

SUPPLEMENTAL
MONITORING REPORT
OF
THE TECHNICAL ASSISTANCE
COMMITTEE
IN THE CASE OF
BRIAN A. v. BREDESEN

August 31, 2009

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Appendix A: Regional and Statewide Section XVI Outcome and Performance Measure Data for the Supplemental Reporting Period

Appendix B: Supplemental Information on Placement Stability

INTRODUCTION

This report was prepared by the Technical Assistance Committee (TAC) pursuant to the orders entered in *Brian A. v. Bredesen, Civ. Act. No. 3:00-0445 (Fed. Dist. Ct., M.D. Tenn)*, a civil rights class action brought on behalf of children in the custody of the Tennessee Department of Children's Services (DCS). The "*Brian A. class*" includes all children placed in state custody either:

- (a) because they were abused or neglected; or
- (b) because they engaged in non-criminal misbehavior (truancy, running away from home, parental disobedience, violation of a "valid court order," or other "unruly child" offenses).¹

The *Brian A. Settlement Agreement* (Settlement Agreement), entered on July 27, 2001 and modified by agreed orders entered on December 29, 2003, February 28, 2006, May 8, 2007, October 1, 2008 and January 13, 2009, requires improvements in the operations of the Department of Children's Services and establishes the outcomes to be achieved by the State of Tennessee on behalf of children in custody and their families.

This report supplements the monitoring report issued by the TAC on December 15, 2008.² That report provided a comprehensive review of progress that the Department had made in meeting the requirements of the Settlement Agreement as of June 30, 2008. In this supplemental report, the TAC provides an update (in most cases through March 31, 2009) of some of the key data presented in the December 2008 Monitoring Report, including data related to outcome and performance measures set forth in Section XVI of the Settlement Agreement.

The December 2008 Monitoring Report included explanations of the relevant Settlement Agreement language and other information to provide a context for understanding the data presented in that report, including detailed discussion of methodology. Rather than reproduce that material in this supplemental report, readers who feel the need for such contextual information are encouraged to read the relevant sections of the December 2008 Monitoring Report.

To ensure ease of reference to the relevant sections of the December 2008 Monitoring Report, updated data and additional information reported in this supplemental report use the same subsection titles and the same number and letter designations for subsections, tables and figures as those of the December 2008 report that are being updated. A new table or figure (a table or figure that has no counterpart in the December 2008 Monitoring Report) is indicated by using the

¹ While the class definition excludes children who are or will be placed in DCS custody "upon an allegation or adjudication of a delinquent or criminal act," if the allegation of delinquency or criminal conduct "is subsequently dropped or fails to result in an adjudication of a delinquent or criminal act" and the child remains in the legal custody of DCS, the child is included in the class. Settlement Agreement I.B.

² For a more detailed discussion of the composition and monitoring role of the TAC, see December 2008 Monitoring Report, pp. 1-2.

number of the table or figure immediately preceding the table or figure and adding a decimal number (e.g., .1 or .01).

This supplemental report is the sixth monitoring report issued by the TAC. The five previous monitoring reports are available on-line at <http://www.state.tn.us/youth/dcsguide/fedinitiatives.htm>. The next comprehensive Monitoring Report will cover Monitoring Period IV (July 1, 2008 through December 31, 2009) and is due to be issued on or before June 30, 2010.

I. EXECUTIVE SUMMARY

The data presented in this supplemental report are generally consistent with the data in the December 2008 Monitoring Report. Overall, the Department has maintained its performance in those areas where it was performing well, and it is now meeting or coming very close to meeting most of the outcome and performance measures recited in the Settlement Agreement.

As reflected in Table 1 (Data at a Glance), of the seven “Child Welfare Outcome” categories listed in Section XVI.A of the Settlement Agreement (Reunification, Adoption Finalization, Number of Placements, Length of Time in Placement, Reentry, Adoptive Placement Disruption, and Achievement Upon Discharge), involving 12 separate measures (three categories have more than one measure each), the Department has met or exceeded the required percentage for seven of those measures (including, with this supplemental reporting period, meeting the placement stability measure for the first time), and is within four percentage points of the required percentage for the remaining five measures.

Of the seven “Performance Indicator” categories listed in Section XVI.B of the Settlement Agreement, the Department has met or is within four percentage points of meeting the measures for four of those categories (Placing Siblings Together, Placement in an Adoptive Home, Planned Permanent Living Arrangements, and In-Region Placements) and has met one of the two measures for one other category (Filing of TPR Petitions).³

It is only with respect to two categories (Parent-Child Visiting and Sibling Visiting) that the percentages achieved are well below each of the required performance measures, and the Department believes that a significant portion of that performance gap is attributable to a combination of (1) a failure to document visits that are in fact occurring, and (2) an inability of the present aggregate reporting to exclude from the calculation situations in which restrictions on visits are permitted by the Settlement Agreement.⁴ (The TAC will be conducting a targeted review to determine the extent to which performance is attributable to those factors.)

Notwithstanding the level of achievement with respect to requirements of Section XVI, the Department’s performance on the Quality Service Reviews—the “measure of appropriate and professional decision making, concerning the care, protection, supervision, planning and

³ The Department’s recent performance far exceeds the first measure for this category, the required percentage of TPR petitions filed within three months of the establishment of adoption as the sole permanency goal. TPR is filed within three months in 90% of the cases, while the requirement is only 65%. However, the performance on the second measure, percentage of the remaining cases for which TPR is filed within six months, falls far short of the requirement (31% instead of 75%). If one were to look at the total percentage of children for whom TPR is filed within six months of establishment of the sole goal of adoption, it appears that the Department’s actual performance on that cumulative measure would be the same as would have been achieved had it met, but not exceeded, each of the separate requirements.

⁴ Section XVI.B.1.a of the Settlement Agreement provides that the standard for parent-child visits “does not apply to situations in which there is a court order prohibiting visitation or limiting visitation to less frequently than once every month. The child’s case manager may consider the wishes of a child (generally older adolescents) and document in the case file any deviation from the usual visitation requirements.” Section XVI.B.2.a provides that the standard for sibling visits “does not apply to situations in which there is a court order prohibiting visitation or limiting visitation to less frequently than once every two months.”

provision of services and permanency for children” which the Department has developed pursuant to Section XI.E. of the Settlement Agreement—remains disappointing. The QSR results reflect continued problems with the critical day-to-day interactions between children, families, resource parents, case managers, helping professionals, and the community that are needed to make sure that children are safe, healthy, and able to develop and succeed.

As the TAC has observed in previous monitoring reports, many of the Department’s achievements are attributable to “infrastructure” improvements: such things as administrative restructuring, revision of policies and procedures, reduction of caseloads, and increased capacity to produce and use data to manage the work. However, the Department leadership has recognized that further progress in the reform effort requires substantial and consistent improvement in case practice. Such improvement will likely yield improved QSR results and is essential to long term sustainability.

Good day to day casework under the Department’s practice standards requires:

- engaging children and families;
- forming strong child and family teams that include not only professionals, but relatives and others who are part of the family’s informal support network;
- assisting those teams in assessing the strengths and needs of the family;
- having the team develop and track the implementation of individualized case plans that build on those strengths and address those needs; and
- utilizing the team and the team meeting process for problem-solving and key decision making throughout the life of the case.

However, as set forth in Table 6 of this report, well under half the cases in the 2008-09 QSR reflected acceptable engagement, teaming, assessment, case planning, plan implementation and tracking. Both the QSR data and the CFTM data (Table 4 and Section VII of this report) indicate that the Child and Family Team process envisioned by the Department’s Practice Model (and required by Section VII of the Settlement Agreement) continues to be inconsistently implemented.

The findings of the most recent federal Child and Family Service Review, released in April 2009, are consistent with the QSR findings and identify similar concerns about the quality of case practice, in both custodial and non-custodial cases.⁵ In developing its Program Improvement Plan (PIP), the Department is examining why past efforts to improve case practice have not been as successful as the Department had expected and is working to fashion its PIP strategies to more effectively address case practice improvement.

Drawing on some of the lessons learned through the COA Accreditation process and consistent with specific recommendations from the TAC, the Department anticipates identifying a group of skilled practitioners capable of providing intensive coaching to regional staff in areas of practice

⁵ The report for Tennessee’s Round 2 CFSR can be accessed at:
[http://basis.caliber.com/cwig/ws/cwmd/docs/cb_web/Record?w=NATIVE\('DT+ph+is+"CFSR+Final+Report"+and+STATE+=+"Tennessee"+and+RPERIOD+=+"2nd++Round+CFSR"+and+DOC_AVAILABILITY+^=+"Not+publicly+available+on+the+Children""s+Bureau+website"\)&m=1](http://basis.caliber.com/cwig/ws/cwmd/docs/cb_web/Record?w=NATIVE('DT+ph+is+)

identified by the QSR results and CFSR as needing improvement. These practitioners, drawn from both TCCW and DCS regional and Central Office staff, will work with regional leadership to develop and implement regional practice improvement plans based on the most recent QSR results. This effort will be coordinated by a high level Central Office Administrator.

Making available to the regions a cadre of practice coaches, of sufficient number and with the skills and time (and Central Office backing) to devote to supporting regional staff practice skill development, would, in the TAC's opinion, provide a much needed capacity for coaching and mentoring that is critical to improving case practice.

Finally, it is important to acknowledge that the Department's achievements to date have depended in no small measure on the resources that the Tennessee Legislature has allocated to support the Department's work, even in the face of budgetary problems resulting from state revenue shortfalls. The consistent and ongoing support of the Legislature for child welfare system improvement remains an essential element for ensuring that the Department can maintain its considerable achievements and meet its remaining challenges.

II. KEY OUTCOME AND PERFORMANCE MEASURES AT A GLANCE

The following tables present statewide performance on key outcome and performance measures.

Table 1 presents the Settlement Agreement Section XVI outcome and performance measure requirements and the Department's level of achievement with respect to those requirements for Supplemental Reporting Period IV, Reporting Period III, and Interim Reporting Period III.⁶

Table 2 compares performance for calendar year 2006, calendar year 2007, and fiscal year 2007-2008 entry cohorts on first placement rates, initial placements in family settings, and initial placement in kinship homes.⁷

Table 3 presents average case manager and supervisory caseloads over two periods: from July 2007 to June 2008; and from July 2008 to March 2009.

Table 4 compares the percentages of critical Child and Family Team Meetings held during the third quarter 2008, fourth quarter 2008, and first quarter 2009.

Table 5 presents first investigation rates and first substantiation rates for calendar year 2006, calendar year 2007, and fiscal year 2007-2008.

Table 6 presents statewide performance for the past four QSR reviews. The comparison of four years of QSR data is also presented graphically in Figures 0.1 and 0.2. (The Department does not include the 2006-2007 QSR results in its own tracking, because the Department determined that in a significant number of the cases reviewed that year, reviewers departed from the scoring standards, resulting in higher scores overall than were warranted.)

⁶ Unless otherwise indicated, Supplemental Reporting Period IV refers to the nine-month period from July 1, 2008 to March 31, 2009, Reporting Period III refers to the 18-month period from January 1, 2007 through June 30, 2008, and Interim Reporting Period III refers to the 12-month period from January 1, 2006 through December 31, 2006. However, the time periods from which the data is drawn for reporting individual measures for each reporting period are not necessarily contiguous with the dates of the respective reporting time periods; rather they were chosen in order to meet the parameters for reporting for those periods. See Appendix A for an explanation of the time period used for each of the measures as well as a regional breakdown of performance for each measure.

⁷ The Department originally ran the regional outcomes reports by entry cohorts based on calendar years. However, the Department has decided to report regional outcomes by entry cohorts based on state fiscal years (July 1 through June 30), effective as of the regional outcome report through June 30, 2008. In that report, performance was compared for fiscal years 2002-2003 (July 1, 2002 through June 30, 2003) through 2007-2008 (July 1, 2007 through June 30, 2008). Regional outcomes included in this supplemental report, as of March 31, 2009 compare performance from fiscal year 2003-2004 through the first six months of fiscal year 2008-2009.

The entry cohorts used in regional outcomes reporting include all children who enter care during the cohort year as *Brian A.* class members. Children who are subsequently re-adjudicated delinquent are not removed from the entry cohort but continue to be included in the reporting for that entry cohort until the date that they exit care.

Table 1: Settlement Agreement Outcomes	Settlement Agreement Standard	Interim Reporting Period III (1/1/06 - 12/31/06)	Reporting Period III (1/1/07 - 6/30/08)	Supplemental Reporting Period (7/1/08-3/31/09)
XVI.A.1 Time to Reunification				
o Reunification within 12 months of custody	80%	72%	79%	76%
o Reunification within 24 months of custody	75%	73%	75%	78%
o Reunification within 24 months of custody (cumulative - logical corollary of the Settlement Agreement provision) ⁸	95%	92%	95%	95%
XVI.A.2 Time to Adoption				
o Finalization within 12 months of guardianship	75%	74%	74%	74%
XVI.A.3 Number of Placements				
o 2 or fewer placements within past 12 months	90%	84%	88%	93%
o 2 or fewer placements within past 24 months	85%	76%	80%	86%
XVI.A.4 Length of Time in Placement				
o 2 years or less	75%	77%	80%	80%
o Between 2 and 3 years	No more than 20%	13%	10%	11%
o More than 3 years	No more than 5%	10%	10%	9%

⁸ The “**cumulative performance standard**” reflects the total performance that the Department would achieve if it were to meet, but not exceed, each of the separate Settlement Agreement requirements related to the specific outcome or indicator. For example, the Settlement Agreement requires that 80% of children exit to reunification within 12 months and that an additional 15% (75% of the remaining 20%) exit to reunification within 24 months, for a total of 95% of children exiting to reunification within 24 months. The “**cumulative performance percentage**” for each reporting period is calculated by adding the number of cases meeting the first requirement (reunification within 12 months) and the number of cases meeting the second requirement (reunification within 24 months) and then dividing by the total number of relevant cases (all children reunified).

Table 1 (continued): Settlement Agreement Outcomes	Settlement Agreement Standard	Interim Reporting Period III (1/1/06 - 12/31/06)	Reporting Period III (1/1/07 - 6/30/08)	Supplemental Reporting Period (7/1/08-3/31/09)
XVI.A.5 Reentry				
○ Reentry within 12 months of most recent discharge	No more than 5%	7%	6%	7%
XVI.A.6 Adoptive Placement Disruption⁹				
○ Adoptive placements that disrupted prior to finalization	No more than 5%	NA	2.2%	1.9%
XVI.A.7 Achievement measures				
○ Youth exiting to non-permanency who met at least one achievement measure ¹⁰	90%	84%	84%	87%
XVI.B.1 Parent-Child Visits				
○ Visits at least twice per month	50%	27%	22%	26%
○ Visits once per month (of those not visiting twice per month)	60%	40%	23%	25%
○ Visits at least once per month (cumulative - logical corollary of the Settlement Agreement provision)	80%	56%	39%	45%
XVI.B.2 Sibling Visits				
○ Visits at least once per month	90%	49%	37%	36%
○ Visits once every two months (of those not visiting at least once per month)	90%	35%	39%	34%
○ Visits at least once every two months (cumulative - logical corollary of the Settlement Agreement provision)	99%	67%	61%	58%

⁹ The use of the “intent to adopt” in measuring performance for both Adoptive Placement Disruption (XVI.A.6) and Timeliness of Adoptive Placement (XVI.B.5) has been problematic. See December 18, December 2008 Monitoring Report footnotes 109 and 111 for a detailed discussion of the limited utility of measures based on the signing of the “intent to adopt.”

