

Settlement Agreement Second Semi-Annual Report
January 2008 – December 2008



Department of Children and Families
Bureau of Milwaukee Child Welfare (BMCW)
Prepared by the BMCW Program Evaluation Managers

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Introduction

Background to Jeanine B. Settlement Agreement

This report provides information on the progress of the Bureau of Milwaukee Child Welfare in meeting the requirements of the Jeanine B. Settlement Agreement. It includes the semi-annual performance outcomes for July 1, 2008 through December 31, 2008 and annual performance for January 1, 2008 through December 31, 2008.

In 1993, the American Civil Liberties Union (ACLU) Children's Rights Project (now Children's Rights, Inc.) filed an action in the Federal District Court for the Eastern District of Wisconsin on behalf of an estimated class of approximately 5,000 children who were receiving child welfare services in Milwaukee County. The Milwaukee County Executive, the Director of Milwaukee County Human Services Division, the Governor, and the Secretary of the Department of Health and Social Services (now the Department of Children and Families) were named as defendants.

The complaint was a broad-based challenge to the administration of the Milwaukee County child welfare system, stating that it failed in its obligation to provide adequate child welfare services to children and families. The complaint alleged that the State failed to adequately supervise and fund the Milwaukee County system.

In response to the lawsuit, the State of Wisconsin assumed direct responsibility for and funding of the Milwaukee County Child Welfare effective January 1, 1998 to improve the safety and well-being of children. In 2002, the parties reached a settlement of the litigation. The Settlement Agreement requires BMCW to attain specific outcomes regarding the permanency, safety and well-being of children in out-of-home care in Milwaukee County.

This report summarizes the progress made by the Bureau of Milwaukee Child Welfare on the items of the settlement agreement.

Format of Progress Report

This is the second semi-annual report for 2008 and includes outcomes of the BMCW's performance from January 1, 2008 through December 31, 2008.

This report is divided into three sections, with the *first section* reporting on the **remaining enforceable provisions**.

The *second section* includes the **provisions that are no longer subject to enforcement** because the defendants were in compliance with the provisions for two consecutive six-month periods, as agreed upon by the Department of Children and Families (formerly the Department of Health and Family Services) and plaintiffs' counsel Children's Rights.

Provisions that are no longer operative are being excluded from this report. For example, Section I.B.5 of the Agreement is inoperative because the Subsidized Guardianship waiver was not obtained before January 1, 2003; thus the controlling requirement is I.B.4.

Plaintiffs and defendants agreed that the Article I provisions, as listed below, are no longer subject to enforcement because the defendants were in compliance with the provisions.

The provisions no longer subject to enforcement are:

§I.B.1 Negotiation with Milwaukee District Attorney to ensure adequate legal representation for the prosecution of termination of parental rights (TPR) petitions, consistent with ASFA requirements. Memorandum of Understanding (MOU) executed by BMCW and District Attorney's office on July 28, 2003. (Released – June 6, 2006)

§I.B.3 Belated compliance with Adoption and Safe Families Act requirements (Released – June 6, 2006)

§I.B.4 Length-of-stay in care (Released - August 29, 2006)

§I.B.7 Adoption within 24 months of removal (Released - April 2008)

§I.C.2 Timeliness of processing referrals to independent investigator (Released - June 6, 2006)

§I.C.3 Timeliness of making case assignments and completing investigations (Released - June 6, 2006)

§I.C.4 Timeliness in making determination of independent investigations (Released - June 6, 2006)

§I.D.1- 2 Ongoing case managers' caseload size (Released - August 29, 2006)

§I.D.3 Contract hold-back for not meeting requirements of monthly face-to-face contacts (Released - June 6, 2006)

§I.D.4 Monthly face-to-face contacts (Released - June 6, 2006)

§I.D.5 The use of shelter placements shall be phased out entirely (Released – December 2008)

§I.D.6 By December 31, 2003, and thereafter, no child shall be placed in a shelter (Released – December 2008)

§I.D.8 The Division of Children and Family Services shall make its best efforts to seek legislative approval of foster parent reimbursement rates consistent with USDA standards (Met through AB 100 (2005-07 budget) signed by Governor Doyle on July 25, 2005 included a 5% rate increase in CY06, beginning January 1, 2006 (Released - June 6, 2006)

The *third section* includes **performance results of the efforts of the Bureau of Milwaukee Child Welfare**. The data in this report includes process indicators and outcomes inclusive of safety, well-being and permanence objectives. In previous reports this information was identified as “monitoring items.”

As of December 31, 2005, the BMCW reached the conclusion of the third year of the Settlement Agreement between Children's Rights, Inc., on behalf of the plaintiffs and other State defendants. Consistent with Section III.C of the Agreement, the requirement to conduct reviews and produce reports under this section terminated on December 31, 2005. The BMCW is continuing to voluntarily inform the community on the progress toward achieving identified process indicators and outcomes.

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Data source

Most of the data presented in this report was generated from the electronic Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). Data elements generated using eWiSACWIS were identified and developed for consistent and systematic assessment of the Agreement outcomes. The BMCW continues to work to manage artifact data and validate data accuracy. The quality of the data is dependent upon complete and accurate data entry by staff, legacy data system conversions, and data system updates. Improvements to the data system are continually identified and completed to enhance the accuracy and consistency of reporting.

To create a more streamlined document for the reader, in some instances the rounding of performance percentages (past and present) occurs. If the reader identifies slight differences in reporting due to rounding, please refer to the original (previous) document or numbers for the exact calculations.

BMCW Demographic and Descriptive Data

Table 1.00: Number of families with children in out-of-home care at end of period, January 2003 to December 2008

	Dec 31, 2003	Dec 31, 2004	Dec 31, 2005	Dec 31, 2006	Dec 31, 2007	Jun 30, 2008	Dec 31, 2008
Number of families receiving Ongoing Case Management program services	2,081	1,948	1,899	1,777	1,863	1,906	1,892
Number of children in out-of-home care placements	3,489	3,151	2,825	2,621	2,907	2,688	2,638

Note: The figures in the above table represent point-in-time data on December 31 or June 30 of each year.

Table 1.01: Number of children who achieved permanency or exited care, CY 2003 through CY 2008

Permanency achieved through (number of children):	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008
Reunification	864	704	677	712	671	845
Adoption	585	560	373	317	291	258
Transfer of guardianship	333	198	231	169	95	94
Subsidized guardianship	NA	NA	101	51	10	10
Age of majority reached	175	131	151	180	153	172
TOTAL	1,957	1,593	1,533	1,429	1,220	1,379

Table 1.02: Age of children at time of removal, CY 2003 through December 2008

Age at removal (years)	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008
Birth to 4	44%	40%	41%	53%	47%	45% (547)
5 to 11	32%	32%	29%	26%	30%	29% (357)
12 to 15	17%	20%	20%	10%	15%	18% (216)
16+	7%	8%	10%	11%	8%	8% (105)
Total number of children removed	1,123	1,308	1,179	1,180	1,236	1,225

Table 1.03 below provides the number of families whose children entered out-of-home care since CY 2003 and further identifies the number of these families with three or more children.

Table 1.03: Families whose children entered out-of-home care

Number of children in family	Number of families CY 2003	Number of families CY 2004	Number of families CY 2005	Number of families CY 2006	Number of families CY 2007	Number of families CY 2008
< 3 children per family	411	435	422	420	436	428
3	55	76	80	63	65	70
4	21	32	37	36	37	50
5	8	16	19	15	9	15
6	9	15	4	3	5	4
7	2	4	1	4	2	3
8	0	1	2	5	1	1
9	2	5	1	1	0	0
10	0	0	0	0	0	1
11	0	0	0	1	0	0
12	0	0	0	0	0	1
Total families whose children entered out-of-home care	508	584	566	548	555	573
Families with three or more children whose children entered out-of-home care	97	149	144	128	119	145

Section 1: Remaining enforceable provisions

This section includes outcomes of the BMCW from July through December 2008 for the remaining enforceable provisions.

§I.B.2 At least the following percentages of children in BMCW custody reaching 15 of the last 22 months in out-of-home care during the period shall have had a TPR petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of the fifteenth month in care. . . .

During the second six months of CY 2008, the BMCW demonstrated a performance level of 91% compared to the standard that at least 90% of children in out-of-home care for 15 of 22 months must have a termination of parental rights (TPR) petition filed on their behalf, or an ASFA exception documented in their case by the end of the 15th month in care. The BMCW (and partner agencies) were successful in meeting this performance standard for the first six-month period in CY 2008 and the second six-month period of CY 2008.

§I.B.6 At least the following percentages of children who are reunified with parents or caretakers at the time of discharge from BMCW out-of-home care within the period shall be reunified within 12 months of entry into out-of-home care. . . .

During the second six months of CY 2008, 61% of all children reunified were reunified within 12 months of entry into out-of-home care compared to the performance standard of 71%. The BMCW and partner agencies were not successful in meeting this performance standard for both the first and second six-month periods in CY 2008.

§I.C.1 No more than the following percentages of children in BMCW custody shall be the victims of substantiated abuse of neglect allegations within the period by a foster parent or staff of a facility to be licensed. . . .

During CY 2008, the BMCW achieved an annual performance of 0.39% of maltreatment in out-of-home care; the requirement (annual) is that no more than 0.60% of children in BMCW custody shall be the victims of substantiated abuse or neglect allegations by a foster parent or staff of a facility required to be licensed.

§I.D.7 By December 31, 2003, BMCW shall develop special diagnostic/assessment centers for children over 12 years of age who need further assessment in order to determine the appropriate placement. Placement in such centers shall not exceed 30 days, or 60 days if the placement is extended in accordance with applicable state law.

The BMCW developed special Diagnostic/Assessment Centers for children over age 12 before December 31, 2003. These centers function to determine the appropriate placement for these children based on individual needs.

The BMCW met the prescribed timelines for 76% (207) of the 273 placement episodes in an Assessment Center and exceeded the prescribed timelines for 24% (66) of the placement episodes.

§I.D.9 At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-home episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.

During the second six months of CY 2008, 78% of the children in an out-of-home care placement were in three or fewer placements, compared to the standard that at least 90% of children in out-of-home care within the period shall have three or fewer placements. The BMCW (and partner agencies) were not successful in meeting the performance standard for the first or second six-month period in CY 2008.

BMCW Performance January through December 2008 on remaining enforceable items – At a Glance

§ I.B.2 At least the following percentages of children in BMCW custody reaching 15 of the last 22 months in out-of-home care during the period shall have had a Termination of Parental Rights (TPR) petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care.*									
CURRENT PERFORMANCE 2008 – The BMCW met this requirement in the first and second six-month periods of CY 2008.		Past Performance							
Performance Standard	CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 - 2008 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
>= 90%	90%	>= 65%	77%	>=75%	88%	>= 90%	29%	79%	85%

* The method for calculating the performance standard for this measure (beginning with CY 2005 and going forward) was adjusted to meet the recommendations by the Legislative Audit Bureau in the February 2006 audit report.

