Within 90 days: 80%	↔

¹⁹ All of the children who received a comprehensive medical evaluation between 31 – 60 days after placement received this evaluation within 45 days of placement.

²⁰ *Ibid.*

²¹ *Ibid.*

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Implementation and Exit Plan Requirement	Exit Standard	July – December 2013 Performance ¹	January 2014 Performance	February 2014 Performance	March 2014 Performance	Direction of Change ²
<p>43. <i>Health and Dental Care</i>: CFSA shall ensure the prompt completion and submission of appropriate health insurance paperwork, and shall keep records of, e.g., Medicaid application dates, HMO severance dates, and enrollment dates. CFSA shall provide caregivers with documentation of Medicaid coverage within 5 days of every placement and Medicaid cards within 45 days of placement. (IEP citation I.C.22.d.)</p>	<p>90% of children’s caregivers shall be provided with documentation of Medicaid coverage within 5 days of placement and Medicaid cards within 45 days of placement.</p>	<p>Monthly range of 0 – 92% of foster parents received the Medicaid number within five days of the child’s placement.</p> <p>Monthly range of 0 – 35% of foster parents received the Medicaid card within 45 days of the child’s placement.</p>	<p>Medicaid number: 84%</p> <p>Medicaid card: 0%</p>	<p>Medicaid number: 83%</p> <p>Medicaid card: 17%</p>	<p>Medicaid number: 85%</p> <p>Medicaid card: 4%</p>	<p>↔</p>