¹⁰ In its aggregate reporting of employment, the Department does not capture separately or distinguish between full-time and part-time. The TAC anticipates conducting an appropriate review to be able to make that distinction, should that be necessary to determine compliance.

Table 1 (continued): Settlement Agreement Outcomes	Settlement Agreement Standard	Interim Reporting Period III (1/1/06 - 12/31/06)	Reporting Period III (1/1/07 - 6/30/08)	Supplemental Reporting Period (7/1/08-3/31/09)
XVI.B.3 Sibling Placement				
○ Sibling groups placed together (point-in-time)	85%	81%	83%	81%
○ Sibling groups placed together (entry cohorts)	85%	(2006 entry cohort) 85%	(2007 entry cohort) 85%	(FY07-08 entry cohort) 86%
XVI.B.4 Timeliness of TPR Filing				
○ TPR filed within 3 months of sole adoption goal	65%	82%	85%	90%
○ TPR filed within 6 months of sole adoption goal ¹¹	75%	40%	32%	31%
XVI.B.5 Timeliness of Adoptive Placement¹²				
○ Intent to adopt form signed within 6 months of guardianship	65%	NA	63%	61%
XVI.B.6 PPLA Goals				
○ Class members with sole PPLA Goals on March 31, 2009	No more than 5%	0.9%	0.4%	0.3%
XVI.B.7 Placement within 75 Miles				
○ Class members placed within 75 miles on March 31, 2009	85%	89%	90%	90%

¹¹ This is not a cumulative measure. The denominator for calculating this percentage is the number of children who did not have TPR petitions filed within three months and who had a sole adoption goal for at least six months.

¹² This measure is problematic. See footnote 9 above.

Table 2: Placements	2006	2007	2008
Number of children in custody on December 31 st	6,873	6,375	5,443
	2006 entry cohort	2007 entry cohort	FY07-08 entry cohort
First placement rate (per 1,000) (Number of first placements in parentheses)	3.2 (4,503)	3.2 (4,507)	3.1 (4,256)
Initial placements in family settings	91% (4,098/4,506)	92% (4,166/4,511)	92% (3,929/4,256)
Initial placements in kinship homes (as % of all initial placements)	16.70%	18.60%	To be reported at end of Period IV
Initial placements in kinship homes (as % of initial family setting placements)	21% (848/4,098)	22% (898/4,166)	21% (842/3,929)

Table 3: Caseloads	Period III (average from July 2007 through June 2008)	Supplemental Reporting Period (average from July 2008 through March 2009)
Case Manager Caseload (% within Settlement Agreement limits)	90%	97%
Supervisory Caseload (% within Settlement Agreement limits)	93%	95%

Table 4: Child and Family Team Meetings	Third Quarter 2008 (7/1/08 to 9/30/08)	Fourth Quarter 2008 (10/1/08 to 12/31/08)	First Quarter 2009 (1/1/09 to 3/31/09)
Children entering custody who had at least one Initial CFTM	77%	79%	83%
Children entering custody who had at least one Initial Perm Plan CFTM	86%	88%	88%
Children w/ placement disruptions who had at least one Placement Stability CFTM	58%	60%	64%
Children beginning THV or released from custody who had at least one Discharge CFTM	26%	29%	29%
Children with at least one CFTM during reporting period	54%	56%	59%

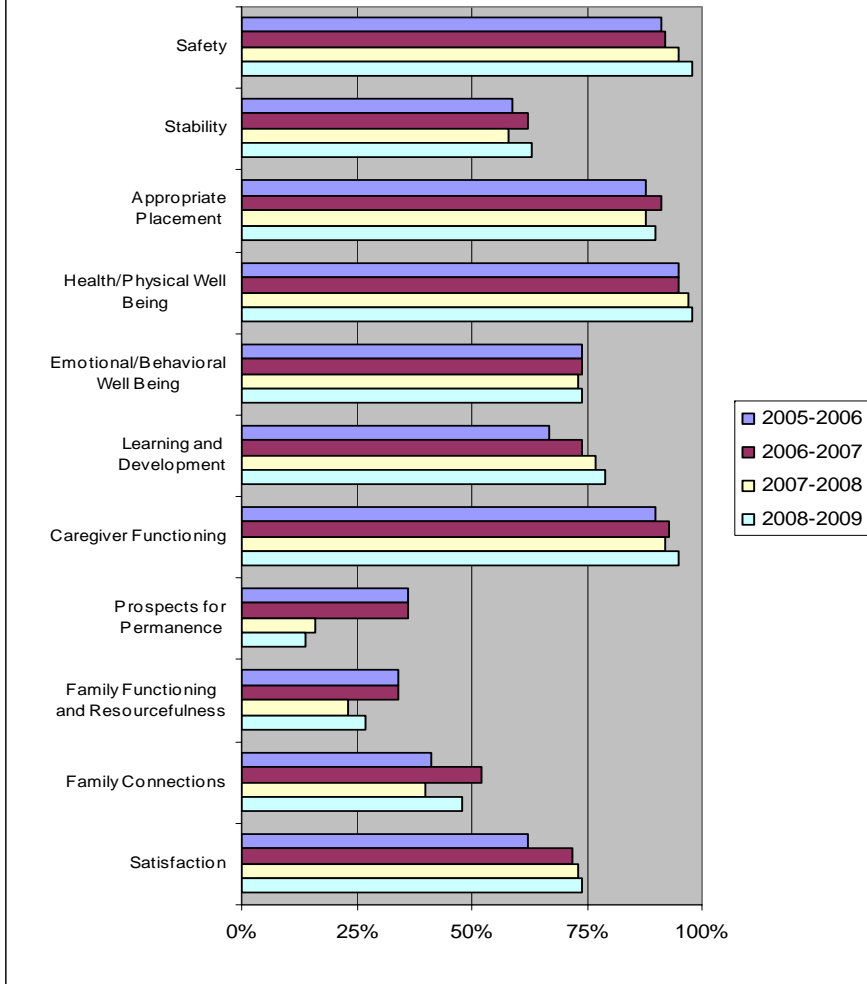
Table 5: Child Protective Services (CPS)	2006	2007	FY07-08
First investigation rate (per 1,000)	38.5	30.0	23.3
First substantiation rate (per 1,000)	6.0	4.7	4.0

Table 6: QSR Indicator (% acceptable)	2005-2006	2006-2007	2007-2008	2008-2009¹³
Child and Family Indicators				
Safety	91%	92%	95%	98%
Stability	59%	62%	58%	63%
Appropriate Placement	88%	91%	88%	90%
Health/Physical Well-Being	95%	95%	97%	98%
Emotional/Behavioral Well-Being	74%	74%	73%	74%
Learning and Development	67%	74%	77%	79%
Caregiver Functioning	90%	93%	92%	95%
Permanence	36%	36%	16%	14%
Family Functioning & Resourcefulness	34%	34%	23%	27%
Family Connections	41%	52%	40%	48%
Satisfaction	62%	72%	73%	74%
System Performance Indicators				
Engagement (VII.B-F, L, N) ¹⁴	42%	47%	38%	46%
Teamwork and Coordination (VII.B-F, L, N)	26%	39%	31%	40%
Ongoing Functional Assessment (VI.D)	30%	38%	30%	36%
Long-Term View	30%	28%	28%	27%
Child and Family Permanency Planning Process (VII.D)	25%	41%	28%	35%
Permanency Plan/Service Implementation (VII.D, K)	37%	38%	31%	37%
Tracking and Adjustment (VII.D, K)	31%	41%	36%	37%
Resource Availability and Use	55%	58%	59%	59%
Informal Support and Community Involvement	52%	60%	49%	50%
Resource Family Supports/ Support for Congregate Care Providers	80%	81%	83%	90%
Transitioning for Child and Family	28%	37%	30%	32%

¹³ The 2008-2009 QSR results include data for all 13 regions (Smoky Mountain is included as a separate region in 2008-2009), but the seven counties that make up the Smoky Mountain region were included in the previous years' data as a part of East. The 2008-2009 East region is composed of the eight counties that did not become the Smoky Mountain region). As of June 19, 2009, 2008-2009 QSR results for eight of the 13 regions had been finalized: Mid-Cumberland, Davidson, East, Knox, Southwest, Hamilton, Smoky Mountain and South Central. The results for the remaining five regions were still in the quality assurance review process, but were not expected to change dramatically.

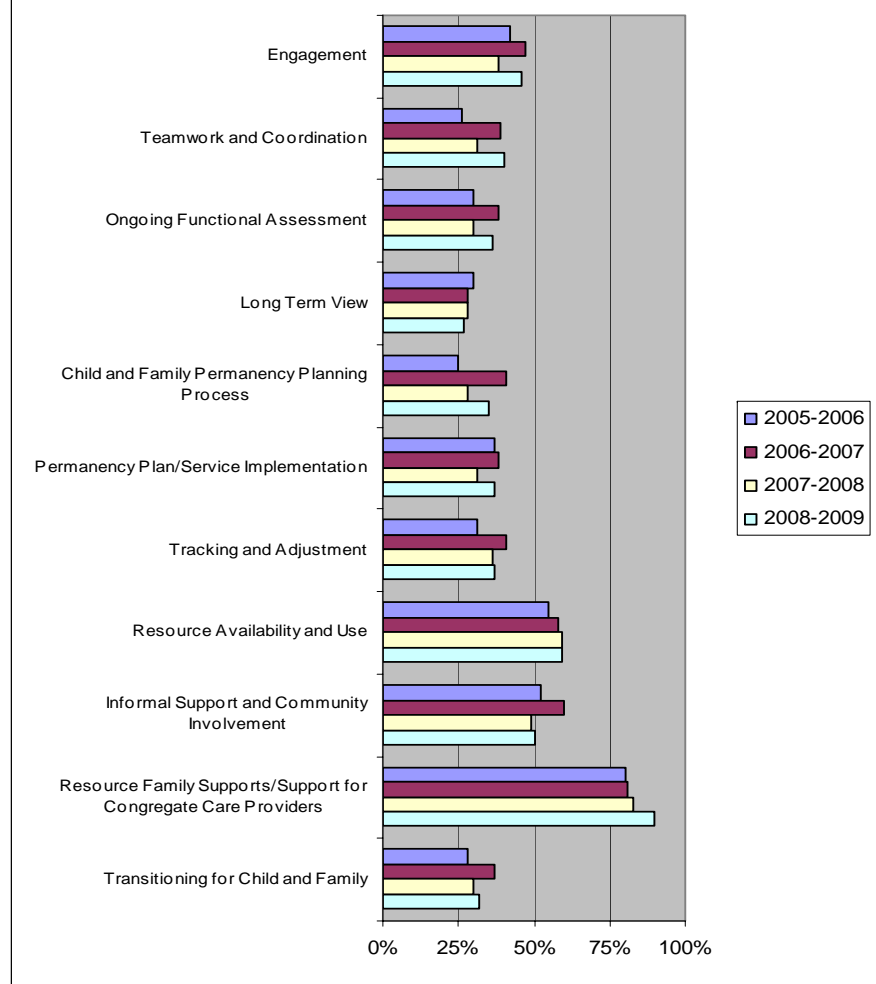
¹⁴ The references in parentheses in Table 6 are to those sections of the Settlement Agreement for which the Department is using the QSR as a primary measure of practice/performance for its own internal monitoring and which the TAC has similarly utilized in its previous monitoring reports.

**Figure .1: Child and Family Indicators
Statewide QSR
2008-2009**



Source: Annual QSR finalized databases.¹⁵

**Figure .2: Practice Performance Indicators
Statewide QSR
2008-2009**



Source: Annual QSR finalized databases.¹⁶

¹⁵ See footnote 13 above.

¹⁶ See footnote 13 above.

III. DATA AND OUTCOME MEASURES OVERVIEW

This section provides an update of selected figures and data from Section One of the December 2008 Monitoring Report. To the extent that the update reflects a change from that report, a brief discussion is provided in the text of the relevant subsection.

The December 2008 Monitoring Report included a detailed discussion of the rationale behind the selection of particular measures, how those measures relate to Settlement Agreement requirements, and the methodology for producing (and guidance for interpreting) the figures and tables. Rather than repeat that contextual information here, those interested in that broader discussion are referred to the corresponding subsections, figures and tables of the December 2008 Monitoring Report. For ease of reference, this update uses the letter and number designations of the corresponding sections, subsections, figures, and tables of the December 2008 Monitoring Report. (Figures and tables that are new to this report and are related to but have no corresponding figure or table in the December 2008 Monitoring Report are indicated by adding a decimal designation.)

A complete update through December 31, 2009 of figures and data included in Section One of the December 2008 Monitoring Report will be provided in the report for Period IV of the Settlement Agreement.

* * *

B. How successful is the Department in providing children in foster care with stable, supportive, home like settings that preserve healthy contacts with family, friends, and community?

* * *

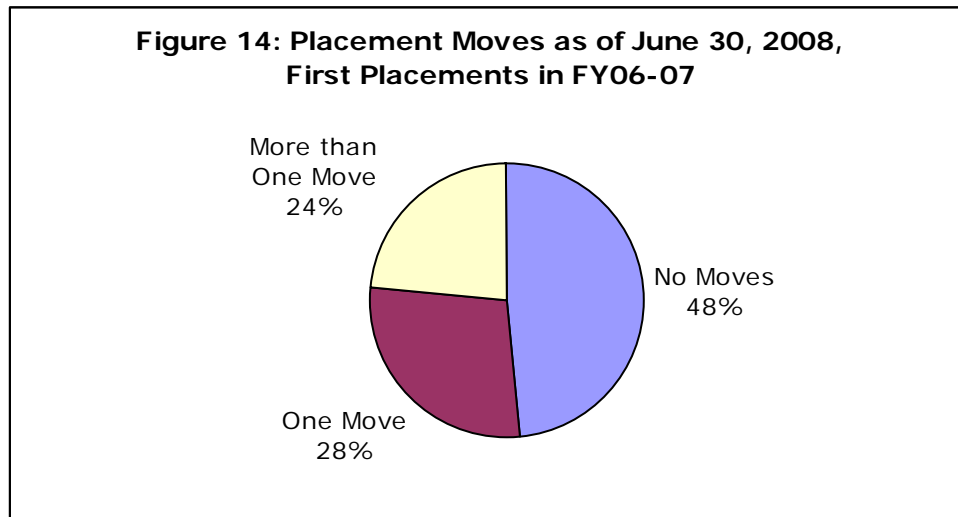
3. Improving Stability While in Placement

As reflected in Table 1 of the Key Outcome and Performance Measures at a Glance, performance for the Settlement Agreement's placement stability outcome measure (XVI.A.3 "Number of Placements") has been steadily increasing since Interim Reporting Period III (calendar year 2006). Placement stability data for the Supplemental Reporting Period reflect that the Department has recently met (and surpassed) the Settlement Agreement Standard for the first time, with 93% (9,841) of the 10,611 children who were in custody at some time during the period from April 1, 2008 to March 31, 2009 experiencing two or fewer placements within the previous 12 months and 86% (9,091) experiencing two or fewer placements within the previous 24 months.