§I.B.6 Of all reunifications with parents/caregivers, at least the following percentages of children shall be reunified within 12 months of entry into care.									
CURRENT PERFORMANCE 2008 - The BMCW did not meet this requirement in the first or second six-month periods of CY 2008.		Past Performance							
Performance Standard	CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 - 2008 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
>= 71%	64%	Monitor Only	45%	>= 65%	63%	>= 71%	72%	71%	69%

§I.C.1 No more than the following percentages of children in BMCW custody shall be the victims of substantiated abuse or neglect allegations within the period by a foster parent or staff of a facility required to be licensed.									
CURRENT PERFORMANCE 2008 – This is an annual measure		Past Performance							
Performance Standard	CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 - 2008 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
<= 0.60%	0.39%	<= 0.70%	0.57%	<= 0.65%	0.79%	<= 0.60%	0.81%	0.15%	0.93%

January through December 2008 remaining enforceable items - continued

<p>§I.D.7 Diagnostic/Assessment Centers. By December 31, 2003, the BMCW developed special diagnostic/assessment centers for children over 12 years of age who need further assessment in order to determine the appropriate placement. Placement in such centers follows applicable state law. During CY 2008, 66 (24%) placement episodes exceeded the established timelines.</p>									
<p>§I.D.9 At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-care episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.</p>									
<p>CURRENT PERFORMANCE 2008 - The BMCW did not meet this requirement in the first or second six-month periods of CY 2008.</p>		<p style="text-align: center;">Past Performance</p>							
Performance Standard	CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 - 2008 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
>= 90%	77%	>= 80%	76%	>= 82%	72%	>= 90%	72%	73%	75%

Timeliness of ASFA compliance

§I.B.2. At least the following percentages of children in BMCW custody reaching 15 of the last 22 months in out-of-home care during the period shall have had a TPR petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care

Period goal: 90% (or above)
January through June, 2008: 90%
July through December, 2008: 91%

Table 1.10: Number and percent of children in ASFA compliance, January through December 2008

Month	Number of children with available exception or TPR	Number of children reaching 15 of 22 months in OHC	Monthly Performance %	Annual % Performance
	(N = 804)	(N = 891)		
January	71	82	87%	87%
February	68	74	92%	89%
March	53	61	87%	88%
April	70	74	95%	90%
May	53	59	90%	90%
June	70	79	89%	90%
July	71	80	89%	90%
August	70	78	90%	90%
September	52	57	91%	90%
October	64	72	89%	90%
November	74	80	93%	90%
December	88	95	93%	90%

Table 1.11: ASFA compliance: Semi-annual and annual performance, CY 2003 to CY 2008

	January to June	July to December	Annual Performance
BMCW CY 2008	90%	91%	90%
BMCW CY 2007	88%	81%	85%
BMCW CY 2006	77%	80%	79%
BMCW CY 2005	29%	29%	29%
BMCW CY 2004	87%	90%	88%
BMCW CY 2003	70%	84%	77%

NOTE: The method for calculating the performance standard for this measure (beginning with CY 2005 and going forward) was adjusted to meet the recommendations by the Legislative Audit Bureau in the February 2006 audit report.

The BMCW and its private partner agencies *met the performance standard* of 90% during the first six months of CY 2008 and the second six months of CY 2008.

Discussion

The data in Table 1.10 above show that 804 of the 891 children subject to ASFA requirements had documentation supporting timely ASFA compliance throughout CY 2008. There were 87 children who did not have documentation to support timely ASFA compliance between January 1 and December 31, 2008.

Table 1.12 below shows how the 804 children met ASFA compliance during CY 2008 compared to CYs 2005, 2006 and 2007.

Table 1.12: Children who met ASFA compliance, January through December 2008

Year	Number of TPRs Filed	Number of "Relative Placement" Exceptions	"Not in Best Interest" Exception
CY 2008	75 (9%)	357 (45%)	372 (46%)
CY 2007	97 (17%)	234 (40%)	250 (43%)
CY 2006	124 (22%)	252 (45%)	180 (32%)
CY 2005	23 (11%)	91 (45%)	88 (44%)

Reunification within 12 months of placement in out-of-home care

§I.B.6. At least the following percentages of children who are reunified with parents or caretakers at the time of discharge from BMCW out-of-home care within the period shall be reunified within 12 months of entry into out-of-home care. . . .

Period goal: 71% (or above)
January through June, 2008: 66%
July through December, 2008: 61%

During CY 2008, 845 children were reunified with their parent(s) or primary caretaker. This is a 26% increase in the number of children who achieved permanency through reunification compared to (671 children) CY 2007.

Table 1.20: Reunifications, January through December 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
CFCP – Region 1													
Reunifications (N)	20	14	12	15	11	28	25	19	33	10	14	25	226
Number of children reunified within 12 or fewer months	13	12	10	8	5	8	11	16	20	5	9	9	126
Percentage reunified in 12 or fewer months	65%	86%	83%	53%	45%	29%	44%	84%	61%	50%	64%	36%	56%
CFCP – Region 2													
Reunifications (N)	25	12	30	39	16	35	19	24	21	40	35	13	309
Number of children reunified within 12 or fewer months	15	9	26	25	9	19	11	12	15	24	13	12	190
Percentage reunified in 12 or fewer months	60%	75%	87%	64%	56%	54%	58%	50%	71%	60%	37%	92%	61%
La Causa – Region 3													
Reunifications (N)	27	22	23	17	22	23	26	37	30	37	26	20	310
Number of children reunified within 12 or fewer months	22	21	14	11	15	18	16	27	24	25	16	13	222
Percentage reunified in 12 or fewer months	81%	95%	61%	65%	68%	78%	62%	73%	80%	68%	62%	65%	72%
BMCW Totals													
BMCW Reunifications (N)	72	48	65	71	49	86	70	80	84	87	75	58	845
Number of children reunified within 12 or fewer months	50	42	50	44	29	45	38	55	59	54	38	34	538
Percentage reunified in 12 or fewer months	69%	88%	77%	62%	59%	52%	54%	69%	70%	62%	51%	59%	64%

During the second six months of CY 2008, 61% (278 of 454) of the children reunified were reunified within 12 months of entering out-of-home care. The BMCW *did not meet the performance standard* for the second six-month period of 2008.

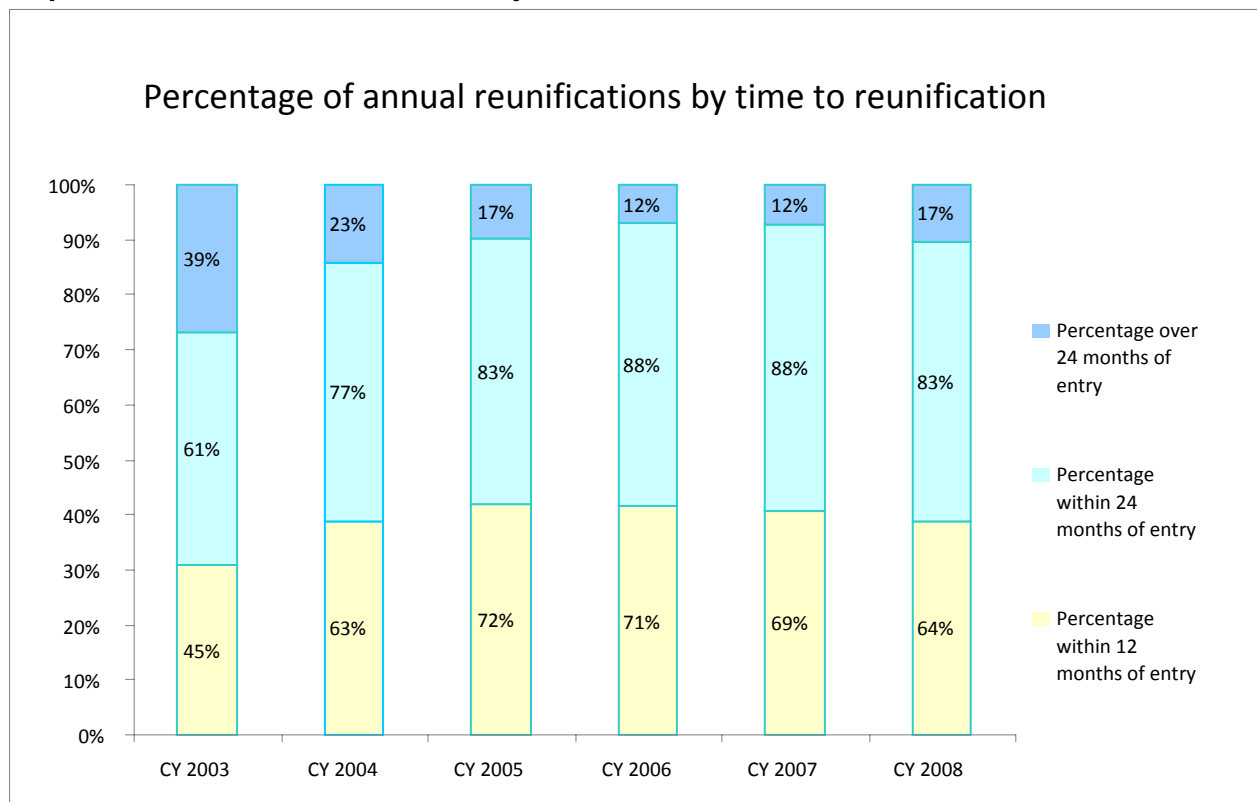
Table 1.21: Reunification: Semi-annual and annual performance, CY 2003 to CY 2008

	January - June	July - December	Annual Performance
BMCW CY 2008	66%	61%	64%
BMCW CY 2007	64%	74%	69%
BMCW CY 2006	70%	72%	71%
BMCW CY 2005	69%	75%	72%
BMCW CY 2004	59%	68%	63%
BMCW CY 2003	44%	47%	45%

NOTE: During CY 2003, there was no established performance standard. CY 2004 was the first year when there was an enforceable performance standard (65%).

Discussion

Graph 1.22: Annual Reunifications by time to Reunification



The data in graph 1.22 above show, by year, the percentage of reunifications occurring within 12 months of removal, within 24 months of removal, and beyond 24 months of

removal. As the data indicate, of all children reunified, the majority are reunified within 24 months of removal.

Ages of children reunified during CY 2008 within 12 or fewer months

Table 1.23 below presents a six-year overview of the children who were reunified within 12 months of entering out-of-home care by age group. The data suggest children under the age of 12 (at entry into out-of-home care) account for, on average, 74% of the children who are reunified within 12 or fewer months of entry into out-of-home care. Children four years old and younger, 43% on average, consistently represent the largest group (by percentage) each year.

Table 1.23: Annual Reunifications, CY 2003 through CY 2008

	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008
Reunification						
(N)	864	704	677	712	671	845
Percentage within 12 months of entry	45%	63%	72%	71%	69%	64%
Percentage within 24 months of entry	61%	77%	83%	88%	88%	83%
Reunified in 12 or fewer months, age when entered out-of-home care:						
Birth to 4 years old	40%	44%	44%	41%	47%	43%
5 to 11 years old	33%	33%	30%	29%	27%	34%
12 to 15 years old	21%	16%	20%	21%	21%	16%
16 plus years old	6%	7%	6%	9%	5%	7%

Table 1.24 below shows the age breakouts for children in CY 2008 who were reunified and were in care between 12 and 24 months. Similar to the children reunified within 12 or fewer months, children under the age of 12 also represent (by percentage) the majority of children reunified in this frame (86%). The percentage of children reunified who were 16 years and older drops from 7% (reunified in 12 or fewer months) to 1% (reunified between 12 and 24 months).