Other measures of placement stability also reflect this improvement.

Figure 14 below presents the number of placement moves experienced by children first entering out-of-home care during fiscal year 2006-2007 (July 1, 2006 through June 30, 2007), observing placement stability through June 30, 2008—a “window” for observing placement stability that is a minimum of 12 months (for children entering care during June 2007) and a maximum of 24 months (for children entering in July 2007). Forty-eight percent (48%) of the children entering care during fiscal year 2006-2007 experienced no placement moves, 28% moved only once, and 24% moved more than once during this window.¹⁷

The data suggest a slight improvement in performance on this measure when compared to data for the 2006 entry cohort presented in the December 2008 Monitoring Report. The percentage of children experiencing more than one move decreased two percentage points and the percentage of children experiencing only one move increased two percentage points between the two measurements: 48% of children entering care during 2006 experienced no moves during the window of observation, 26% experienced one move, and 26% experienced two or more moves.¹⁸



Source: Longitudinal analytic files developed by Chapin Hall from TNKids data through December 31, 2008.

The data presented in Figure 16.1 also reflect an improvement in placement stability for more recent entry cohorts across three different windows of observation.

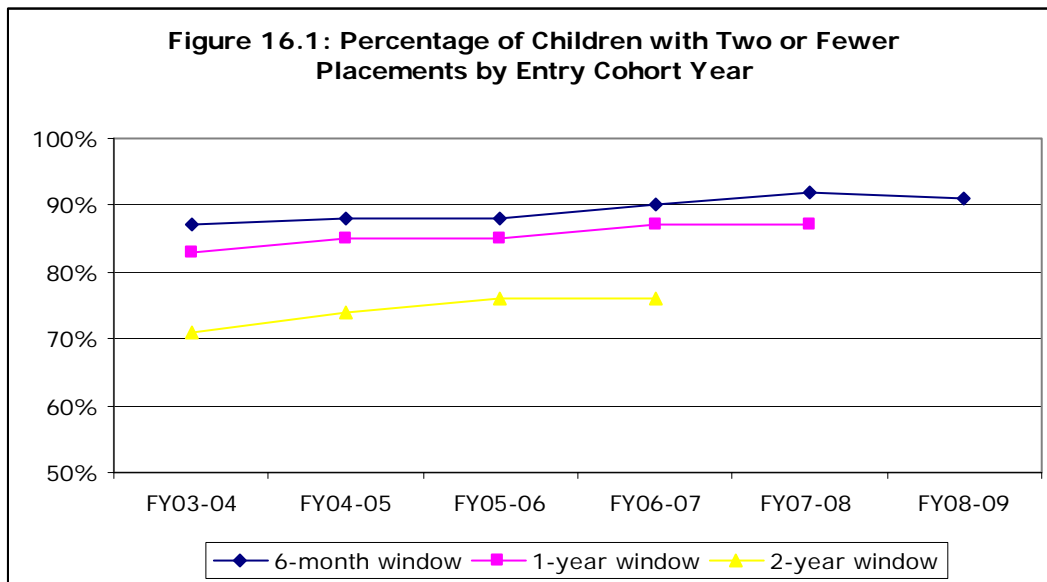
¹⁷ See Appendix B for a further breakdown of placement moves by number and region.

¹⁸ The “window” for observing placement stability for the 2006 entry cohort—a minimum of 16 months and a maximum of 28 months—is four months longer than the “window” for observing placement stability for the fiscal year 2006-2007 entry cohort. While this shorter period of observation no doubt accounts to some degree for the better stability percentages for the fiscal year 2006-2007 cohort, there is some reason to believe that the percentages also reflect actual improvement in performance. Most placement moves tend to occur during the first six months of out-of-home care (see Appendix G, p.2 of the December 2008 Monitoring Report) and although the fiscal year 2006-2007 period of observation is shorter, it well exceeds that six-month period. In addition, improved practice is reflected in other measures of placement stability, so it would not be unexpected to see that reflected in this measure as well.

The blue line shows the percentage of children entering out-of-home care for the first time during each fiscal year who experienced two or fewer placements over a six-month window of observation. For example, 87% of children entering care for the first time during the first six months of fiscal year 2003-2004 experienced two or fewer placements as of December 31, 2003. This percentage reached 92% (as of December 31, 2007) for children entering care for the first time during fiscal year 2007-2008 and 91% (as of December 31, 2008) for children entering care for the first time during fiscal year 2008-2009.

The pink line, showing placement stability over a one-year window of observation, also shows improvement for recent cohorts. Eighty-three percent (83%) of children entering care for the first time during fiscal year 2003-2004 experienced two or fewer placements as of June 30, 2004, while 87% of children entering care for the first time during fiscal year 2007-2008 experienced two or fewer placements as of June 30, 2008.

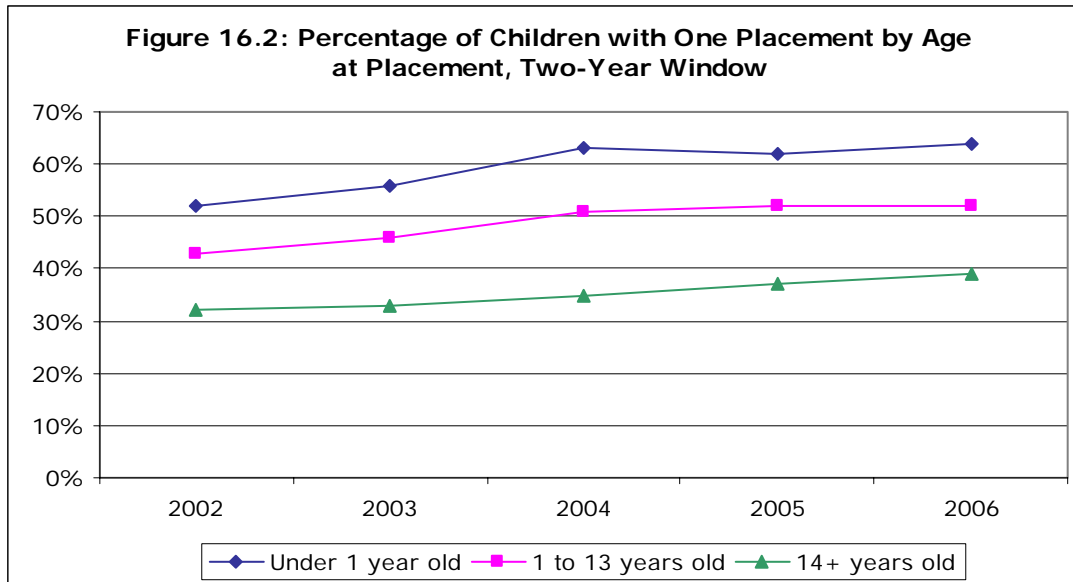
Performance over a two-year window also reflects this same trend. As shown by the yellow line, 71% of children entering care for the first time during fiscal year 2003-2004 experienced two or fewer placements as of June 30, 2005, while 76% of children entering care for the first time during fiscal year 2006-2007 experienced two or fewer placements as of June 30, 2008.



Source: Longitudinal analytic files developed by Chapin Hall from TNKids data through December 31, 2008.

Figure 16.2 presents a breakdown by age at the time of placement of the percentage of children in each calendar year entry cohort experiencing only one placement over a two-year window. The data show that a greater percentage of children under 1 year old experience only one placement than do children between 1 and 13 years old. Similarly, a greater percentage of children between one and 13 years old experience only one placement than do children 14 years and older.

Consistent with the overall improvement in placement stability, the percentage of children in each of the three age groups experiencing only one placement has increased since 2002.

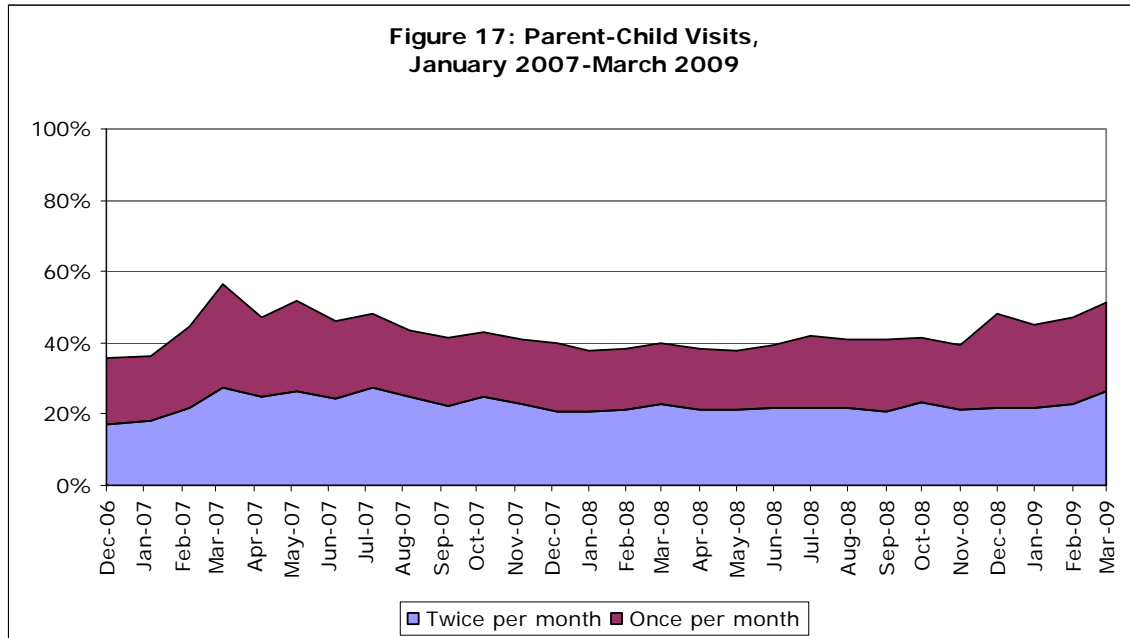


Source: Longitudinal analytic files developed by Chapin Hall from TNKids data through December, 31 2007.

4. Maintaining Family Connections for Children in Care: Contact with Parents and Siblings

a. Contact with Parents

As reflected in Table 1 (Data at a Glance), the Department has struggled to meet the requirements for parent child visits, and performance in this area had actually declined since 2007. However, as shown in Figure 17, the percentage of children visiting with their parents at least once per month has increased since November 2008. Twenty-six percent (26%) of children with reunification goals visited with their parents at least twice during March 2009, and 25% of the remaining children visited with their parents once during the month. Or, stated differently, a total of 45% of children visited with their parents at least once during March 2009. While there is still much room for improvement, this is the highest percentage achieved since July 2007, when 48% of children visited with the parents at least once during the month.

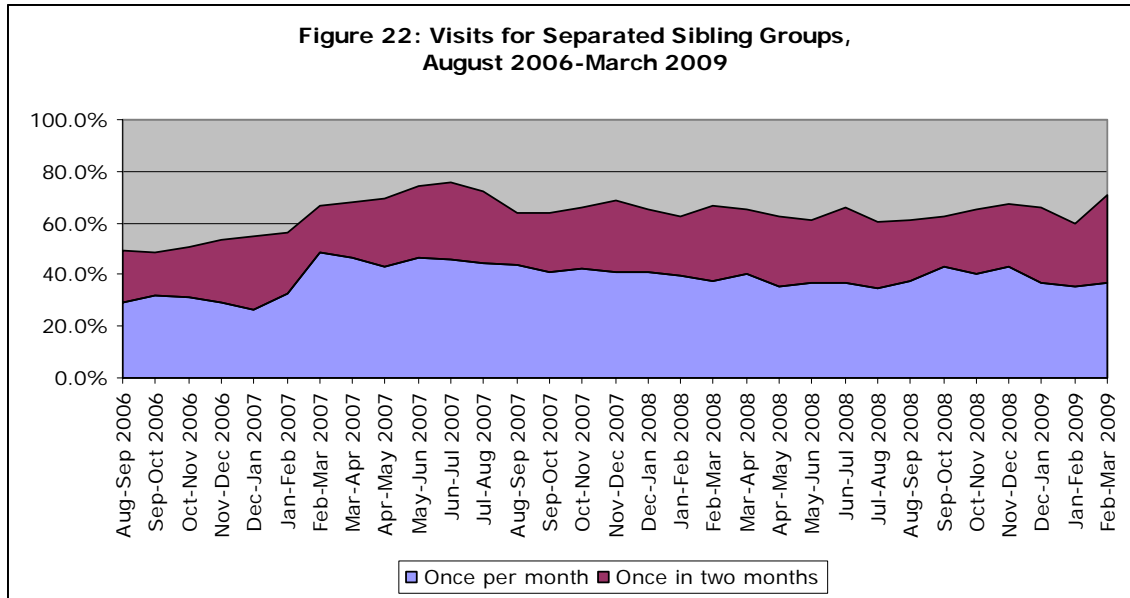


Source: TNKids "Parent-Child Visit Compliance Summary Reports" (GEN-PRTCHDVT-200) for January 2007 through March 2009.

* * *

c. Contact with Siblings

Recent performance on sibling visits for siblings placed apart also appears to be improving. A total of 71% of separated sibling groups had face-to-face visits at least once during the two-month period of February and March 2009. This is the highest percentage achieved since July and August 2007, when 72% of separated sibling groups had face-to-face visits at least once during that two-month period.



Source: TNKids "Active *Brian A.* Class Sibling Groups Not Placed Together Visitation Summary Reports" (SBL-ASGNPTVS-200) for August and September 2006 through February and March 2009.

* * *

C. How successful is the Department in meeting the safety, health, developmental, educational, and emotional needs of children in care?