Table 1.24: Ages of children reunified (CY 2008) between 12 and 24 months in care

Reunified between 12 and 24 months in care	Percentage of children by age at entry into out-of-home care
Birth to 4 years old	49%
5 to 11 years old	37%
12 to 15 years old	13%
16 and older	1%

The data in the following table 1.25 identify a similar trend as observed for children who were reunified in 24 or fewer months of entering out-of-home care. Children under the age of 12 are over-represented in the group, accounting for 76% of the reunifications. In CY 2008, no children 16 or older (at time of entry into out-of-home care) were reunified in 24 or more months of entering out-of-home care.

- As of December 31, 2008, of 2,638 children, approximately 32% of the children in an out-of-home care placement were under five years old; children five through 11 years old accounted for 31% of the children; 19% of the children in an out-of-home care placement were 16 years old or older; and children 12 through 15 years old accounted for 18% of the children.

Table 1.25: Ages of children reunified (CY 2008) who were in care 24 or more months

Reunified after 24 months in care	Percentage of children
Birth to 4 years old	33%
5 to 11 years old	43%
12 to 15 years old	23%
16 and older	0%

For all children reunified in CY 2008, the mean age at entry into care was seven years old, and the median age was six years old.

Maltreatment while in out-of-home care

§I.C.1 No more than the following percentages of children in BMCW custody shall be the victims of substantiated abuse or neglect allegations within the period by a foster parent or staff of a facility required to be licensed. . . .

Period goal: 0.60% (at or below)
January through December, 2008: 0.39% (16 children)

Table 1.30: Maltreatment while in out-of-home care, January through December 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2008
Substantiated Allegations (children maltreated by foster parent or agency staff)	2	1	2	2	0	0	1	3	0	3	0	2	16
Number of children entering care	83	79	100	116	103	129	117	102	129	114	96	57	1,225
Cumulative children in OHC (2,907 as of 01/01/2008)	2,990	3,069	3,169	3,285	3,388	3,517	3,634	3,736	3,865	3,979	4,075	4,132	
BMCW YTD performance													0.39%

NOTE: The data provided for CY 2008 does not include 12 children who were initially identified with a substantiated allegation of maltreatment. However, the substantiations of maltreatment were overturned through the Child Abuse Prevention and Treatment Act (CAPTA) appeal process.

The performance standard is calculated by identifying all children in an out-of-home care placement on January 1, 2008 (2,907) and adding the children who entered out-of-home care (1,225). This total (4,132) represents all children in out-of-home care during the period. To calculate the performance standard, divide the number of children with a substantiated allegation (date case finding was finalized) of maltreatment by a foster parent (“foster parent” does not include kinship care relatives) or staff of a licensed facility (16) by the total of all children (4,132) who were in an out-of-home care placement during CY 2008.

Discussion

State laws define child abuse and neglect. The complete Wisconsin statutes can be viewed at the Wisconsin State Legislature website:

<http://www.legis.state.wi.us/rsb/stats.html>. State laws and policies concerning child maltreatment pertain to children 17 years of age or less, unless otherwise specified. Child maltreatment is generally divided into four basic types: physical neglect, physical abuse, sexual abuse and emotional abuse.

Physical neglect is defined as “failure, refusal, or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.” [Ref. s. 48.981(1)(d), Stats.]

Physical abuse is defined as “physical injury inflicted on a child by other than accidental means.” [Ref. s. 48.02(1)(a), Stats.] This includes non-accidental injury inflicted by any other person. “Physical injury includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm, as defined in s. 939.22(14).” [Ref. s. 48.02(1)(g), Stats.]

Sexual abuse is defined by cross-referencing several crimes in the Wisconsin Criminal Code. In summary, sexual abuse includes the following:

- Sexual intercourse or sexual contact with a child 15 years of age or less;
- Sexual intercourse or sexual contact with a 16- or 17-year old child without his or her consent;
- Inducement of a child to engage in sexually explicit conduct in order to videotape, photograph, etc., that child or videotaping, photographing, etc., a child for such purposes, or producing, distributing, selling or otherwise profiting from such a videotape, photograph, etc.;
- Encouragement by or permission of a person responsible for a child's welfare for a child to engage in sexually explicit conduct for the purpose of videotaping, photographing, etc.;
- Causing a child to view or listen to sexual activity;
- Exposing genitals to a child; or
- Permitting or encouraging a child to engage in prostitution.

Allegations associated with any other form of sexual abuse not specified above are identified as “other sexual abuse.”

Emotional abuse is defined as “emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.” [Ref. s. 48.02(1)(gm), Stats.]

The definitions of child neglect and emotional abuse involve failure on the part of parents or other persons responsible for a child to provide necessary care for a child. The definitions of physical abuse and sexual abuse include harm to a child by any person. Therefore, physical or sexual abuse of a child can include assaults by a parent, stranger, persons unrelated to a child’s family, or peers.

Supplemental information to the Settlement – children residing in a Court-Ordered Kinship placement

The following is information regarding children who were victims of abuse or neglect where the maltreater was the court-ordered kinship provider. This is provided only as supplemental information and is in no way intended to replace any information required by the Settlement Agreement. The settlement maltreatment measure is specific to maltreatment by licensed providers and only includes foster parents and staff of a facility required to be licensed. Substantiated allegations of maltreatment are included by the date the case finding was finalized, not by the date of the referral. The measure used in the settlement does not include children with a substantiated allegation of maltreatment by a court ordered unlicensed relative (court-ordered kinship placement) provider. During CY 2008, seven children were the victims of maltreatment where the maltreater was a court-ordered kinship provider. If the maltreatment calculation included the additional seven children (for an adjusted total of 23 victims), annual performance would be approximately 0.56%.

During CY 2008, 16 children (19 substantiated allegations) were victims of maltreatment by their licensed caregiver while in an out-of-home care placement. Table 1.31 below shows the types of substantiated maltreatment that occurred and the relationship of the maltreater.

Table 1.31: Substantiated maltreatment, January through December 2008

Relationship to Victim	Neglect - General Lack of Care	Physical Abuse	Lack of Supervision	Sexual Abuse	Medical Neglect	Total
Foster Parent	2	6	0	0	2	10
Treatment Foster Parent	0	0	4	0	0	4
Staff at child caring institution or other licensed facility	0	1	3	1	0	5
Total	2	7	7	1	2	*19

* 16 children account for the 19 substantiated allegations

Substantiated maltreatment and licensing status

Twelve providers were found to be maltreators of 16 children for a total of 19 substantiated allegations;

- Seven Foster Homes – included eight children (two foster parents were named the maltreator of one child);
- Two Treatment Foster Homes – included four children;
- One Group Home – included three children, and
- One Residential Care Center – included one child

All seven foster homes and one treatment foster home are no longer licensed. The remaining treatment foster home is on hold and is awaiting an appeal of its revocation.

Maltreatment by age group and type

Table 1.32 shows in CY 2008, physical abuse and lack of supervision were the most frequent forms of substantiated maltreatment. Combined, they accounted for 74% of the substantiated allegations.

Of the 16 child victims of substantiated maltreatment in CY 2008, three were under the age of four (3.6, 2.9 and 0.8 years old).

Table 1.32: Substantiated maltreatment type by age of child, January through December 2008

Maltreatment Type	Substantiated Allegations Age Group					Grand Total
	2 and under	3 to 4	5 to 11	12 to 15	16+	
Neglect - General Lack of Care	0	1	1	0	0	2
Physical Abuse	1	1	3	1	1	7
Lack of Supervision	0	0	1	2	4	7
Other Medical Neglect	1	0	0	1	0	2
Sexual Abuse	0	0	0	0	1	1
Total	2	2	5	4	6	* 19

NOTE: 16 children account for the 19 allegations

Maltreatment from CY 2003 to CY 2008

Between CY 2003 and CY 2008, a number of children experienced maltreatment by their licensed caregiver while in an out-of-home care placement. An examination of approximately 170 substantiated allegations between CY 2003 and CY 2008 provides the context for this section.

NOTE – The information gathered was point-in-time for each period; it did not take into consideration instances where a maltreatment determination was appealed and reversed. Also, if a child had multiple allegations, it is possible all of the allegations are not included. These examples are meant to only show general historical trends by percentage.

Perpetrators relationship to victim

The information in Table 1.33 below shows, by year, the percentage of allegations where the maltreater was a foster parent, treatment foster parent, or staff at a facility required to be licensed (group home or residential care center.)

Table 1.33: By year, the perpetrators relationship to the victim

	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	Average
Foster Parent	75%	71%	66%	33%	39%	53%	61%
Treatment Foster Parent	13%	17%	10%	33%	42%	21%	21%
Staff at a Facility Requiring Licensing	12%	12%	24%	33%	19%	26%	18%

During the past six years, foster parents accounted for, on average, 61% of the incidents of substantiated maltreatment to children residing in out-of-home care placements. Between CY 2003 and CY 2007, while the percentage of foster parents responsible for maltreatment generally decreased, incidents involving treatment foster parents or staff at a licensed facility increased. In CY 2008, increases were observed in the percentage of foster parents and staff at a licensed facility who were identified as the maltreater.

Prevalence of substantiated maltreatment by type

The data in Table 1.34 depict the types of substantiated maltreatment, by percentage, over the past six years.

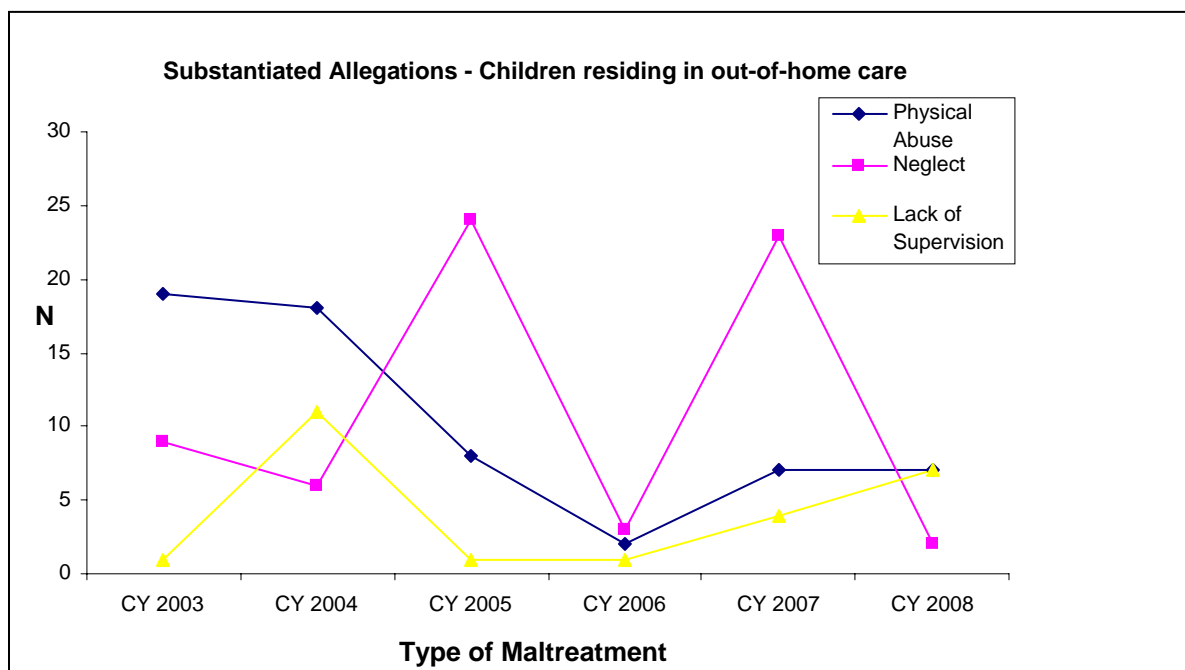
Table 1.34: Cumulative maltreatment by type, CY 2003 through 2008

	Physical Abuse	Neglect	Lack of Supervision	Medical Neglect	Sexual Abuse	Emotional Abuse
Percentage of total	36.5%	40.1%	15.0%	4.2%	3.6%	0.6%

As the data indicate, over the six year period:

- *Neglect* accounted for 40% of the substantiated maltreatment allegations.
- *Physical Abuse* accounted for 37% of the substantiated maltreatment allegations.
- *Lack of Supervision* accounted for 15% of the substantiated maltreatment allegations.
- Combined *Medical Neglect*, *Sexual Abuse* and *Emotional Abuse* accounted for approximately 8% of the substantiated maltreatment allegations.
- As the substantiated incidents of *Physical Abuse* decreased between CY 2003 and CY 2008, the incidents of *Neglect* also decreased (with the exception of two spikes in CY 2005 and CY 2007).