1. Ensuring the Safety of Children in Foster Care

a. CFSR Abuse in Care Measure

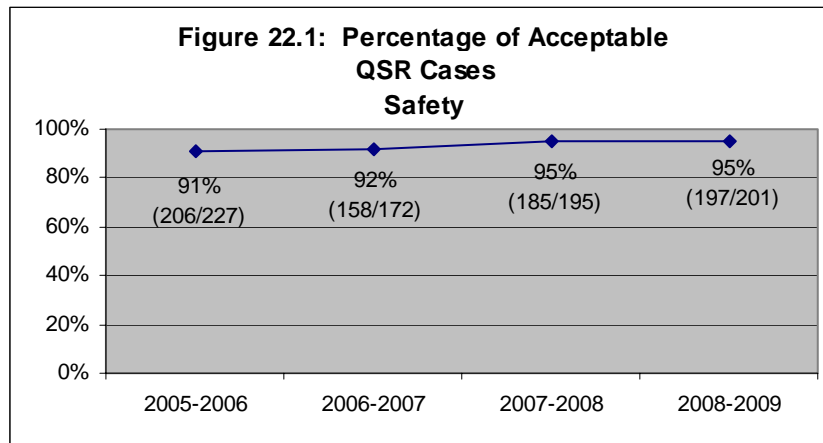
The U.S. Department of Health and Human Services (DHHS) requires that no more than 0.32% of all children in care be victims of substantiated maltreatment by a resource parent or congregate care facility staff member. Under this standard, the term "all children in care" applies to both *Brian A.* class members (children adjudicated dependent/neglected or unruly) and children adjudicated delinquent. Tennessee reported that 0.28% of *Brian A.* children had been the victims of substantiated abuse or neglect by resource parents and/or congregate care facility staff for the 12-month period ending September 30, 2007 and that 0.32% had been the victims of such substantiated abuse or neglect for the 12-month period ending March 31, 2008.

The Department has begun reporting the CFSR measure on a quarterly basis. The measure now includes all children in custody, including those adjudicated delinquent, who are not placed in a Youth Development Center. Abuse in care percentages for the

period ending December 31, 2008 increased to 0.51%, but then declined to 0.41% for the period ending March 31, 2009.¹⁹

b. Quality Service Review Results

Figure 22.1²⁰ presents the number and percentage of *Brian A.* cases receiving acceptable scores for Safety in the past four annual QSRs.²¹



Source: Annual QSR finalized databases.

c. Special Investigations Unit and Child Protective Services Investigations of Reports of Abuse or Neglect of Children while in State Custody

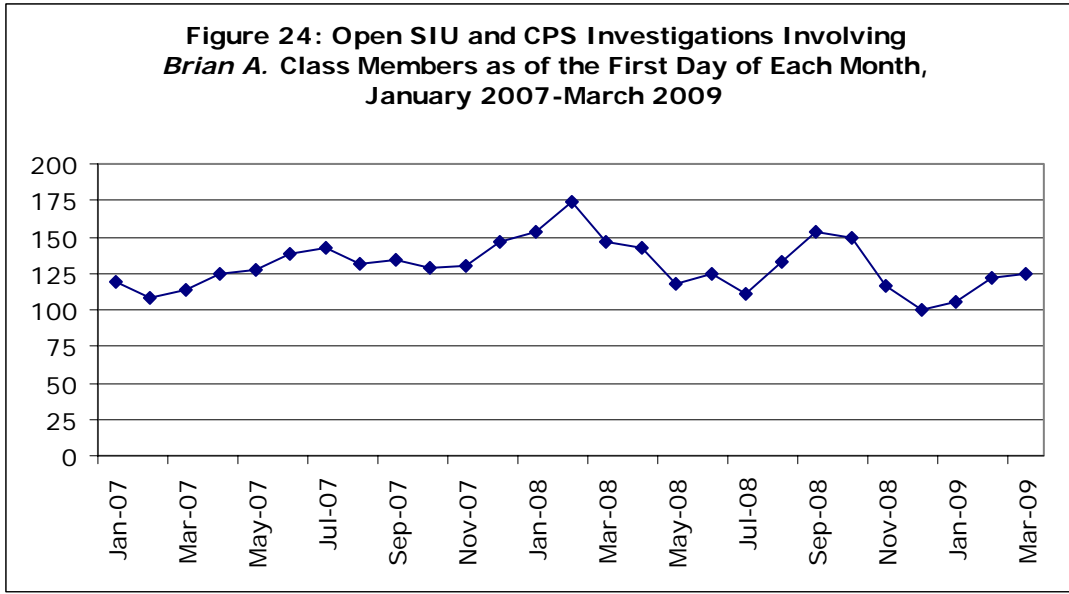
Figure 24 below displays the number of open investigations (both CPS and SIU) involving *Brian A.* class members as of the first day of each month for January 2007 through March 2009. Since June 2008, the number of open investigations on the first day of each month has ranged between 100 and 153.²²

¹⁹ The observation period for this measure is 12 months. To calculate the percentage of “children maltreated while in foster care,” the Department takes the number of children in foster care as reported in the Adoption and Foster Care Analysis and Reporting System (AFCARS, which includes only children in a IV-E eligible placement setting) and subtracts from that number all children reported in the National Child Abuse and Neglect Data System (NCANDS) as having been the subject of maltreatment by foster care provider during the reporting period.

²⁰ Figure 22.1 corresponds to Table 9 in the December 2008 Monitoring Report.

²¹ Table 9 includes QSR results for all 13 regions for 2008-2009, although some of the results are “preliminary.” See footnote 13.

²² For a breakdown of the length of time that these investigations have been open as of the first day of each month, see Section Four B at page 36.



Source: TNKids "Brian A. Class Open Investigations Over 60 Days Old Report" (CPS-BRIANINV-200) as of the first day of each month for January 2007 through March 2009.

d. Serious Incident Reports

Table 10 below displays the number of serious incidents reported through the Automated System between January 1, 2009 and March 31, 2009 by severity level (Level 1 being the lowest and Level 4 being the highest) and incident type for both *Brian A.* class members and children with delinquent adjudications.

There were a total of 4,288 serious incidents reported between January 1 and March 31, 2009, and five incident types made up the vast majority of the reports: physical restraint²³ (1,102); assault²⁴ (784); runaway²⁵ (712); emergency medical treatment²⁶ (510); and medication error²⁷ (386). There were no Level 4 serious incidents reported during this quarter.

For the same period in 2008, there were a total of 3,938 serious incidents reported, and the same five incident types made up the vast majority of those reports: physical restraint (890); assault (597); runaway (692); emergency medical treatment (482); and medication error (471). There were no Level 4 serious incidents reported during this quarter. It is

²³ Physical restraint is defined as the involuntary immobilization of a child without the use of mechanical devices, including escorts where the youth is not allowed to move freely.

²⁴ Assault is defined as a willful and malicious attack by a child or youth on another person, not including horse-play.

²⁵ Runaway is defined as a child or youth leaving a program without permission and his or her whereabouts are unknown or not sanctioned.

²⁶ Emergency medical treatment is defined as a child or youth suffering an injury or illness that requires emergency medical attention.

²⁷ Medication error is defined as the administration of a medication not in accordance with the prescribing provider's instructions and/or DCS policy and procedure.

not clear whether or to what extent this reflects a change in reporting practices rather than an increase in serious incidents.

Table 10: Serious Incident Reports Received Through Automated System, January 1, 2009 - March 31, 2009					
Incident Type	Severity Level			Total Number of Incidents	Percentage of Total Incidents
	Level 1	Level 2	Level 3		
Abduction	0	0	2	2	0.0%
Abuse or neglect	0	0	136	136	3.2%
Arrest of child or youth	0	0	146	146	3.4%
Arrest of parent, surrogate or staff person	0	0	2	2	0.0%
Assault	0	585	199	784	18.3%
Contraband	0	16	143	159	3.7%
Disruption of Service	2	0	0	2	0.0%
Emergency Medical Treatment	0	435	75	510	11.9%
Emergency Use of Psychotropic medication(s)	0	0	9	9	0.2%
Major Event at Agency	0	0	54	54	1.3%
Mechanical Restraint	0	0	7	7	0.2%
Medication Error	339	47	0	386	9.0%
Mental Health Crisis	0	50	138	188	4.4%
Physical Restraint	0	884	218	1102	25.7%
Runaway (off facility property and out of physical sight of staff)	0	0	712	712	16.6%
Seclusion	0	50	39	89	2.1%
Total	341	2067	1880	4288	100.0%

Source: Serious Incident Automated Reporting System data for the period January 1 through March 31, 2009.

D. How successful is the Department in achieving legal permanency for children through safe return to parents or other family members or through adoption?

* * *

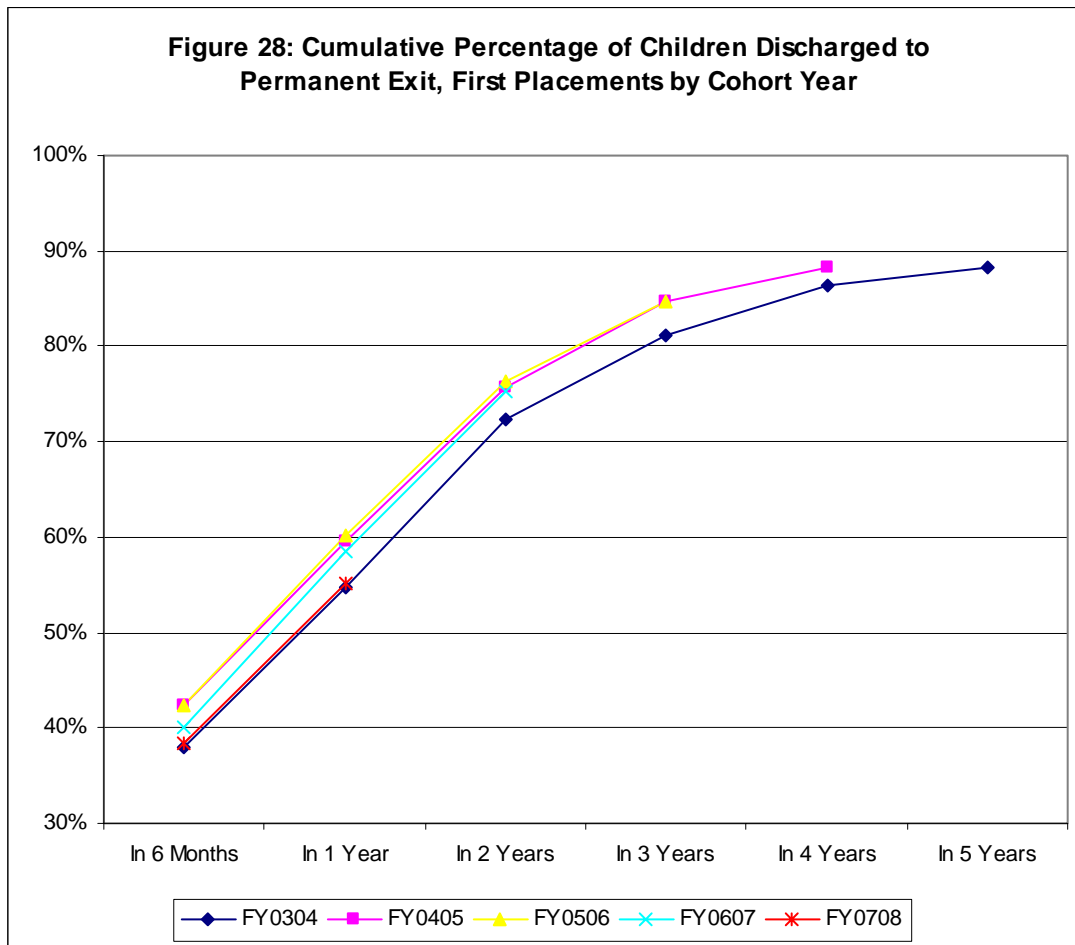
3. Improving Exits to Permanency

a. Rate of Exit to Permanency

i. All Permanent Exits

Figure 28 presents data on the rate of exit to permanency for children entering care in each fiscal year entry cohort. Children who entered care in fiscal year 2004-2005, fiscal year 2005-2006, and fiscal year 2006-2007 exited to permanency more quickly than did children who entered care in fiscal year 2003-2004, but children who entered care in fiscal year 2007-2008 exited to permanency at a slower rate, similar to that of the fiscal year 2003-2004 entry cohort.

The data also suggest that the overall percentage of children exiting to permanency might be increasing for children in the fiscal year 2004-2005 and fiscal year 2005-2006 entry cohorts. If that in fact turns out to be the case, a higher percentage of children in these cohort years would have exited to permanency within five years than children in earlier cohort years. However, more time is needed to observe exits before a conclusion can be drawn regarding the overall percentage of children in each cohort year who exit to permanency. It is too early to determine whether the overall percentage of children exiting to permanency might be increasing for children in the fiscal year 2006-2007, fiscal year 2007-2008, and fiscal year 2008-2009 entry cohorts.



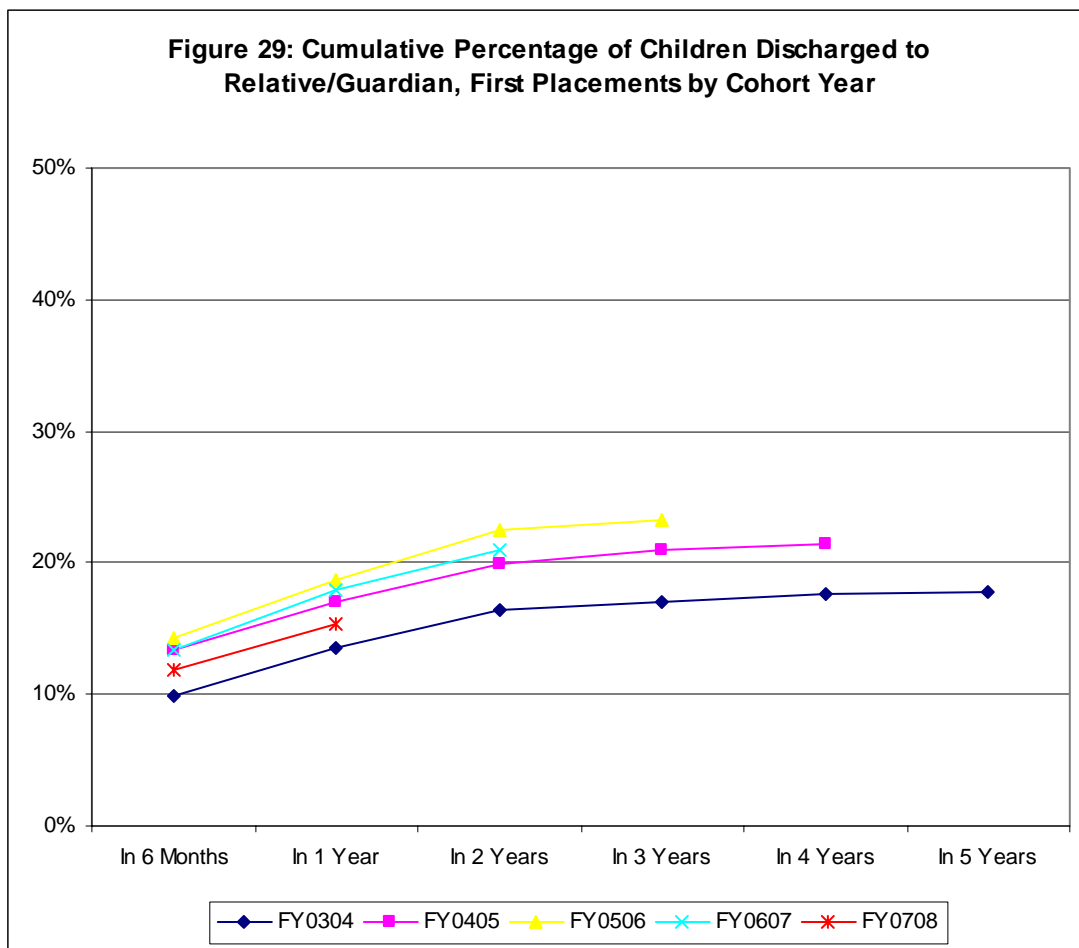
Source: Longitudinal analytic files developed by Chapin Hall from TNKids data through December 31, 2008.

ii. Permanent Exits to Relatives

As shown in Figure 29, both the rate and the overall percentage of children exiting to relatives increased significantly for children entering care during fiscal year 2004-2005, fiscal year 2005-2006, and fiscal year 2006-2007. Only 18% of children entering care during fiscal year 2003-2004 had exited to a relative within five years of entering care. However, 21% of children in the fiscal year 2004-2005 entry cohort had exited to a

relative within four years of entering care, 23% of children in the fiscal year 2005-2006 entry cohort had exited to a relative within three years of entering care, and 21% of children in the fiscal year 2006-2007 entry cohort had exited to a relative within two years of entering care.