Graph 1.35: CY 2003 to CY 2008 maltreatment by type



Graph 1.35, above, illustrates maltreatment by type and Table 1.36, below, illustrates by age the incidence (by percentage) of maltreatment type.

Table 1.36: Historical look at the occurrence of maltreatment type by age of child, CY 2003 – CY 2008

	Physical Abuse	Neglect	Lack of Supervision	Medical Neglect	Sexual Abuse
4 and under	29.5%	14.9%	16.0%	28.6%	16.7%
5 to 11	45.9%	40.3%	28.0%	57.1%	16.7%
12 to 15	21.3%	23.9%	32.0%	14.3%	50.0%
16 +	3.3%	20.9%	24.0%	0.0%	16.7%

The data suggest that throughout the past six years:

- Children four years old and younger were more likely to be the victims of Physical Abuse or Medical Neglect.
- Children between five and 11 years old were more often the victims of Physical Abuse or Neglect than any other age group of children.
- Children 12 to 15 years old were less often physically abused, but more often the victims of a lack of supervision.
- The percentage of substantiated allegations of physical abuse towards children 16 years old and above is the smallest of any age group.

Prevalence of substantiated maltreatment by age group and by type

Does the data reveal any differences in age groups of children who were the victims of maltreatment while in an out-of-home care placement? Does the data provide any information regarding the types of abuse experienced by children of different ages?

- 62% of the victims of maltreatment while in an out-of-home care placement were under 12 years old. More specifically, 41% were between the ages of five to 11 years old and 21% were four or younger.
- By age group, historically, the most vulnerable children were five through 11 years old (41%), followed by children 12 through 15 years old (25%), then children four years old and under (21%) and, finally, children 16 years or older (13%).

How do the BMCW maltreatment in out-of-home care trends compare to the State trends for all substantiations of maltreatment?

The “Wisconsin Child Abuse and Neglect Report “ (2007 data) states:

- “Neglect allegations increased substantially in 2005 and again in 2007. The increases in allegations resulted in a significant increase in neglect

substantiations in 2005, and a slight increase in neglect substantiations in 2007.” Similarly, the BMCW observed an increase in substantiations for neglect to a child while in an out-of-home care placement in CY 2005 and CY 2007 (refer to chart 1.35).

- “The number of physical abuse allegations from 2003 to 2007 has remained relatively stable; however, the number of substantiated allegations of physical abuse has slowly declined.” BMCW data reflected a similar trend; however, the decrease in substantiated allegations of physical abuse toward children in out-of-home care (a smaller number overall) may be slightly more substantial than observed across the state for all substantiations.
- “In 2007, the <1-3 age group accounted for the largest number of victims.” BMCW data indicate, specifically for the children identified in out-of-home care, a difference when compared to the overall State trending. Over the past six years, children four years old and younger who were the victim of a substantiated allegation while in an out-of-home care placement were the third largest group by age.

Development of special diagnostic assessment centers

I.D.7. By December 31, 2003, the BMCW shall develop special diagnostic/assessment centers for children over 12 years of age who need further assessment in order to determine the appropriate placement. Placement in such centers shall not exceed 30 days or 60 days if the placement is extended in accordance with applicable state law.

BMCW complied with the requirement to develop special diagnostic/assessment centers for children over 12 years of age.

In CY 2008, there were 213 adolescents who were placed in an Assessment Center.

- The 213 adolescents accounted for 273 placement episodes;
- Of the 273 placement episodes, 76% (207) were within the prescribed timelines and 24% (66) went beyond timelines.

Overall, the majority of the adolescents (170 or 80%) were placed in an Assessment Center once. There were 43 adolescents with multiple placement episodes in an Adolescent Center during 2008.

Placement Stability

§I.D.9 At least the following percentages of children in BMCW custody within the period shall have had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. The number of placements will exclude time-limited respite care placements and returns to the same caretaker after an intervening placement during the same out-of-home episode. Those children in BMCW custody through the Wraparound Milwaukee program shall be excluded from this calculation.

Period goal: 90% (or above)
January through June 2008: 76%
July through December, 2008: 78%

The BMCW **did not meet** the expected performance standard of 90% or above for either six-month period in CY 2008.

During CY 2008, on average, 77% of the children in out-of-home care had three or fewer placements.

Table 1.40 below summarizes the semi-annual and annual performance from CY 2003 through CY 2008.

Table 1.40: Placement stability: Semi-annual and annual performance, CY 2003 to CY 2008

	January - June	July - December	Annual Performance
BMCW CY 2008	76%	78%	77%
BMCW CY 2007	74%	75%	75%
BMCW CY 2006	73%	73%	73%
BMCW CY 2005	71%	72%	72%
BMCW CY 2004	71%	73%	72%
BMCW CY 2003	75%	77%	76%

Discussion

During CY 2008 approximately 900 children (cumulative total) were in four or more placements. This includes all children in their fourth (or more) placement at the start of the year plus all children who moved into at least their fourth placement during the year. Throughout the year, more than 300 children entered their fourth placement, and nearly 350 of the children who exited out-of-home care had four or more placements while they were in care.

Table 1.41, below, gives the mean, median, minimum and maximum values for children who were in out-of-home care and experienced at least their fourth placement during the period. The data is based on cumulative totals which include all children with four or more placements as of January 1, 2008, plus all children who moved into their fourth placement during the period.

Table 1.41: Descriptive stats for children with four or more placements during CY 2008

All children in their fourth or higher placement during CY 2008 (cumulative count)

<i>Age as of 12-31-08 OR AT EXIT</i>		<i>Total Length of Episode (in months)</i>		<i># of Placements in Episode</i>	
Mean	13	Mean	58	Mean	8
Median	15	Median	41	Median	6
Minimum	1	Minimum	1	Minimum	4
Maximum	19	Maximum	222	Maximum	33

How does the current (or at time of discharge) length of episode for children with four or more placements compare to children who have not yet reached their fourth placement? Cumulatively during CY 2008, there were approximately 3,100 children in out-of-home care with three or fewer placements at the time they were discharged or remained in placement. Overall, the average length of episode was 19 months, with a median time in care of 13 months. For children in their:

- **1st placement (47% of placements)**, the average time in care was 14.4 months; 16% of the children in their first placement have been in out-of-home care 24 or more months, with minimum time of less than one month to a maximum of 216 months.
- **2nd placement (35% of placements)**, the average time in care was 20.0 months; 26% of children in their second placement have been in out-of-home care 24 or more months, with minimum of less than one month to a maximum of 206 months.
- **3rd placement (18% of placements)**, the average time in care was 30.8 months; 47% of children in their third placement have been in out-of-home care 24 or more months, with minimum of one month to a maximum of 226 months.

The next table identifies information similar to Table 1.41, above, except the group of children is specific to those who entered their fourth placement at some point during CY 2008.

Table 1.42: Descriptive stats for children who entered their fourth placements during CY 2008

<i>Age at time of 4th placement (yrs)</i>		<i>Total Length of Episode (in months)</i>		<i>LOS prior to 4th placement (months)</i>	
Mean	11	Mean	25	Mean	20
Median	12	Median	19	Median	13
Minimum	< 1	Minimum	1	Minimum	1
Maximum	19	Maximum	174	Maximum	169

Comparatively, we observe that children entering their fourth placement are younger than the baseline of all children with four or more placements; further, the time in out-

of-home care is also lower than the baseline for all children with four or more placements. On average, children who entered their fourth out-of-home care placement were in care 20 months. Yet the median, or middle point, is much lower at 13 months. The data imply that some children who enter their fourth placement and experience additional placement disruptions (as identified in previous reports), may experience slower movement toward permanence compared to children who have not yet moved into their fourth placement.

Where were children placed for their fourth placement? Table 1.43 outlines the placement settings where children moved for their fourth placement.

- 82 children moved into foster homes (65 non-relative placements and 17 relative placements).
- 66 children moved into a treatment foster home (65 non-relative and one relative).
- 45 children moved into unlicensed relative placements (court-ordered kinship care).
- 41 children moved into an adolescent center.

Table 1.43: Placement type for children who entered their fourth placement during CY 2008.

4th Placement (type)	Number	%
Treatment Foster Home - Non-Relative	65	21.4%
Foster Home (Non-Relative)	65	21.4%
Kinship Care Provider – Court Ordered	45	14.8%
Placement Stabilization Center	41	13.5%
Group Home	34	11.2%
Foster Home (Relative)	17	5.6%
Residential Care Center	16	5.3%
Non-Relative - Unlicensed	9	3.0%
Detention	8	2.6%
Hospital	2	0.7%
Treatment Foster Home - Relative	1	0.3%
Supervised Independent Living	1	0.3%

- For 12 of the children who moved into a non-relative foster home the placement became an adoptive placement.
- For one child who moved into a kinship placement the placement became an adoptive placement.

- For five of the children who moved to a relative foster home the placement became an adoptive placement.

For children with at least four placements who exited out-of-home care during the period, the data in Table 1.44 show basic length of episode and age of children.

Table 1.44: Children who exited out-of-home care with four or more placements

	<i>Total Length of Episode (in months)</i>	<i>Age at time of discharge</i>
Mean	64	14
Median	42	17
Minimum	3	1
Maximum	222	19

The data suggest children, within this group by average and median time in care, were in out-of-home care longer than the average and median time in care (29 months, 19 months, respectively) for all children currently in care as of December 2008. The data also suggest the children in this group are older by average and median compared to children in care as of December 2008 (Nine years old and 8.5 years old, respectively).

Table 1.45 provides, by percentage, how children with four or more placements exited out-of-home care. Reaching the age of majority was the most frequent reason for exiting care, followed by children reunified. It appears the number and percentage of children who exited care at the age of majority may be an influencing factor and increasing the average and median age of children who exited out-of-home care with four or more placements.

Table 1.45: Discharge reasons provided for children who exited out-of-home care with four or more placements

Discharge reason:	% of discharges
Reached Age of Majority	40%
Reunification w/ Parent(s)/Primary Caretaker	34%
Adoption by Foster Family	17%
Youth Corrections	4%
Independent Living	3%
Transfer of Guardianship Relative	2%

Section 2: Provisions no longer subject to enforcement

Previously released provisions – At a Glance

§I.B.3 At least the following percentages of children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case by the end of the period.

Current Performance	Past Performance							
CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
95%	>= 75%	88%	>= 85%	93%	>= 90%	93%	89%	90%

§I.B.4 If the State does not obtain a federal Title IV-E waiver allowing subsidized guardianship before January 1, 2003, then no more than the following percentages of children in BMCW out-of-home care within the period shall be in care for more than 24 months. The percentage shall be calculated against a baseline of 5,533 children in BMCW out-of-home care.

Current Performance	Past Performance							
CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
18%	<=40%	44%	<=35%	30%	<=25%	23%	18%	18%

§I.B.7 At least the following percentage of children for whom an adoption is finalized within the period shall exit BMCW out-of-home care within 24 months of entry into care.

Current Performance	Past Performance							
CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
38%	>= 20%	14%	>= 25%	16%	>= 30%	22%	32%	34%

§I.C.2 At least the following percentages of reports within the period alleging abuse or neglect of a child in BMCW custody shall be referred to the independent investigation agency for independent investigation within three business days.

Current Performance	Past Performance							
CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
95%	>=80%	99%	>=85%	99%	>=90%	99%	97%	98%

§I.C.3 At least the following percentages of reports referred for independent investigation within the period shall be assigned to an independent investigation agency within three business days of the independent investigation agency's receipt of the referral from BMCW.

Current Performance	Past Performance							
CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
100%	>=80%	99%	>=85%	99%	>=90%	99%	96%	98%

§I.C.4 Determination of the independent investigations within 60 days of receipt of the referral.

Current Performance	Past Performance							
CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
99.6%	>= 80%	98%	>= 85%	98%	>= 90%	99%	98%	96%

§I.D.1-2 The BMCW shall ensure that Ongoing case managers have caseloads not to exceed 11 families per case carrying manager per site . . . (the data provided is the BMCW performance for December 2007).

Current Performance	Past Performance							
CY 2008 Result (December)	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
11	<= 13	9.6	<= 11	10	<= 11	10	10	12

§I.D.3 By January 1, 2003 and thereafter for the duration of the agreement, the BMCW will include a contract holdback provision in its Site case management contracts ... that will impose a sufficient holdback on each site that does not meet 90% compliance with monthly face-to-face contact

Current Performance	Past Performance							
CY 2008 Result	CY 2003 Standard	CY 2003 Result	CY 2004 Standard	CY 2004 Result	CY 2005 Standard	CY 2005 Result	CY 2006 Result	CY 2007 Result
92%	>= 90%	90%	>= 90%	97%	>= 90%	97%	97%	96%

§I.D.5 The use of shelter placements shall be phased out entirely. The BMCW phased out all shelter placements by December 31, 2003.

§I.D.6 By December 31, 2003, and thereafter, no child shall be placed in a shelter. The BMCW no longer uses shelters as a placement for children.

Information regarding the released provisions

“Belated” ASFA compliance

I.B.3 At least the following percentages of children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed on their behalf, or an available Adoption and Safe Families Act (ASFA) exception documented in their case by the end of the period. . . .

The percentage is calculated against the baseline of 180* children identified at the beginning of the period.

* NOTE: The baseline initially provided in the Settlement Agreement was 1,146 children, but was modified November 14, 2003, to provide the actual number of children out of compliance with ASFA as identified at the start of each calendar year.

This is a cumulative measure: As a child subsequently moves into “belated” compliance, the measure shows cumulative performance over the course of 12 months.

January through June, 2008: 72%

July through December, 2008: 95%

Table 2.00: Belated ASFA compliance, January through December 2008

Children who subsequently achieved “belated” compliance with ASFA	(N)	2008 (Cumulative Percentage)
171	180	95%

During CY 2008, 95% of the children moved into “belated” compliance compared to 90% of the children in CY 2007. Performance during CY 2008 was the highest achieved since the start of the Settlement Agreement in CY 2003.

Length-of-stay

I.B.4 If the State does not obtain a federal Title IV-E waiver allowing subsidized guardianship before January 1, 2003 then no more than the following percentages of children in BMCW out-of-home care within the period shall be in care for more than 24 months. The percentage shall be calculated against a baseline of 5,533 children in BMCW out-of-home care. . . .

January through June, 2008: 18%
July through December, 2008: 17%
(as calculated against the baseline of 5,533)

Between January 1 and December 31, 2008, on average 18% of the children in out-of-home care (as measured against the baseline of 5,533) have been in out-of-home care more than 24 months.

Discussion

The following table provides the actual percentage of children in out-of-home care more than 24 months by six-month periods since CY 2003.

Table 2.10: Actual percentage of children in an out-of-home care placement for at least 24 months

	Jan 03	Jun 03	Dec 03	Jun 04	Dec 04	Jun 05	Dec 05	Jun 06	Dec 06	June 07	Dec 07	Jun 08	Dec 08
Children LOS greater than 24 months	2,810	2,413	1,967	1,668	1,534	1,292	1,073	1,015	948	972	977	959	969
Actual number of children in an OHC placement	4,472	3,981	3,489	3,345	3,151	3,044	2,825	2,742	2,521	2,617	2,907	2,688	2,638
Percent of children in an OHC placement 24 months or more	62.8%	60.6%	56.4%	49.9%	48.7%	42.4%	38.0%	37.0%	37.6%	37.1%	33.6%	35.7%	36.7%

*LOS: Length-of-Stay. The values presented for each identified month represent the number of children in an out-of-home care placement 24 or more months on the last day of the month (point-in-time measurement).

** OHC: Out-of-home care

As the data in Table 2.10 indicate, the percentage of children in out-of-home care 24 or more months between December 2007 and December 2008 increased by 3.1%.

Similarly, the most recent AFCARS (Adoption and Foster Care Analysis and Reporting System) report, as of September 30, 2006, indicated that approximately 36% of the children in foster care nationally had been in care 24 or more months.

The data in Table 2.11 suggest the percentage of children in care 24 or more months between the ages of 2 - 11 has increased since CY 2005.

Table 2.11: Percent of children in care 24 or more months by age group

Age at Period End	Dec '05 N =1,076	Dec '06 N = 948	Dec '07 N = 977	Dec '08 N = 969
2 to 4 yrs.	5%	8%	11%	15%
5 to 11 yrs.	26%	28%	29%	33%
12 to 15 yrs.	36%	34%	28%	23%
16 + yrs.	33%	31%	32%	30%

Children who were in out-of-home care 24 or more months as of December 2008:

Table 2.12: General descriptive stats about children in out-of-home care 24 or more months

	Age	Childs LOS in OHC (months)	Child LOP (length of time in current placement – months)
Mean	11	60	27
Median	12	42	21
Minimum	2	24	0.5
Maximum	18	213	188

Table 2.13: Current placements for children in out-of-home care 24 or more months by percentage of children in placement type

Placement Type	% of children in placement
Treatment Foster Home - Non-Relative	24%
Foster Home (Non-Relative)	22%
Kinship Care - Court-Ordered	22%
Foster Home (Relative)	13%
Group Home	8%
Missing From Out-of-Home Care	3%
Residential Care Center	3%
Detention /Youth Correctional Facility	2%
Pre-Adoptive Home	2%
Stabilization Center	1%
Treatment Foster Home - Relative	0% (4 children)
Hospital	0% (2 children)
Supervised Independent Living	0% (2 children)

For children in out-of-home care 24 or more months, the next table identifies the percentage of time a child has been in his/her current placement compared to his/her overall length of stay. As of December 31, 2008, there are 142 children in out-of-home care for 24 or more months who have resided in one placement.

Table 2.14: Comparison – Time in current placement vs. all time in out-of-home care

Percent of time	Number of children
25% or Less	352
26% to 50%	145
51% to 75%	129
76% to 99%	201
100%	142

The last table provides placement type information for the 142 children in out-of-home care for 24 or more months who reside in their first placement.

Table 2.15: Placement types for children who have resided in one placement, and in out-of-home care 24 plus months

Current Placement	Total Children
Kinship Care - Court-Ordered	56
Foster Home (Relative)	46
Foster Home (Non-Relative)	29
Group Home	4
Treatment Foster Home - Non-Relative	4
Residential Care Center	3

Adoption within 24 months of removal

§I.B.7 At least the following percentage of children for whom an adoption is finalized within the period shall exit BMCW out-of-home care within 24 months of entry into care. . . .

January through June, 2008: 37%
July through December, 2008: 38%

The BMCW and its private partner agencies exceeded the previous performance standard of 30% or higher for the past five consecutive six-month periods.

Table 2.20: Adoptions January through December 2008

Time to Adoption	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	CY 2008
Within 24 months	6	12	4	4	5	10	5	7	17	8	12	7	97
(Monthly percentage)	46%	46%	29%	31%	23%	45%	18%	27%	44%	62%	46%	44%	38%
More than 24 months	7	14	10	9	17	12	23	19	22	5	14	9	161
(Monthly percentage)	54%	54%	71%	69%	77%	55%	82%	73%	56%	38%	54%	56%	62%
Total number of finalized adoptions	13	26	14	13	22	22	28	26	39	13	26	16	258

Discussion

Table 2.21 below show general descriptive data about the children adopted during CY 2008.

Table 2.21: Length-of-stay (LOS) in out-of-home care for children adopted, January through December 2008

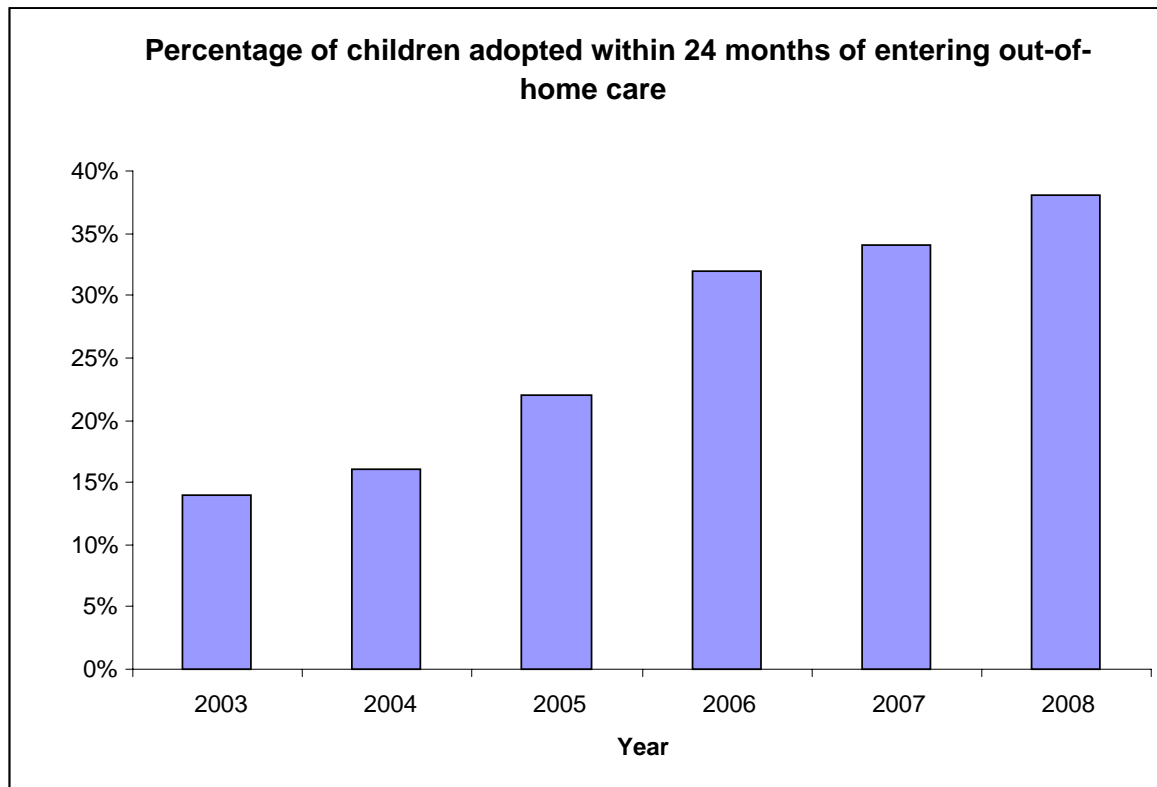
		Length-of-stay in out-of-home care				
		Within 24 Months	>24-36 Months	37-48 Months	49-60 Months	61 + Months
Number of Children (N=258)		97	61	60	16	24
Gender	M (137)	55	29	29	10	14
	F (121)	42	32	31	6	10
Age	0 to 5	88	39	30	5	1
	6 to 11	7	17	21	8	11
	12 to 15	2	3	8	1	8
	16+	0	2	1	2	4

Of the children adopted in CY 2008:

- Approximately 63% were five years of age or younger;
- 25% were ages six through 11;
- 9% were ages 12 through 15;
- 3% of the children adopted were 16 years or older.