This trend has not continued for children entering care during fiscal year 2007-2008. Children entering care during fiscal year 2007-2008 appear to be exiting to relatives at a slower rate than children in the fiscal year 2004-2005, fiscal year 2005-2006, and fiscal year 2006-2007 entry cohorts. Only 15% of children in the fiscal year 2007-2008 entry cohort had exited care to relatives within one year. Too little time has passed to determine whether the overall percentage of children in the fiscal year 2007-2008 entry cohort who exit care to relatives is decreasing as well.



Source: Longitudinal analytic files developed by Chapin Hall from TNKids data through December 31, 2008.

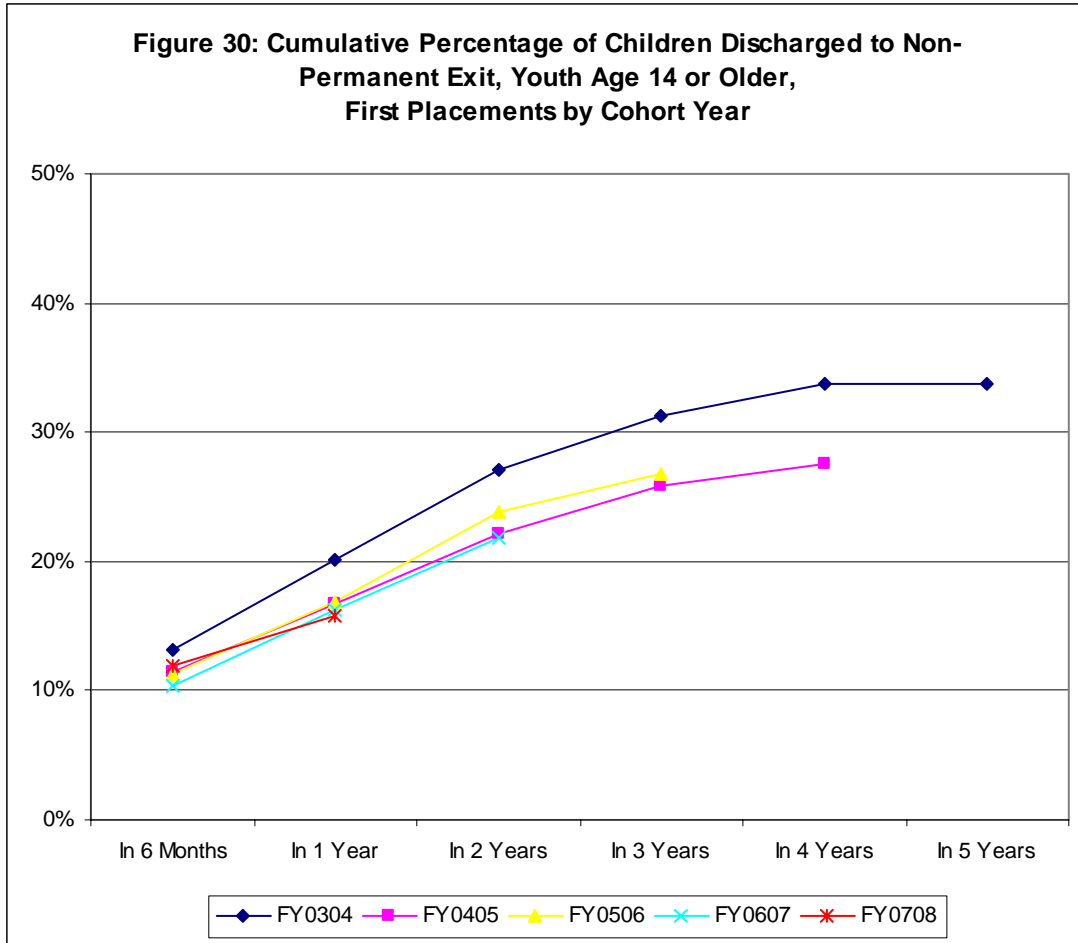
iii. Non-Permanent Exits

The rate and percentage of discharges from care to a non-permanent exit²⁸ has decreased for youth age 14 or older who entered care in the years since fiscal year 2003-2004 (the vast majority of discharges to non-permanent exits are among youth age 14 or older). This trend continues for the fiscal year 2007-2008 entry cohort, with the rate of non-permanent exits dropping below that of previous entry cohorts.

As shown in Figure 30 below, 27% of youth age 14 or older who entered care during fiscal year 2003-2004 were discharged to a non-permanent exit within two years of entering care, while only 22% of youth age 14 or older who entered care during fiscal year 2006-2007 were discharged to a non-permanent exit within two years of entering care. Only 16% of youth in the fiscal year 2007-2008 entry cohort were discharged to a non-permanent exit within one year of entry.

While it is too early to be certain, the data suggest that the overall number and percentage of children “aging out” of care without a permanent family may be decreasing.

²⁸ Non-permanent exits include running away, aging out, death, and transfer to the adult correctional system.

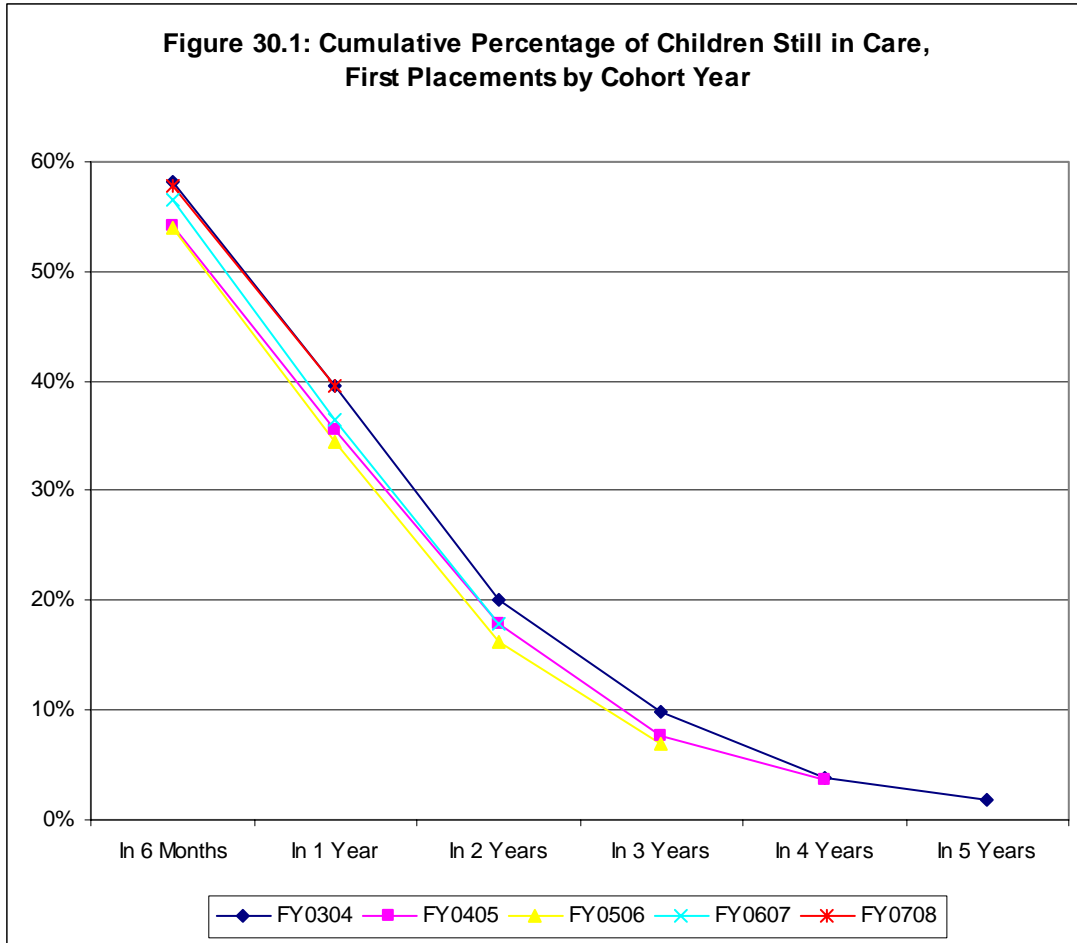


Source: Longitudinal analytic files developed by Chapin Hall from TNKids data through December 31, 2008.

iv. Children Remaining in Care

Figure 30.1 presents data on the percentage of children in each entry cohort who remain in care at each time interval. Given the data discussed in the previous subsections indicating that the rate of exit to permanency is slowing but that non permanent exits for children in later cohorts appear to be decreasing, the logical conclusion is that children entering care more recently are simply remaining in care longer than in previous entry cohorts.

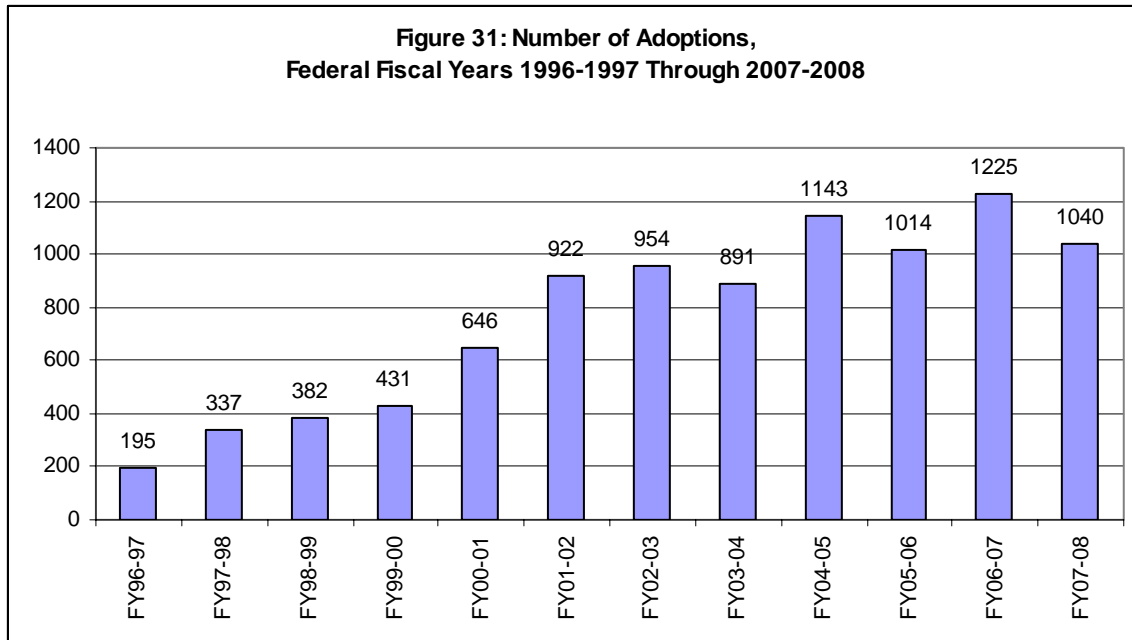
As shown in the figure, 58% of children in the fiscal year 2003-2004 entry cohort remained in care after six months, but for the fiscal year 2004-2005 and fiscal year 2005-2006 entry cohorts, this percentage decreased to 54% remaining in care after six months. The percentage increased to 58% for the fiscal year 2007-2008 entry cohort.



Source: Longitudinal analytic files developed by Chapin Hall from TNKids data through December 31, 2008.

b. Annual Adoption Finalization

Although not as many adoptions were finalized during federal fiscal year 2007-2008 as were finalized in federal fiscal year 2006-2007, performance on this measure remains strong with 1,040 adoptions finalized during federal fiscal year 2007-2008. (See Figure 31.)



Source: AFCARS Adoptions Reports as of October 1, 2008.

4. Reducing Reentry into Care and Disrupted Adoptive Placement

b. Disrupted Adoptive Placements and Post-Adoption Reentry

Although the Settlement Agreement does not include a measure of adoptive placement disruption or dissolution after the finalization of the adoption, the Department, beginning in May 2008, has been producing a monthly report entitled “Previous Adopted Children Reentering Custody.”

According to these reports, 61 children reentered care from adoption between May 2008 and March 2009. Forty-six of those children re-entered as dependent neglected or unruly and 15 re-entered as delinquents.

Of the 46 children who reentered as dependent and neglected or unruly, 16 had exited custody again as of the end of April 2009; 11 of those returned to their adoptive parents; five did not, their adoptions having permanently disrupted. Of those five, three aged out of custody (although all three had a connection to a caring adult and a place to live), one was released to the custody of a former foster parent, and the fifth was released to relatives in Maryland.

Of the 30 children remaining in care who reentered as dependent and neglected or unruly, 10 have goals other than reunification, including adoption and exit custody to a relative.

Of the 15 adopted children who reentered care as delinquent children, three were reunified with their adoptive parents, and the other 12 remain in care. Nine of these 12

have sole or concurrent goals of reunification and three have goals of exit custody with a relative.