Chart 2.22 provides a six-year look at the percentage of children, by years, who were adopted within 24 months of entering out-of-home care.

Chart 2.22: Adoptions within 24 months of entry into out-of-home care



Timeliness of referrals from the Access unit to the independent investigation agency

I.C.2 At least the following percentages of reports within the period alleging abuse or neglect of a child in BMCW custody shall be referred to the independent investigation agency for independent investigation within three business days. . . .

January through June, 2008: 95%
July through December, 2008: 95%

Table 2.30: Reports from Access to independent investigation within three days, January through December 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2008
Number of reports requiring Independent Investigations during period	33	29	24	32	14	20	21	19	31	15	14	26	278
Number referred to Independent Investigation agency within three business days	31	27	23	31	14	19	20	17	30	15	13	25	265
Percentage of reports referred to Independent Investigations within three days	94%	93%	96%	97%	100%	95%	95%	89%	97%	100%	93%	96%	95%

Between January and December 2008, there were 278 reports requiring an independent investigation. Of that total, 265 (95%) were referred by the BMCW Access unit to the independent investigation contract agency (Community Impact Programs) within three business days.

During CY 2007, 95% of the reports requiring an independent investigation were referred to the independent investigation contract agency (Community Impact Programs) within three business days.

Timeliness of the assignment by the independent investigation agency to an independent investigator

I.C.3 At least the following percentage of reports referred for independent investigation within the period shall be assigned to an independent investigator by the independent investigation agency within three business days of the independent investigation agency's receipt of the referral from BMCW. . .

January through June, 2008: 100%
July through December, 2008: 100%

Table 2.40: Assignment to independent investigator within three days, January through December 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2008
Number of referrals to independent investigations agency	33	29	24	32	14	20	21	19	31	15	14	26	278
Number assigned within three business days	33	29	24	32	14	20	21	19	31	15	14	26	278
Percentage of referrals assigned to investigator within three days	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Between January and December, 2008, 100% (278) of all reports (278) were assigned to an independent investigator within three business days. Comparatively, over the preceding five years, performance had reached 96% once, 98% once and 99% three times. This is the first time 100% has been achieved for this measure.

Timeliness of the independent investigation agency completing the investigations

I.C.4 The determination required by section 48.981(3)(c)4 of the Wisconsin Statutes must be made within 60 days of receipt of the referral by the independent investigation agency in at least the following percentages of independent investigations referred by BMCW. . .

January through June, 2008: 99%
July through December, 2008: 100%

Table 2.50: Timeliness in completing independent investigations, January through December 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2008
Total number of determinations completed for the period	23	15	32	31	17	21	17	23	19	12	21	13	244
Number of determinations completed within 60 business days during the period	23	15	32	31	16	21	17	23	19	12	21	13	243
Percentage of investigations completed within 60 days	100%	100%	100%	100%	94%	100%	100%	100%	100%	100%	100%	100%	99.6%

Of the 244 independent investigations completed during CY 2008, 243 (99.6%) were completed within 60 days of receipt of referral.

During CY 2007, 96% of the independent investigations were completed within 60 days of receipt of referral.

Caseload size for Ongoing Case Management program

§I.D.1 BMCW shall ensure that ongoing case managers have caseloads not to exceed an average of 11 families per case-carrying manager. Compliance with this requirement at any given point in time shall be measured by averaging each Site's current monthly caseload average with the corresponding Site averages for the preceding two months.

The calculation reflects only ongoing case managers (OCM) with an active caseload. Mentors who are carrying cases, typically with a reduced caseload, or supervisors who may temporarily be carrying a case, are not included in the computation of the caseload statistics. By design, the mentors carry lower caseloads because they have other duties and responsibilities. Including the mentors in the calculation might artificially reduce the average caseload numbers at each region, just as excluding the mentors may artificially inflate the average. Although the mentors (and supervisors) are not included in the measurement, the cases they carry are included in the overall three-month rolling average calculation.

Table 2.60: Average caseload per OCM by region, January through December 2008

	Nov 07	Dec 07	Jan 08	Feb 08	Mar 08	Apr 08	May 08	Jun 08	Jul 08	Aug 08	Sep 08	Oct 08	Nov 08	Dec 08
Region 1														
Open Cases			575	569	560	553	552	572	575	566	543	558	556	554
Active OCMs EOM			51	55	50	51	52	49	49	51	55	54	54	54
Monthly Average	10.2	10.8	11.3	10.3	11.2	10.8	10.6	11.7	11.7	11.1	9.9	10.3	10.3	10.3
Performance			10.8	10.8	10.9	10.8	10.9	11.0	11.3	11.5	10.9	10.4	10.2	10.3
Region 2														
Open Cases			648	656	660	673	683	682	684	686	687	685	688	690
Active OCMs EOM			58	54	57	61	60	63	58	63	62	59	57	55
Monthly Average	10.5	10.8	11.2	12.1	11.6	11.0	11.4	10.8	11.8	10.9	11.1	11.6	12.1	12.5
Performance			10.8	11.4	11.6	11.6	11.3	11.1	11.3	11.2	11.3	11.2	11.6	12.1
Region 3														
Open Cases			646	648	647	667	674	664	655	650	648	648	650	640
Active OCMs EOM			43	38	43	45	48	56	53	51	51	56	56	55
Monthly Average	14.7	14.4	15.0	17.1	15.0	14.8	14.0	11.9	12.4	12.7	12.7	11.6	11.6	11.6
Performance			14.7	15.5	15.7	15.6	14.6	13.6	12.8	12.3	12.6	12.3	12.0	11.6
BMCW														
Open Cases			1,869	1,873	1,867	1,893	1,909	1,918	1,914	1,902	1,878	1,891	1,894	1,884
Active OCMs EOM			152	147	150	157	160	168	160	165	168	169	167	164
Monthly Average	11.6	11.8	12.3	12.7	12.4	12.1	11.9	11.4	12.0	11.5	11.2	11.2	11.3	11.5
Performance			11.9	12.3	12.5	12.4	12.1	11.8	11.8	11.6	11.6	11.3	11.2	11.3

Face-to-face contact

I.D.3 By January 1, 2003 and thereafter for the duration of this agreement, BMCW will include a contract holdback provision in its BMCW Site case management contracts for each BMCW case management Site that will impose a sufficient holdback on each site that does not meet 90% compliance with monthly face-to-face visits of children in BMCW custody by their case manager.

I.D.4 BMCW will enforce the monthly face-to-face visit holdback provisions in case of noncompliance for months beginning with July, 2003.

January through June, 2008: 94%

July through December, 2008: 90%

Table 2.70: Face-to-face contact by OCMs by region, January through December 2008

Month 2008	Region 1 (CFCP)	Region 2 (CFCP)	Region 3 (La Causa)
January	93%	92%	95%
February	93%	90%	96%
March	95%	93%	96%
April	95%	90%	98%
May	95%	89%	95%
June	95%	96%	92%
July	92%	91%	90%
August	89%	89%	86%
September	92%	90%	90%
October	88%	88%	90%
November	91%	90%	92%
December	93%	90%	92%

During CY 2008, on average, ongoing case managers met with 92% of all children monthly. This is below the CY 2007 annual performance of 96%.

Section 3: Process indicators and outcomes

Process Indicators at a Glance

January – December 2008

Informational Purposes Only (some figures were rounded up)

Process Indicators and Outcomes	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%
Placement packets to foster parents	91%	85%	97%	73%	86%	88%
Annual medical exam	75%	74%	73%	85%	78%	80%
Annual dental exam	57%	65%	64%	78%	67%	68%
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%
Annual and administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%
Re-entry within 12 months of a prior out-of-home care episode	9%	7%	7%	10%	11%	8%
BMCW turnover	30%	39%	33%	26%	34%	35%
Children per caseload (December 31 point in time)	19.5	18.5	17.0	18.4	21.9	20.9

Information regarding process indicators and outcomes

The information provided in Section 3 was formerly identified as “monitoring items.” The BMCW is continuing to voluntarily inform the community on the progress toward achieving identified process indicators and outcomes.

Timeliness of completing initial family assessments

The BMCW monitors the timely completion (within 90 days of their first placement) of the initial family assessments.

Table 3.10: Timeliness of initial family assessments, January through December 2008

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total
Region 1 (CFCP)													
Family assessments due (N)	10	12	14	11	13	15	18	19	16	17	14	13	172
Family assessments completed within 90 days	9	10	13	9	13	12	15	9	12	16	11	13	142
Percentage (point in time)	90%	83%	93%	82%	100%	80%	83%	47%	75%	94%	79%	100%	83%
Region 2 (CFCP)													
Family assessments due (N)	14	15	17	14	11	15	15	18	9	18	15	19	180
Family assessments completed within 90 days	8	11	4	9	9	7	6	4	6	6	6	9	85
Percentage (point in time)	57%	73%	24%	64%	82%	47%	40%	22%	67%	33%	40%	47%	47%
Region 3 (La Causa)													
Family assessments due (N)	19	9	19	15	31	18	15	19	9	9	14	21	198
Family assessments completed within 90 days	11	6	13	9	25	11	13	13	8	8	7	12	136
Percentage (point in time)	58%	67%	68%	60%	81%	61%	87%	68%	89%	89%	50%	57%	69%
BMCW													
New families entering Ongoing Case Management services (N)	43	36	50	40	55	48	48	56	34	44	43	53	550
Family assessments completed within 90 days	28	27	30	27	47	30	34	26	26	30	24	34	363
BMCW percentage (point-in-time)	65%	75%	60%	68%	85%	63%	71%	46%	76%	68%	56%	64%	66%

During CY 2008, 66% (363 of 550) of the family assessments were completed within 90 days. Region 2 (47%) and Region 3 (69%) show a decrease in performance compared to their performance in CY 2007 of 80.6% and 93.7% respectively.

Timeliness of initial health screens for children entering out-of-home care

*To identify any existing or possible health concerns, *all children who enter out-of-home care will have an initial health screen. The BMCW expects children to have an initial health screen within five business days of entering out-of-home care, when possible.*

*With the exception of newborns detained directly from the hospital and children returned home prior to the fifth business day.