IV. REPORTING OF CHILD ABUSE AND NEGLECT

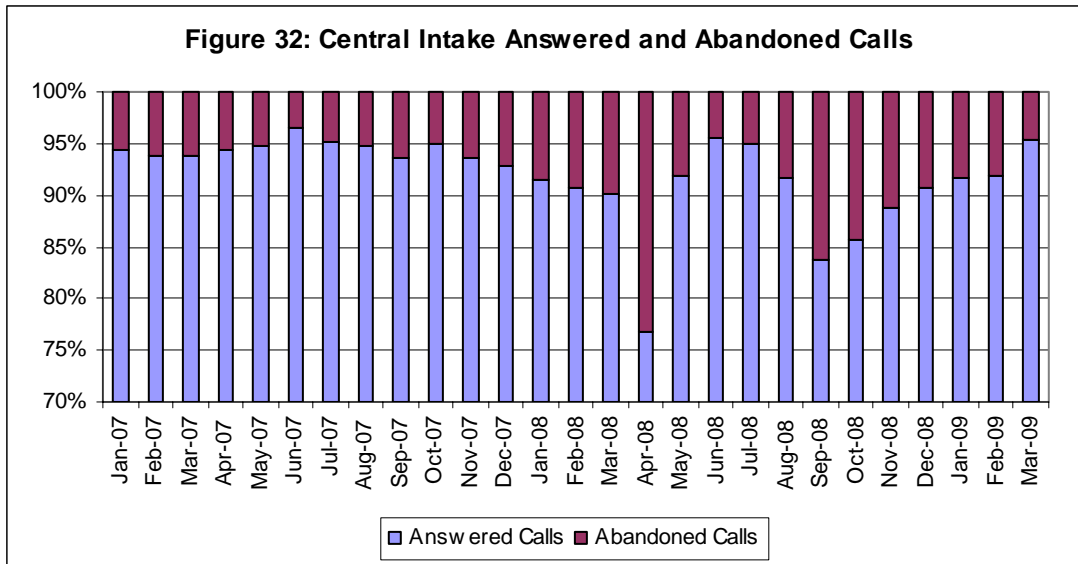
This section supplements the indicated subsections of Section Three of the December 2008 Monitoring Report; letter and number designations of the supplemented subsections and figures correspond to those of that report.

A: Child Protective Services Process

1. Timeliness of CPS Process

The Department focuses on two key indicators of the timeliness of its CPS process: the first is the responsiveness of its Central Intake staff to phone calls alleging child abuse or neglect.

Throughout calendar year 2007, the percentage of answered calls remained at 94% or higher. Beginning in December 2007, the percentage of answered calls began to decline, reaching a low point of 77% in April 2008. Since that time, performance has reached its prior level during only three months: June 2008, July 2008, and March 2009. The percentage of answered calls hit another low point in September 2008 of 84%.

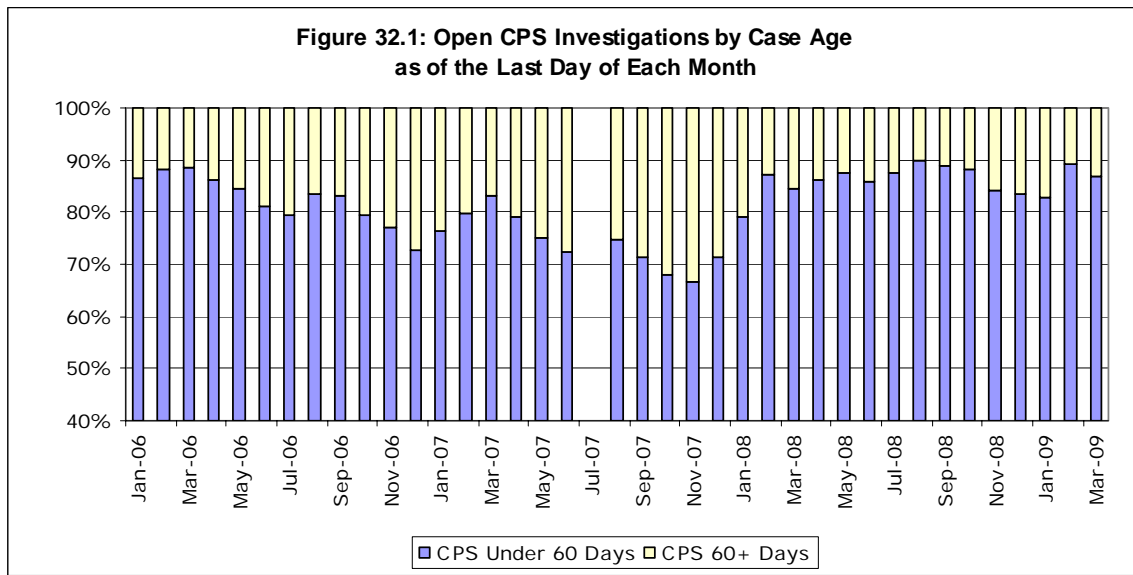


Source: Interactive Intelligence "Distribution Queue Performance (Date by Queue)" reports for January 2007 through March 2009.

The second key DCS indicator of the timeliness of the CPS process is the time to completion of the CPS investigation. The Department produces regular reports to track the time from the receipt by DCS of the report of abuse and neglect to the completion of the CPS investigation or assessment track case.

Figure 32.1 below shows the percentage of “overdue” CPS investigations (investigations that take longer than 60 days to complete) on the last day of each month for the period from January 2006 through March 2009.²⁹ The Department did not produce data for the month of July 2007 because it was in the process of revising the reporting system to provide data on the Multiple Response System (MRS)³⁰ implementation by separating open assessment track cases from open CPS investigations. Prior to this date, the Department made no distinction in its reporting between CPS investigations and MRS assessment track cases, even though the Department had begun implementation of the MRS system in 2005.

As seen in the figure, the percentage of CPS investigations that take longer than 60 days to complete has been decreasing since January 2008. Of the 4,087 CPS investigations that were open on March 31, 2009, 544 (13%) had been open more than 60 days.

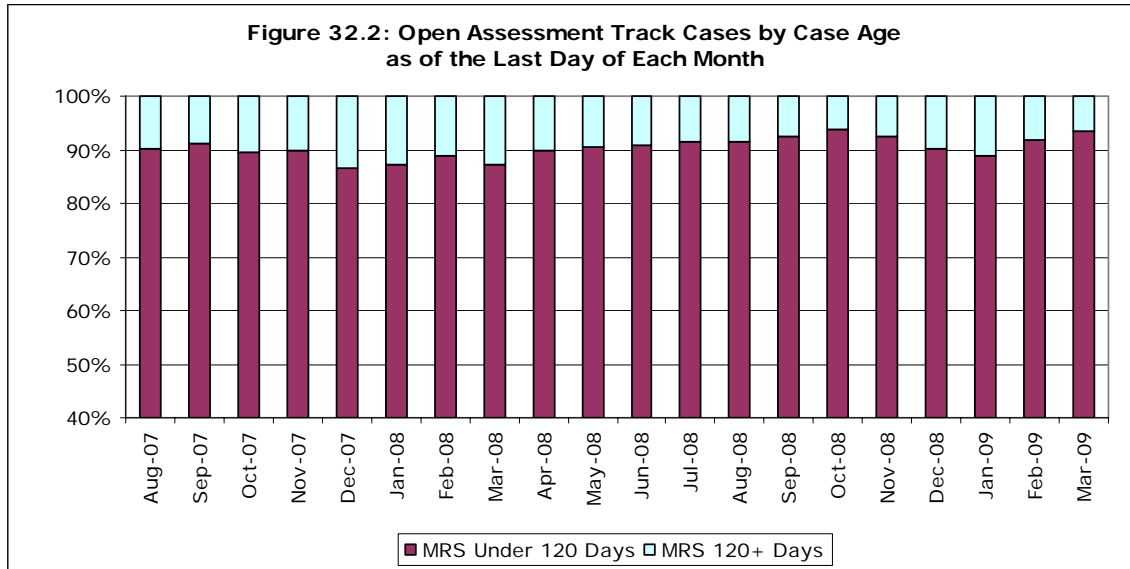


Source: TNKids “Statewide Summary Report of Overdue vs. Open CPS and SIU Investigations” (CPS-INVPODUE-200) as of the last day of each month during the period January 2006 through March 2009.

Figure 32.2 shows the percentage of overdue MRS assessment track cases (cases that are open more than 120 days). This percentage has remained close to 10% since the Department began reporting MRS assessment track cases separately, with a high point of 13.4% in December 2007 and a low point of 6.2% in October 2008.

²⁹ In Figures 32.1, 32.2, 34, and 34.1, open SIU investigations are included in the number of CPS investigations and MRS assessments for each month.

³⁰ As discussed in greater detail in the December 2008 Monitoring Report, MRS allows for more than one approach to responding to child abuse and neglect reports. There are three tracks to the MRS system: investigation, assessment, and resource linkage.



Source: TNKids "Statewide Summary Report of Overdue vs. Open CPS Assessments" (CPS-ASMTODUE-200) as of the last day of each month during the period August 2007 through March 2009.

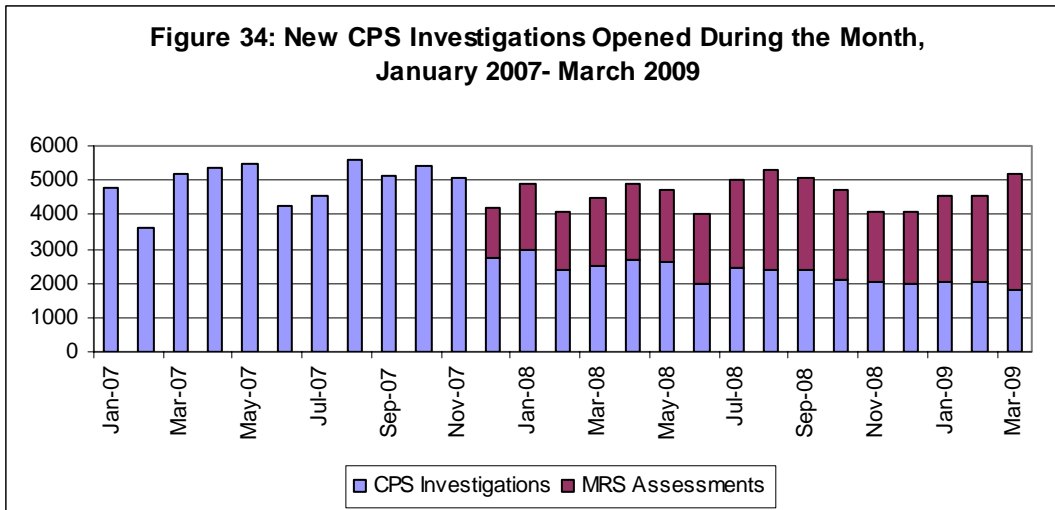
It is also important to consider the trends in the number of open CPS investigations and MRS assessment track cases that are masked by looking at percentages alone.

Figure 34 below, which presents the number of new CPS investigations opened each month from January 2007 through March 2009, shows that the implementation of MRS has had a significant impact on the number of new CPS investigations opened each month.³¹ An increasing proportion of new cases are being assigned to the MRS assessment track instead of the CPS investigative track. In March 2009, 64% (3,633) of the 5,645 new cases opened during the month were assigned to the MRS assessment track—the highest number and percentage yet of new MRS assessment track cases assigned during the month.³² However, based on the relative stability of the placement rate in recent years (see Key Outcomes and Performance Measures at-a-Glance), there are at this point no data to suggest that implementation of MRS has resulted in a reduction of children coming into care.³³

³¹ In December 2009, the Department began reporting CPS investigations and MRS assessments separately for this measure.

³² Beginning in March 2009, the Department made changes to the way in which the CPS and MRS caseload report is run. The Department believes the report is more accurate now than it was previously, though the degree to which this accounts for the increase in the number of new MRS assessment track cases between February and March 2009 is unknown.

³³ Chapin Hall has been providing the Department with analysis of CPS data including subsequent reports and/or substantiations of abuse or neglect; however, the TAC is not aware that Chapin Hall has provided any analysis focused on MRS assessment track cases.

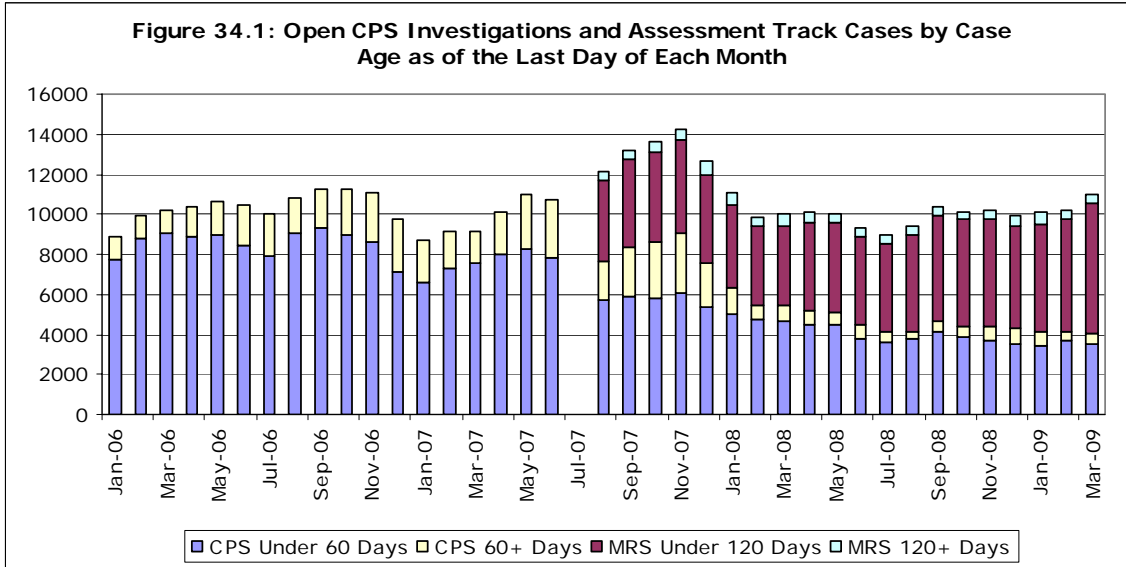


Source: "CPS Team Leader Caseload" reports and "MRS Team Leader Caseload" reports for the period from January 2007 through February 2009, and "CPS Case Manager Caseload" report for March 2009.

Figure 34.1 below (a combination and update of Figures 33 and 35 of the December 2008 Monitoring Report) shows the number of open CPS investigations and MRS assessment track cases as of the last day of each month for the period from January 2006 through March 2009.³⁴ The total number of open CPS investigations and MRS assessment track cases increased from 8,914 in January 2006 to 11,288 in October 2006. That number decreased at the end of 2006 and for the first quarter of 2007 and then began to increase again, reaching a high point of 14,282 in November 2007. By February 2008, the number had dropped significantly to 9,881 as a result of a considerable decrease in the number of overdue CPS investigations (open 60 days or longer).

As shown in Figure 34.1, the number of investigations open on any given day also reflects the increasing proportion of cases being worked through the MRS assessment track instead of the CPS investigative track. The number of open MRS assessment track cases surpassed the number of open CPS investigations for the first time in June 2008, and MRS assessment track cases made up 62% of open cases as of March 31, 2009.

³⁴ As noted earlier, the Department did not produce data for the month of July 2007 because it was in the process of revising the reporting system to provide data on MRS implementation by separating open assessment track cases from open CPS investigations. Prior to this date, the Department made no distinction in its reporting between CPS investigations and MRS assessment track cases, even though the Department had begun implementation of the MRS system in 2005.



Source: TNKids "Statewide Summary Report of Overdue vs. Open CPS and SIU Investigations" (CPS-INVPODUE-200) as of the last day of each month during the period January 2006 through March 2009 and TNKids "Statewide Summary Report of Overdue vs. Open CPS Assessments" (CPS-ASMTODUE-200) as of the last day of each month during the period August 2007 through March 2009.

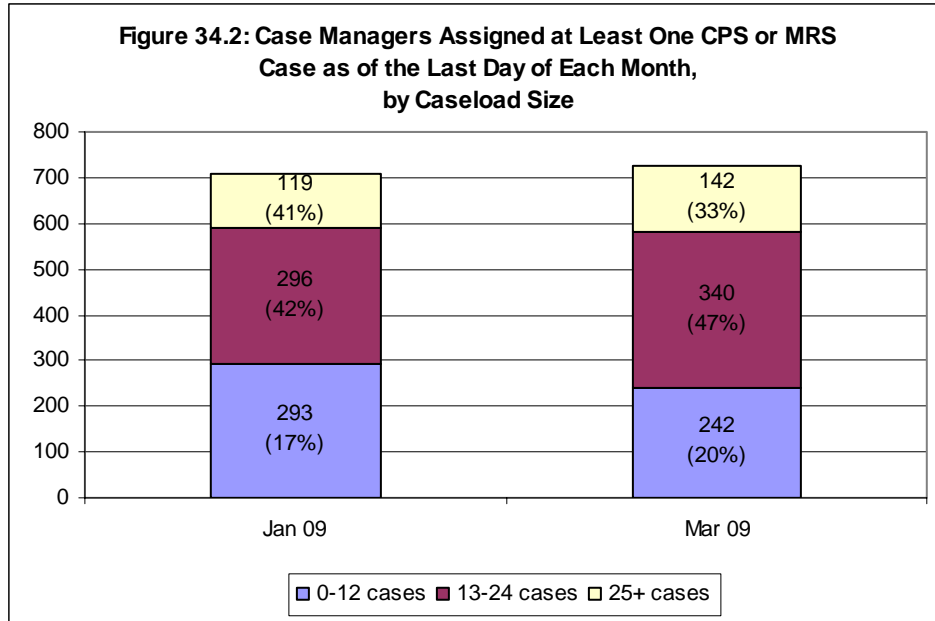
2. Adequacy of CPS Staffing

The *Brian A. Settlement Agreement* does not include a caseload standard for CPS investigative workers. However, the Department has adopted as its caseload guideline the Child Welfare League of America (CWLA) standard that a CPS worker receive no more than 12 new CPS cases for investigation each month. Given that investigations are expected to be completed within 60 days, the TAC uses as a proxy measure of maximum caseloads that a CPS case manager should have no more than 24 open cases at any time.³⁵

Because a significant number of case managers handle both MRS assessment and CPS investigation cases (and some of those also handle a variety of other types of cases), presenting information on MRS caseloads or CPS caseloads is not a simple task. Figure 32.2³⁶ presents caseload information for case managers who had at least one CPS investigation or at least one MRS assessment on their caseloads as of January 31 and March 31, 2009.

³⁵ While DCS has adopted the CWLA new cases per month limit, it has not explicitly adopted other CWLA caseload standards related to CPS: that a worker should serve no more than 17 families for ongoing services and support after the assessment (the CWLA term for what Tennessee calls "investigation"), assuming the rate of new families assigned is no more than one for every six open family cases; that combined initial assessments and ongoing services to families should be no more than 10 active ongoing family cases and no more than four active initial assessments.

³⁶ Figure 32.2 corresponds to Table 15 in the December 2008 Monitoring Report.



Source: "DCS Caseload Report" for the months of January and March 2009.

* * *

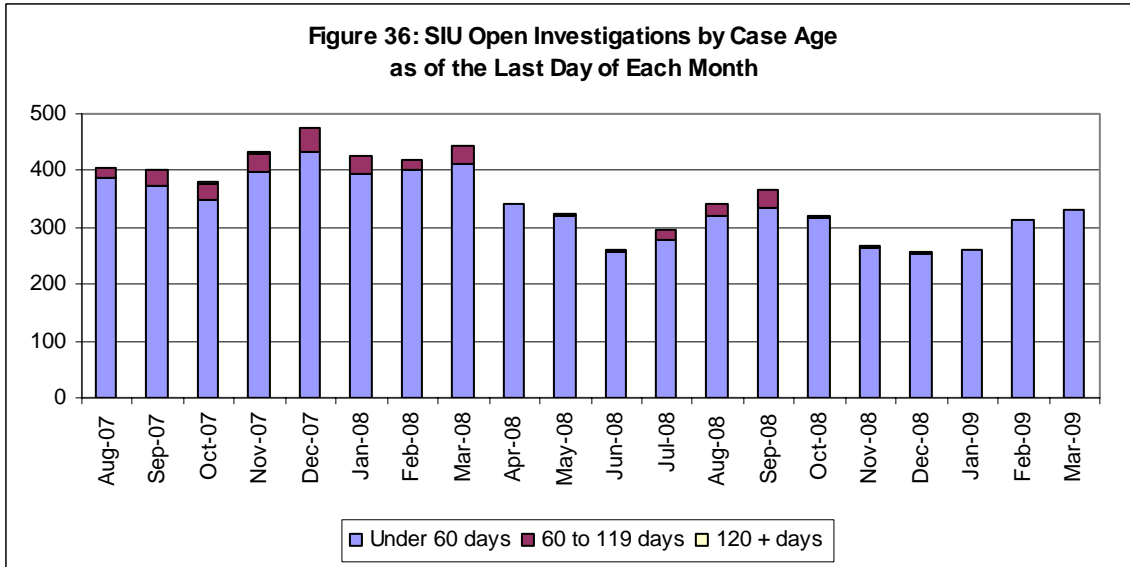
B: Specific Requirements for Responding to Allegations of Children Being Subject to Abuse and Neglect While in Foster Care Placement

* * *

2. Timeliness of SIU Investigations

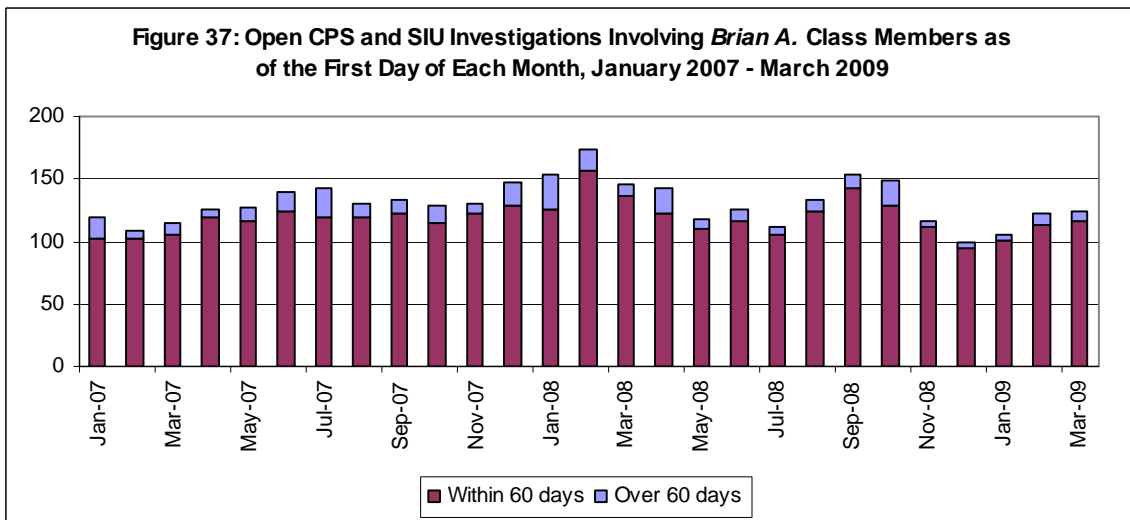
Figure 36 below shows the number of SIU open investigations (including, but not limited to, *Brian A.* class members) by case age as of the last day of each month for the period August 2007 to March 2009. Over this time period, the total number of open SIU investigations, though fluctuating from month to month, has shown a decreasing trend overall. It is conceivable that at least some of that decrease in SIU investigations could be attributed to the fact that the Department eliminated the category of "substantial risk of abuse or neglect" from the allegations that require an SIU investigation. An examination of "screened out" cases might provide some insights on the extent to which the decrease reflects a decrease in reports received and/or an increase in screen outs.

The number of overdue investigations has also decreased significantly between March 2008 and March 2009. While there was a brief increase during the months of July, August, and September 2008 (with the number of overdue investigations increasing to a high of 31), since then there have been five or fewer overdue SIU investigations at the end of each month.



Source: TNKids "Statewide Summary Report of Overdue vs. Open CPS & SIU Investigations" (CPS-INVPODUE-200) for the period August 2007 through March 2009.

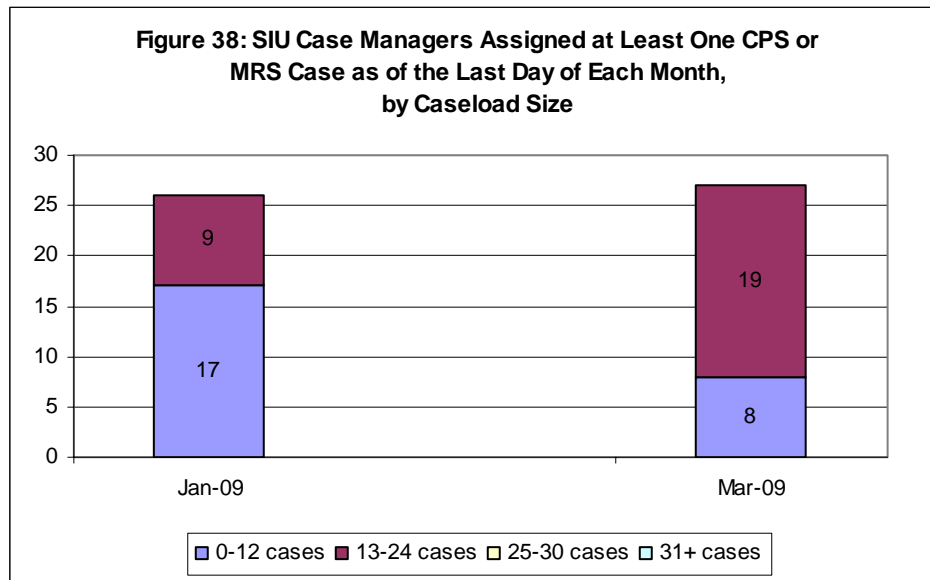
Figure 37 below shows the number of open *Brian A.* investigations each month during the period January 2007 through March 2009. These data show similar trends to that for SIU investigations presented above: the overall number of *Brian A.* investigations open at any time has decreased somewhat over the past few months, and the number of overdue investigations has also decreased. Since November 2008, there were fewer than 10 overdue *Brian A.* investigations on the first day of each month.



Source: TNKids "*Brian A.* Class Open Investigations Over 60 Days Old" (CPS-BRIANINV-200) for the period January 2007 through March 2009.

3. Adequacy of SIU Staffing

Figure 38 below shows SIU caseloads as of January 31 and March 31, 2009. In accordance with CWLA standards, SIU investigators should have no more than 12 new cases each month. Given that investigations are expected to be completed within 60 days, the TAC uses as a proxy measure of maximum caseloads that SIU case managers should have no more than 24 open cases at any time.³⁷



Source: "DCS Caseload Report" for the months of January and March 2009.

4. Review of Reports of Abuse or Neglect in Care by the Quality Assurance Unit

An Evaluation and Monitoring (E&M) staff member continues to conduct reviews of SIU cases and that staff member issued a report in February 2009 from her review of investigations closed during the third quarter of 2008. The February report noted improvements in documentation in such areas as risk assessments, interviews with collaterals and alleged perpetrators, contacts between SIU investigator and FSW, home visits, and case conferences between the SIU investigator and the supervisor. However, the reviewer identified continued concerns regarding the documentation of case activities within 30 days and the extent to which assessments are being used to identify risks and strengths within families or to drive decision making in the case.

The report also noted that there had been a decrease in the percentage of substantiated investigations in the review samples. In the 71 cases reviewed for fourth quarter 2007 and first quarter 2008, eight percent of allegations were substantiated. Seven percent of allegations were substantiated in the 50 cases reviewed for second quarter 2008, and 3%

³⁷ See footnote 35 above.

of allegations were substantiated in the 32 cases reviewed for third quarter 2008. The report suggested three possible explanations for the decrease in substantiations:

- changes to the due process procedure resulting in team coordinators deciding more frequently that there is insufficient evidence to substantiate allegations;
- the elimination from the abuse and neglect category “substantial risk of abuse and neglect,” which had higher substantiation rates;
- the new practice of classifying investigations as “unfounded with concerns.”

The PQT processes described in the December 2008 Monitoring Report continue to evolve. There has been continued effort to improve linking of activities and tracking of cases across SIU, PQT, and Central Office and regional staff. However, despite improvements in integration, the concerns raised in the December 2008 Monitoring Report remain.

V. STAFF QUALIFICATIONS, TRAINING, CASELOAD, AND SUPERVISION

This section supplements the indicated subsections of Section Five of the December 2008 Monitoring Report; letter and number designations of the supplemented subsections and tables correspond to those of that report.

* * *

F. Provisions Related To Caseloads and Case Coverage

1. *Caseload Limits*

a. DCS Case Manager Caseloads

The table below presents the extent to which statewide and regional case manager caseloads over the past 10 months (July 2008 through April 2009) were within the caseload limits established by the Settlement Agreement. Over this period, more than 96% of case manager caseloads statewide fell within the established caseload limits (between 94% and 100% over the 10 months of reporting).

Region	Table 18: Case Manager Caseload Limit Compliance Rates for July 2008 - April 2009										
	July	August	September	October	November	December	January	February	March	April	Averages
	2008	2008	2008	2008	2008	2009	2009	2009	2009	2009	
Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	
Northwest	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Southwest	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Davidson	100.0%	98.5%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	99.9%
Mid-Cumberland	96.8%	100.0%	99.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	99.6%
Southeast	91.9%	94.6%	94.4%	100.0%	100.0%	100.0%	97.3%	97.2%	97.1%	97.2%	97.0%
South Central	100.0%	100.0%	100.0%	95.9%	92.0%	96.0%	96.0%	96.0%	96.1%	98.0%	97.0%
Shelby	97.4%	98.2%	96.4%	95.2%	95.3%	95.3%	95.2%	99.0%	98.9%	99.0%	97.0%
Statewide	95.2%	95.4%	94.4%	96.4%	97.1%	97.4%	96.6%	98.6%	98.2%	97.7%	96.7%
Northeast	92.1%	98.3%	96.6%	95.1%	98.3%	94.9%	96.7%	98.3%	93.0%	95.1%	95.8%
Hamilton	92.3%	94.9%	97.2%	100.0%	97.2%	97.4%	95.0%	97.4%	92.7%	92.1%	95.6%
East	95.9%	86.9%	87.1%	96.8%	94.5%	96.9%	93.6%	96.8%	100.0%	94.9%	94.3%
Upper Cumberland	84.8%	91.8%	87.9%	86.4%	96.6%	96.8%	96.7%	100.0%	98.3%	96.4%	93.6%
Knox	86.4%	86.4%	80.0%	88.1%	95.4%	93.0%	91.1%	100.0%	97.7%	100.0%	91.8%

Source: Brian A. Caseload Limit Compliance Report for July 1, 2008 through April 1, 2009.