Table 3.20: Initial health screens completed within five days of entering care

Region 1	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
Health screens within five business days	15	12	6	26	8	13	24	17	13	17	17	8	176
Total children	25	13	14	45	22	27	36	19	26	27	22	10	286
Monthly performance	60%	92%	43%	58%	36%	48%	67%	89%	50%	63%	77%	80%	62%
Region 2	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
Health screens within five business days	22	6	5	18	14	6	16	12	15	22	22	12	170
Total children	30	11	21	28	28	24	31	26	24	33	32	17	305
Monthly performance	73%	55%	24%	64%	50%	25%	52%	46%	63%	67%	69%	71%	56%
Region 3	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
Health screens within five business days	12	30	28	21	19	29	18	21	29	37	27	22	293
Total children	20	33	45	35	29	49	31	40	42	56	35	23	438
Monthly performance	60%	91%	62%	60%	66%	59%	58%	53%	69%	66%	77%	96%	67%
BMCW	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
Health screens within five business days	49	48	39	65	41	48	58	50	57	76	66	42	639
Total children	75	57	80	108	79	100	98	85	92	116	89	50	1,029
Monthly performance	65%	84%	49%	60%	52%	48%	59%	59%	62%	66%	74%	84%	62%

Discussion

Overall performance at each region showed improvement in the second six-month period compared to the first six months of CY 2008.

	Jan to Jun 2008 Performance	Jul to Dec 2008 Performance
Region 1	55%	69%
Region 2	50%	61%
Region 3	66%	68%
BMCW	58%	66%

In addition to tracking the number of children who receive initial health screen examinations within five business days of their first placement, the BMCW also tracks all children in their first placements to verify if and when they have exams, as well as reasons for exams not being completed. The information below in Table 3.21 details this process.

Table 3.21: Initial health screens completed within seven, 14 and 30 days of entering care

Initial health screen	Jan to Jun (N=499)	Jul to Dec (N=530)	CY 2008 (N=1,029)
Within seven days of first placement (cumulative total)	384	430	814
	77%	81%	79%
Within 14 days of first placement (cumulative total)	432	470	902
	87%	89%	88%
Within 30 days of first placement (cumulative total)	455	487	942
	91%	92%	92%

- 87 of the 1,029 (8%) children did not receive an initial health screen within 30 days of entering care. Generally, these children receive a medical evaluation at a later date.

As the data in Table 3.21 indicate, slight improvement is noted in all three categories (within seven, within 14 and within 30 days) comparing the first six months to the second six months of CY 2008.

Placement packet information

To provide exceptional care, foster parents need up-to-date health and educational information regarding the children in their homes. The BMCW monitors that caregivers are receiving this information in a placement packet through reviewing a random sample of at least 50 children placed with a new caretaker.

During CY 2008, a random sample of 34 cases per region (a total of 102 cases) was drawn where a child's placement began on or after January 1, 2008. Each region was required to provide verification that the caregiver received and signed for a copy of the Information for Foster Parents Face Sheet and Checklist (CFS-0872).

Table 3.30: Placement packets completed among sample group

	January through June 2008		July through December 2008		Annual Result (N=102)
	Jan to June completed N=17	Jan to June Result	Jul to Dec completed N=17	Jul to Dec Result	
BMCW Region					
Region 1 (CFCP) (N=17)	16	94%	17	100%	97%
Region 2 (CFCP) (N=17)	11	65%	16	94%	79%
Region 3 (La Causa) (N=17)	15	88%	15	88%	88%
BMCW percent completed placement packets (N=51)	42	82%	48	94%	88%

In CY 2008, 88% of the caregivers in the sample received and signed for a copy of the Information for Foster Parents Face Sheet and Checklist compared to the 86% observed in CY 2007.

Children with updated annual physical and dental examinations

Medical and dental health care are an integral part of a child's care. The BMCW expects all children in care to be current with their annual pediatric medical and dental exams.

The tables below present the monthly percentages by region for children who are current with their annual physical and dental exams, as indicated in eWiSACWIS.

Table 3.40: Annual medical exams, January through December 2008

Region 1 (CFCP)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Number of children (N)	784	773	760	756	762	756	879	849	798	797	802	781
Number children with up-to-date annual medical exams	671	625	563	545	544	541	804	781	734	732	720	684
Monthly percent of children up-to-date with annual medical exam	85.6%	80.9%	74.1%	72.1%	71.4%	71.6%	91.5%	92.0%	92.0%	91.8%	89.8%	87.6%
YTD medical exam performance percent	85.6%	83.2%	80.2%	78.2%	76.9%	76.0%	78.5%	80.3%	81.6%	82.6%	83.3%	83.6%
Region 2 (CFCP)												
Number of children (N)	912	938	929	939	929	926	1,079	1,076	1,073	1,038	1,009	1,006
Number children with up-to-date annual medical exams	716	680	637	665	635	606	913	887	890	838	814	795
Monthly percent of children up-to-date with annual medical exam	78.5%	72.5%	68.6%	70.8%	68.4%	65.4%	84.6%	82.4%	82.9%	80.7%	80.7%	79.0%
YTD medical exam performance percent	78.5%	75.5%	73.2%	72.6%	71.7%	70.7%	72.9%	74.3%	75.3%	75.9%	76.3%	76.6%
Region 3 (La Causa)												
Number of children (N)	786	792	781	791	795	797	938	926	894	860	855	828
Number children with up-to-date annual medical exams	566	547	593	607	714	713	826	796	757	715	682	646
Monthly percent of children up-to-date with annual medical exam	72.0%	69.1%	75.9%	76.7%	89.8%	89.5%	88.1%	86.0%	84.7%	83.1%	79.8%	78.0%
YTD medical exam performance percent	72.0%	70.5%	72.3%	73.4%	76.7%	78.9%	80.4%	81.2%	81.6%	81.7%	81.6%	81.3%
BMCW												
Number of children (N)	2,482	2,503	2,470	2,486	2,486	2,479	2,896	2,851	2,765	2,695	2,666	2,615
Number children with up-to-date annual medical exams	1,953	1,852	1,793	1,817	1,893	1,860	2,543	2,464	2,381	2,285	2,216	2,125
Monthly percent of children up-to-date with annual medical exam	78.7%	74.0%	72.6%	73.1%	76.1%	75.0%	87.8%	86.4%	86.1%	84.8%	83.1%	81.3%
YTD medical exam performance percent	78.7%	76.3%	75.1%	74.6%	74.9%	74.9%	77.0%	78.3%	79.2%	79.8%	80.1%	80.2%

Table 3.41: Annual dental exams, January through December 2008

Region 1 (CFCP)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Number of children (N)	647	631	620	627	627	623	730	705	657	653	651	640
Number children with up-to-date annual dental exams	460	427	394	400	380	377	590	576	542	529	508	480
Monthly percent of children up-to-date with annual dental exam	71.1%	67.7%	63.5%	63.8%	60.6%	60.5%	80.8%	81.7%	82.5%	81.0%	78.0%	75.0%
YTD dental exam performance percent	71.1%	69.4%	67.5%	66.6%	65.4%	64.6%	67.2%	69.2%	70.7%	71.7%	72.3%	72.5%
Region 2 (CFCP)												
Number of children (N)	749	767	757	760	750	747	882	880	877	857	824	819
Number children with up-to-date annual dental exams	491	471	432	424	401	399	651	634	622	592	570	554
Monthly percent of children up-to-date with annual dental exam	65.6%	61.4%	57.1%	55.8%	53.5%	53.4%	73.8%	72.0%	70.9%	69.1%	69.2%	67.6%
YTD dental exam performance percent	65.6%	63.5%	61.3%	59.9%	58.7%	57.8%	60.4%	62.0%	63.1%	63.8%	64.3%	64.5%
Region 3 (La Causa)												
Number of children (N)	596	602	588	591	593	606	719	716	700	675	680	662
Number children with up-to-date annual dental exams	341	317	337	348	463	479	543	519	489	482	469	448
Monthly percent of children up-to-date with annual dental exam	57.2%	52.7%	57.3%	58.9%	78.1%	79.0%	75.5%	72.5%	69.9%	71.4%	69.0%	67.7%
YTD dental exam performance percent	57.2%	54.9%	55.7%	56.5%	60.8%	63.9%	65.8%	66.8%	67.2%	67.6%	67.7%	67.7%
BMCW												
Number of children (N)	1,992	2,000	1,965	1,978	1,970	1,976	2,331	2,301	2,234	2,185	2,155	2,121
Number children with up-to-date annual dental exams	1,292	1,215	1,163	1,172	1,244	1,255	1,784	1,729	1,653	1,603	1,547	1,482
Monthly percent of children up-to-date with annual dental exam	64.9%	60.8%	59.2%	59.3%	63.1%	63.5%	76.5%	75.1%	74.0%	73.4%	71.8%	69.9%
YTD dental exam performance percent	64.9%	62.8%	61.6%	61.0%	61.4%	61.8%	64.2%	65.7%	66.7%	67.4%	67.8%	68.0%

* Note: Children three years of age and older in BMCW custody are required to receive annual dental examinations.

Table 3.42 illustrates the improvement between the first and second six-month periods for children who are current with their annual physical and dental exams, as indicated in eWiSACWIS.

Table 3.42: Semi - Annual medical and dental exam performance

	Jan to Jun 2008 – Annual Medical exam	Jul to Dec 2008– Annual Medical exam	Jan to Jun 2008– Annual Dental exam	Jul to Dec 2008– Annual Dental exam
Region 1	76%	91%	65%	80%
Region 2	71%	82%	58%	71%
Region 3	79%	83%	64%	71%
BMCW	75%	85%	62%	74%

Timeliness of completing the initial permanency plan

The BMCW monitors that an initial permanency plan be in place for all children within 60 days of a child entering BMCW custody, according to the federal standard.

Table 3.50: Timeliness of completing initial permanency plan, January through December 2008

Region 1 CFCP	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Total
Number due during period (N)	14	20	15	23	18	28	38	19	39	23	21	20	278
Number completed on time	14	20	14	23	16	28	37	19	39	23	20	18	271
Percentage (point in time)	100%	100%	93%	100%	89%	100%	97%	100%	100%	100%	95%	90%	97%
Region 2 CFCP													
Number due during period (N)	23	25	36	27	23	24	23	27	30	25	30	30	323
Number completed on time	23	23	36	23	19	19	20	22	29	19	26	27	286
Percentage (point in time)	100%	92%	100%	85%	83%	79%	87%	81%	97%	76%	87%	90%	89%
Region 3 (La Causa)													
Number due during period (N)	30	11	16	15	52	30	20	30	15	16	28	27	290
Number completed on time	19	2	11	13	24	21	16	10	15	15	15	12	173
Percentage (point in time)	63%	18%	69%	87%	46%	70%	80%	33%	100%	94%	54%	44%	60%
BMCW													
Number due during period (N)	67	56	67	65	93	82	81	76	84	64	79	77	891
Number completed on time	56	45	61	59	59	68	73	51	83	57	61	57	730
Percentage (point in time)	84%	80%	91%	91%	63%	83%	90%	67%	99%	89%	77%	74%	82%

During CY 2008, 82% (730 of 891) of the initial permanency plans were completed within 60 days. Region 3 showed a drop in performance from 78.6% in CY 2007 to 60% in CY 2008.

Timeliness of judicial or administrative permanency plan reviews

The BMCW monitors the federal requirement that a judicial or administrative permanency plan review occurs every 6 months and at least one judicial permanency plan review occurs annually.

Table 3.60: Timeliness of judicial or administrative permanency plan reviews, January through December 2008

Perm. Plan Reviews	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
(N)	563	337	457	467	405	381	454	358	465	398	303	363	4,951
Current permanency plan reviews *	537	314	423	433	371	329	321	266	301	371	284	273	4,223
Percentage Completed	95%	93%	93%	93%	92%	86%	71%	74%	65%	93%	93%	75%	85%

* Includes permanency plans heard in court and permanency plans heard by a court commissioner

During CY 2008, 85% of the scheduled permanency plan reviews were conducted in a timely manner. This is lower than the 92% performance for CY 2007.

Children re-entering out-of-home care within 12 months of leaving a prior out-of-home care episode

The BMCW monitors the percentage of children re-entering out-of-home care within the period who have re-entered care within 12 months of a prior out-of-home care episode.

Of the 1,225 children placed in out-of-home care between January and December 2008, 190 children entered care after a prior episode in out-of-home care. Of the 190 children who re-entered care, 101 (53%) did so within 12 months of a prior foster care episode.

Table 3.70: Re-entry into out-of-home care, January through December 2008

2008	Number of children who entered OHC	Number of children who re-entered OHC within 12 months of a prior OHC episode	Percent of entries into OHC that were within 12 months of a prior OHC episode
Total	1,225	101	8%

During CY 2008, the number of children who re-entered out-of-home care within 12 or fewer months of a prior foster care episode (101 children) was approximately 26% lower than the total number of children in CY 2007 (137).

Table 3.71: Time to re-enter compared to time in care for previous episode

Time to re-entry	Length-of-stay for previous OHC episode				Grand Total
	6 or fewer months	7 to 12 months	13 to 18 months	19 months or more	
Re-entry within 3 months	24	6	5	10	45
Re-entry between 3 - 6 months	20	8	2	4	34
Re-entry between 6 - 9 months	9	5	1	3	18
Re-entry between 9 - 12 months	3	0	1	0	4
Grand Total	56	19	9	17	101

The data in Table 3.71 show for all children who re-entered out-of-home care within 12 months of a prior episode, the length of their previous episode (months) and the time between their exit and return to out-of-home care.

- 55% of the children who re-entered out-of-home care were in care six or fewer months prior to reaching permanence.
- 19% of the children who re-entered out-of-home care were in care between seven and 12 months prior to reaching permanence.

- 78% of the children who re-entered out-of-home care did so within six-months of their previous episode.
- 24% of the children who re-entered out-of-home care had a previous episode length of six or fewer months and returned to out-of-home care within three months.

Table 3.72 below cites contributing factors related to the child’s re-entry into out-of-home care within 12 months of a prior out-of-home care episode.

Table 3.72: Factors identified at time of re-entry within 12 months of prior out-of-home care episode

<u>Issues identified at time of re-entry:</u>	<u>Jan to Jun</u>	<u>Jul to Dec</u>
Parents unable to manage child's behaviors - child's behaviors unsafe (MH, AODA, delinquency)	17	7
Physical Abuse	9	6
AODA relapse and/or Domestic Violence (parent)	6	10
Mental Health (MH) Issues/Physical Abuse (parent)	3	0
Untreated MH and/or AODA (parent)	1	6
Mental Health Issues (Child)-danger to self	2	2
Parent did not provide appropriate supervision	2	3
Parents unable to provide stable living environment, meet children's needs	3	12
Parent unwilling to care for child	1	6
Parent incarcerated	0	1
Parent unable to provide safety from maltreater	0	4
Total	44	57

- In the first six months of CY 2008, the incidence of children re-entering out-of-home care because the parents were unable to manage their child’s behavior was more than twice as frequent than the number of such incidence occurring in the second six-month period.
- In the second six-month period, the number of children who re-entered because their parents were unable to provide a stable living environment was four times more frequent than in the first six months.
- The number of children who returned to out-of-home care because their parents were unwilling to care for them increased from one child in the first six months to six children during the second six-month period.

Turnover within Ongoing Case Management programs

The BMCW provides information about turnover within its ongoing case management workforce using a variety of methods and calculations. To report turnover performance, the BMCW continues to use the method described in the Settlement Agreement so performance can be compared consistently year to year.

Table 3.80: Ongoing case manager employment, January through December 2008

Region 1 (CFCP)													Annual Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
OCMs at start of month	63	67	60	63	64	65	65	65	66	70	70	68	39
Hires during month	5	1	4	1	4	5	3	6	7	3	0	0	
Separations during month	1	8	1	0	3	5	3	5	3	3	2	2	
Turnover % by month	1.5%	11.8%	1.6%	0.0%	4.4%	7.1%	4.4%	7.0%	4.1%	4.1%	2.9%	2.9%	35.3%
Enrolled FT in the IV-E Program	2	2	2	2	2	2	2	2	1	1	1	1	
Leave of Absence	0	0	0	0	0	0	0	0	0	0	0	0	
Vacancies (60 positions)	-3	-7	0	-3	-4	-5	-5	-5	-6	-10	-10	-8	
Region 2 (CFCP)													Annual Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
OCMs at start of month	61	64	63	64	70	71	70	70	72	70	69	66	38
Hires during month	4	5	4	7	4	3	4	3	1	3	0	0	
Separations during month	1	6	3	1	3	4	4	1	3	4	3	2	
Turnover % by month	1.5%	8.7%	4.5%	1.4%	4.1%	5.4%	5.4%	1.4%	4.1%	5.5%	4.3%	3.0%	35.4%
Enrolled FT in the IV-E Program	1	1	1	1	2	2	2	2	1	1	1	1	
Leave of Absence	0	0	0	0	0	0	0	0	0	0	0	0	
Vacancies (60 positions)	-1	-4	-3	-4	-10	-11	-10	-10	-12	-10	-9	-6	
Region 3 (La Causa)													Annual Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
OCMs at start of month	55	54	53	58	62	65	66	64	58	63	64	66	46
Hires during month	3	5	6	7	8	3	1	0	7	2	3	1	
Separations during month	4	6	1	3	5	2	3	6	2	1	1	0	
Turnover % by month	6.9%	10.2%	1.7%	4.6%	7.1%	2.9%	4.5%	9.4%	3.1%	1.5%	1.5%	0.0%	33.7%
Enrolled FT in the IV-E Program	3	3	3	3	3	3	3	3	2	2	2	2	
Leave of Absence	3	3	1	1	2	0	0	0	0	0	1	1	
Vacancies (65 positions)	10	11	12	7	3	0	-1	1	7	2	1	-1	
BMCW													Annual Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
OCMs at start of month	179	185	176	185	196	201	201	199	196	203	203	200	123
Hires during month	12	11	14	15	16	11	8	9	15	8	3	1	
Separations during month	6	20	5	4	11	11	10	12	8	8	6	4	
Turnover % by month	3.1%	10.2%	2.6%	2.0%	5.2%	5.2%	4.8%	5.8%	3.8%	3.8%	2.9%	2.0%	34.8%
Enrolled FT in the IV-E Program	6	6	6	6	7	7	7	7	4	4	4	4	
Leave of Absence	3	3	1	1	2	0	0	0	0	0	1	1	
Vacancies (185 positions)	6	0	9	0	-11	-16	-16	-14	-11	-18	-18	-15	

*NOTE – the first six-month period shows adjustments from previous reporting.

To calculate turnover: First, the number of ongoing case managers who separated employment for any reason is identified. The number of separations is then divided by the sum of the number of ongoing case managers at the beginning of the period, plus the ongoing case managers hired during the period. For the CY 2008, the BMCW shows a 34.8% turnover rate (105 workers exited / (179 OCMs + 123 hires) = 34.8%).

Discussion

The BMCW recognizes that its most significant asset is its workforce. All changes within the workforce are important to understand so that retention efforts can be focused on current concerns which, in the long run, may improve outcomes for children and families.

Table 3.81 shows turnover during CY 2008. The upper section of Table 3.81 provides, by month, the number of employees who separated employment, the number of ongoing case managers at the beginning of each month, and the number of ongoing case managers hired during the month. The last column provides the calculation of a monthly turnover percentage. The second section of Table 3.81 shows, by year, the same information, except that it provides the annual totals and performance calculation.

Table 3.81: Ongoing case management turnover, January through December 2008

2008 YTD	Number of OCMs separating employment for any reason	Number of OCMs at beginning of month	Number of OCMs hired during period	Turnover rate for period - per definition used in Settlement
January	6	179	12	3.1%
February	20	185	11	10.2%
March	5	176	14	2.6%
April	4	185	15	2.0%
May	11	196	16	5.2%
June	11	201	11	5.2%
July	10	201	8	4.8%
August	12	199	9	5.8%
September	8	196	15	3.8%
October	8	203	8	3.8%
November	6	203	3	2.9%
December	4	200	1	2.0%
CY 2008	105	179	123	34.8%
CY 2007	90	180	83	34.2%
CY 2006	63	217	30	25.5%
CY 2005	113	206	132	33.4%
CY 2004	129	233	101	38.6%
CY 2003	98	218	108	30.1%

- In February, 20 ongoing case managers separated from their positions which was the largest number of ongoing case managers to separate in one month. In July of CY 2005, 19 ongoing case managers left their positions.

Average number of children per caseload, January through December 2008

The BMCW monitors the monthly caseload averages of children per ongoing case manager for those who are carrying cases.

Table 3.90: Average number of children per caseload

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Region 1 - CFCP												
Children in out-of-home care	858	838	839	839	826	794	799	793	750	787	788	772
Children on a court order of supervision	176	183	181	171	167	183	188	194	185	202	223	241
OCMs EOM	51	55	50	51	52	49	49	51	55	54	54	54
Average # of children per caseload	20.3	18.6	20.4	19.8	19.1	19.9	20.1	19.4	17.0	18.3	18.7	18.8
Region 2 - CFCP												
Children in out-of-home care	1,046	1,048	1,044	1,078	1,029	1,008	1,017	1,007	1,045	1,030	1,010	1,017
Children on a court order of supervision	155	154	152	168	172	187	187	205	203	223	210	234
OCMs EOM	58	54	57	61	60	63	58	63	62	59	57	55
Average # of children per caseload	20.7	22.3	21	20.4	20	19	20.8	19.2	20.1	21.2	21.4	22.7
Region 3 - La Causa												
Children in out-of-home care	894	866	926	936	900	886	888	894	885	856	858	849
Children on a court order of supervision	260	299	265	268	268	284	284	306	301	305	308	314
OCMs EOM	43	38	43	45	48	56	53	51	51	56	56	55
Average # of children per caseload	26.8	30.7	27.7	26.8	24.3	20.9	22.1	23.5	23.3	20.7	20.8	21.1
BMCW												
Children in out-of-home care	2,798	2,752	2,809	2,853	2,755	2,688	2,704	2,694	2,680	2,673	2,656	2,638
Children on a court order of supervision	591	636	598	607	607	654	659	705	689	730	741	789
OCMs EOM	152	147	150	157	160	168	160	165	168	169	167	164
Total Children on caseload	3,389	3,388	3,407	3,460	3,362	3,342	3,363	3,399	3,369	3,403	3,397	3,427
Average # of children per caseload	22.3	23.0	22.7	22.0	21.0	19.9	21.0	20.6	20.1	20.1	20.3	20.9

Throughout CY 2008, the average number of children per caseload fluctuated with a high of 23.0 children per caseload and a low of 19.9 children per caseload.

This completes the report.