As reflected in Table 19 below, of the 17 case managers whose caseloads as of April 1, 2009 exceeded the applicable caseload limit, 11 of those case managers exceeded those limits by just one or two cases. There were four case managers with caseloads that were three to five cases over the limit. There were two case managers who were six to ten cases over the limit.

For 15 case managers who as of April 1, 2009 were carrying caseloads of from one to five cases over their respective limits, TAC monitoring staff examined these case managers' caseloads for June 2009 to determine if the caseloads were back within the established caseload limits. By June 2009, the caseloads of 10 of the 15 case managers were back within the caseload limit, three were one or two cases over the limit, and two were three to five over the limit.

For case managers who as of April 1, 2009 were carrying caseloads of six or more over their respective caseload limits, TAC monitoring staff examined these case managers' caseloads for June 2009 to determine if the caseloads were back within the established caseload limits. By June, the caseload of one of the case managers was back within the caseload limit; the other case manager had a caseload that was six cases over the limit.

Table 19: Case Manager Caseloads Exceeding <i>Brian A.</i> Standards by Position as of April 1, 2009			
Job Class/Position	1-2 Cases Over Limit	3-5 Cases Over Limit	6-10 Cases Over Limit
Case Manager 1	3	1	1
Case Manager 2	2	1	0
Case Manager 3 (Non-Supervisor)	1	0	0
Case Manager 3 (Supervisor 1-2)	1	2	1
Case Manager 3 (Supervisor 3-4)	3	0	0
Case Manager 3 (Supervisor 5+)	0	0	0
Case Manager 4	1	0	0
Case Manager 4 (Filling Vacancy)	0	0	0
Totals:	11	4	2

Source: *Brian A.* Caseload Threshold Employee Compliance Exception Report as of April 1, 2009.

The TAC has identified a potential problem in the aggregate caseload reporting. As was noted in the December 2008 Monitoring Report, the Department had taken the position, at least in cases in which a caseload contains both class members and delinquent children, that if a case load contains at least one *Brian A.* child, the entire caseload is subject to the *Brian A.* limit. The Department therefore included in its *Brian A.* case manager caseload reporting, any case manager who has at least one *Brian A.* child on his or her caseload

during the reporting period, and treats every other custodial child on that caseload as a *Brian A.* child for purposes of calculating the caseload.

It now appears that a somewhat less uniform approach is being used when reporting caseloads that include a mix of non-custody (FSS) and custodial children (at least one of whom is a *Brian A.* class member). The Department still considers such a mixed caseload to be subject to the *Brian A.* caseload limits; however, while every child in custody is counted as a single case, irrespective of whether they are part of a sibling group, regions have the option to count a non-custodial case involving a sibling group in a single FSS-served household as one case. Thus in at least some regions, a case manager who was responsible for one *Brian A.* child, 10 non-custodial children from 10 separate households, and 12 children from sibling groups involving four different households, would be responsible for 23 children, but for purposes of *Brian A.* aggregate caseload reporting, could be reported as having 15 cases.

If the number of mixed caseloads that include both *Brian A.* children and non-custodial sibling groups is relatively small or if the mixed FSS and *Brian A.* caseloads generally occur as a result of children who were part of an FSS caseload coming into custody and those *Brian A.* children's cases are relatively quickly reassigned to case managers who have solely custodial caseloads, this reporting issue may not be cause for great concern.

To get some sense of the potential significance of this caseload reporting issue, TAC monitoring staff will be identifying those case managers listed as having such a mixed caseload as of the August 31, 2009 caseload report and will conduct a spot check of the caseloads of those case managers, examining their "case assignment tree" in TNKids as of the date that the August 31 caseload report is available, to determine how many individual children are included in their caseloads. For those case managers with more than 20 children on their caseloads, TAC monitoring staff will review those children to determine whether any are FSS sibling group cases. The results of this spot check will be forwarded on to the parties.

b. DCS Supervisor Caseloads

Table 20 presents the numbers of supervisors, statewide and by region, whose supervisory workloads over the past 10 months (July 2008 through April 2009) were within the five to one supervisee to supervisor workload limit required by the Settlement Agreement. As is reflected in the table, expressed as a statewide 10-month average, 95% of supervisors had manageable workloads over that period.

Region	Table 20: Supervisor Caseload Limit Compliance Rates for July 2008 - April 2009										
	July	August	September	October	November	December	January	February	March	April	Averages
	2008	2008	2008	2008	2008	2009	2009	2009	2009	2009	
	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	
Northwest	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	
Southwest	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Mid-Cumberland	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	94.7%	100.0%	100.0%	100.0%	99.5%
South Central	92.9%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	99.3%
Hamilton	100.0%	100.0%	90.0%	100.0%	100.0%	100.0%	100.0%	100.0%	91.7%	90.9%	97.3%
Northeast	92.9%	100.0%	92.9%	100.0%	100.0%	92.9%	86.7%	100.0%	100.0%	92.9%	95.8%
Upper Cumberland	88.9%	94.7%	100.0%	94.7%	100.0%	94.7%	94.4%	94.4%	94.4%	100.0%	95.6%
Davidson	100.0%	100.0%	92.9%	93.3%	100.0%	93.3%	93.3%	92.9%	92.9%	92.9%	95.1%
Statewide	93.9%	96.5%	93.9%	95.4%	95.3%	93.2%	91.7%	95.2%	98.4%	97.9%	95.1%
Shelby	92.6%	100.0%	96.3%	91.7%	87.0%	87.0%	87.0%	100.0%	100.0%	100.0%	94.1%
Knox	92.3%	100.0%	92.3%	92.3%	84.6%	84.6%	85.7%	86.7%	100.0%	100.0%	91.9%
Southeast	90.9%	90.9%	90.9%	90.9%	90.0%	90.0%	81.8%	81.8%	100.0%	90.9%	89.8%
East	86.2%	83.3%	80.0%	89.7%	90.0%	86.2%	86.2%	88.9%	100.0%	100.0%	89.1%

Source: Brian A. Supervisor Caseload Limit Compliance Report for July 1, 2008 through April 1, 2009.

As reflected in Table 21, of the four supervisors whose workloads as of April 1, 2009 exceeded the supervisor/supervisee standard, three exceeded the standards by just one supervisee and one exceeded the standards by two supervisees.

TAC monitoring staff followed up on each of the case manager supervisors who as of April 1, 2009 had workloads that exceeded the standards. The workload of the case manager supervisor who was two supervisees over the limit (a total workload of seven supervisees) remained at two over the limit in May and June 2009. Of the three case manager supervisors who had been one over the supervisee limit, two were back at five and one remained at one over the limit as of June 2009.

Table 21: Supervisory Caseloads Exceeding <i>Brian A.</i> Standards by Position as of April 1, 2009		
Job Class/Position	Supervising 1 Over Limit	Supervising 2 Over Limit
Case Manager 3 (Supervising 5+)	0	0
Case Manager 4	3	1
Case Manager 4 (Filling Vacancy)	0	0
Totals:	3	1

Source: TNKids *Brian A.* Caseload Threshold Employee Compliance Exception Report for April 1, 2009.

VI. PLACEMENT AND SUPERVISION OF CHILDREN

This section supplements the indicated subsections of Section Six of the December 2008 Monitoring Report; letter and number designations of the supplemented subsections and figures correspond to those of that report.

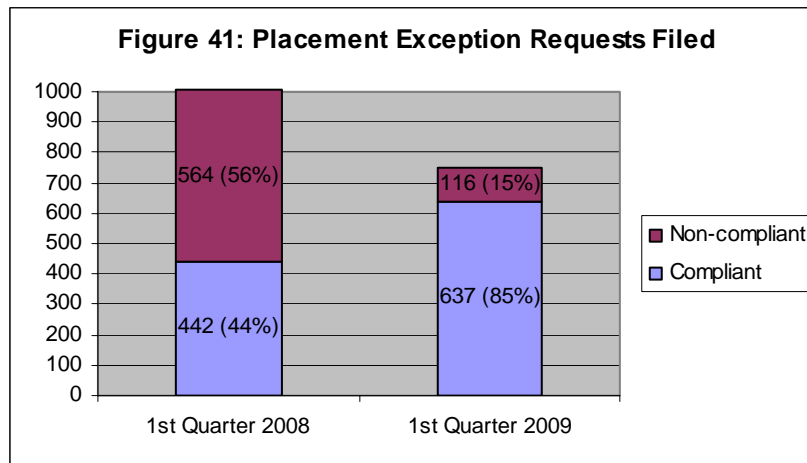
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B. Placement Standards, Limits and Exceptions

* * *

2. *Specific Placement Limitations*

Over the past year, there appears to be a decrease both in the number of Placement Exceptions Requests (PERs) filed and in the percentage of those placements determined by the Department to be “non-compliant” (not fitting within one of the permissible exceptions established by the Settlement Agreement). The following figure presents a comparison of PERs related to *Brian A.* placement limitations filed during the first quarter of 2008 and the first quarter of 2009.³⁸ In the first quarter of 2008, 1,006 *Brian A.* related PERs were filed, 44% (442) of which were marked compliant with *Brian A.* In the first quarter of 2009, for those same categories of *Brian A.* related PERs, 753 PERs were filed, 85% (637) of which were marked compliant with *Brian A.*



Source: Exceptions Desk Reviews January – March 2008 and January – March 2009.

In the spring of 2008, the Department conducted training to clarify what constituted a permissible placement exception and how to document permissible exceptions. The

³⁸ Department policy also requires that PERs be filed whenever more than two “therapeutic children” are placed in a foster home; however, the Settlement Agreement contains no special limitations for such children and they are therefore omitted from the comparison. Also omitted are PERs for “placement in detention,” because that category was not utilized until 2009. Thirty-five PERs were filed in this category for the first quarter of 2009.

Department believes that the regions had been incorrectly reporting as “non-compliant” certain placements which were in fact permissible exceptions under the terms of the Settlement Agreement. If the Department is correct, at least some of the improvement in the percentage of compliant PERs may be a result of changes in the way in which the PERs are now being completed rather than changes in placement practice.

TAC monitoring staff conducted a spot check of some of the recent PERs submitted by the regions to determine the extent to which the facts set forth in the PER supported the region’s conclusion that the placement was “compliant.”³⁹ Of the 51 exceptions reviewed, there were 15 (29%) for which the facts set forth either appeared to contradict the region’s determination or were insufficient to support that determination.⁴⁰

While these 51 PERs were reviewed by CPPP, there is no indication that CPPP staff questioned or disagreed with any of the regional determinations that a placement exception was compliant or non-compliant and it is not clear that the PER review is intended to identify and report the extent to which the facts set forth in the PER support the conclusion that the region has made regarding whether the placement is permissible under *Brian A.*

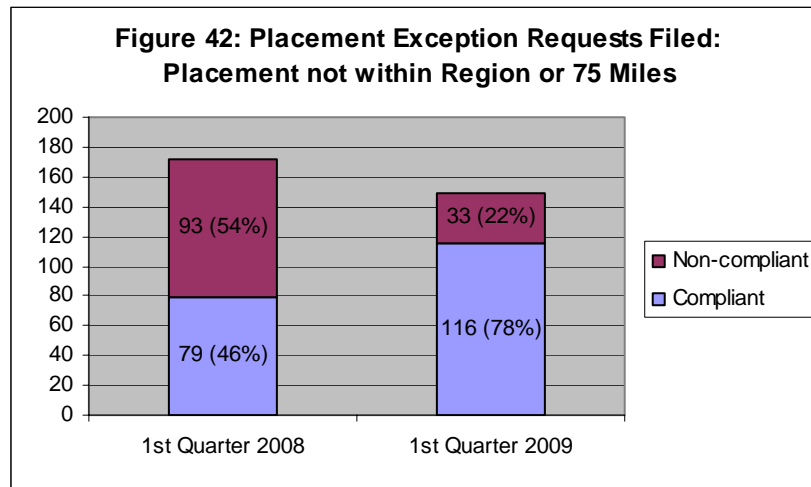
³⁹ TAC monitoring staff reviewed 51 of the 54 PERs that were the subject of the CPPP March Exceptions Report. CPPP pulled and conducted its own review of this sample of the 279 PERs filed in March; CPPP included among the 54 PERs it reviewed, three that involved “more than two therapeutic children in a resource home,” which is not a placement limitation of the Settlement Agreement.

⁴⁰ Those questionable determinations broke down as follows:

- Ten exceptions involved resource home capacity limits: eight for “more than three foster children in the home” and two, involving some of the same children, for “more than six total children in the home.” The regions designated seven of those exceptions as compliant and three as non-compliant. Four of the seven designated as compliant by the regions were found by TAC monitoring staff to be questionable.
- There were 13 exceptions for placement not within region or 75 miles. The regions designated 12 of those 13 exceptions compliant and one non-compliant because it resulted from “resource limitations.” TAC monitoring staff found six of the 12 compliant findings to be questionable.
- There were 14 exceptions for placement in a congregate care facility with capacity in excess of eight. Twelve were designated by the regions as compliant and two were designated non-compliant. TAC monitoring staff found two of the 12 cases designated by the region as compliant to be questionable.
- Three exceptions were for placement in detention. The regions designated two as compliant and one as non-compliant. TAC monitoring staff found one of the compliant findings questionable.
- There were 11 exceptions for separation of siblings, seven of which were designated compliant and four non-compliant. TAC monitoring staff found two of the seven compliant findings to be questionable.

a. Limits on placement of children out of their home region unless the out-of-region placement is within 75 miles of their home)

Based on a comparison of the PER data for the first quarters of 2008 and 2009, there has been a decrease in both the number of placement exceptions filed for placement of children out of region or more than 75 miles from home and the percentage of those placements which were determined by the Department to be non-compliant.⁴¹



Source: Exceptions Desk Reviews January – March 2008 and January – March 2009.

b. Limits on placement of children in emergency and temporary facilities in excess of 30 days or more than once within a 12-month period

According to the “*Brian A. Class 12-Month Report of Children in Emergency/Temporary Facilities*” for the period from January 1 through December 31, 2008 (produced by the Division of Reporting and Analysis), there were 222 placements in emergency or temporary facilities during 2008, involving 202 different children. Of the 222 placements during 2008, 75% (167) lasted fewer than 30 days, 20% (45) lasted between 30 and 60 days, and 5% (10) lasted more than 60 days.⁴²

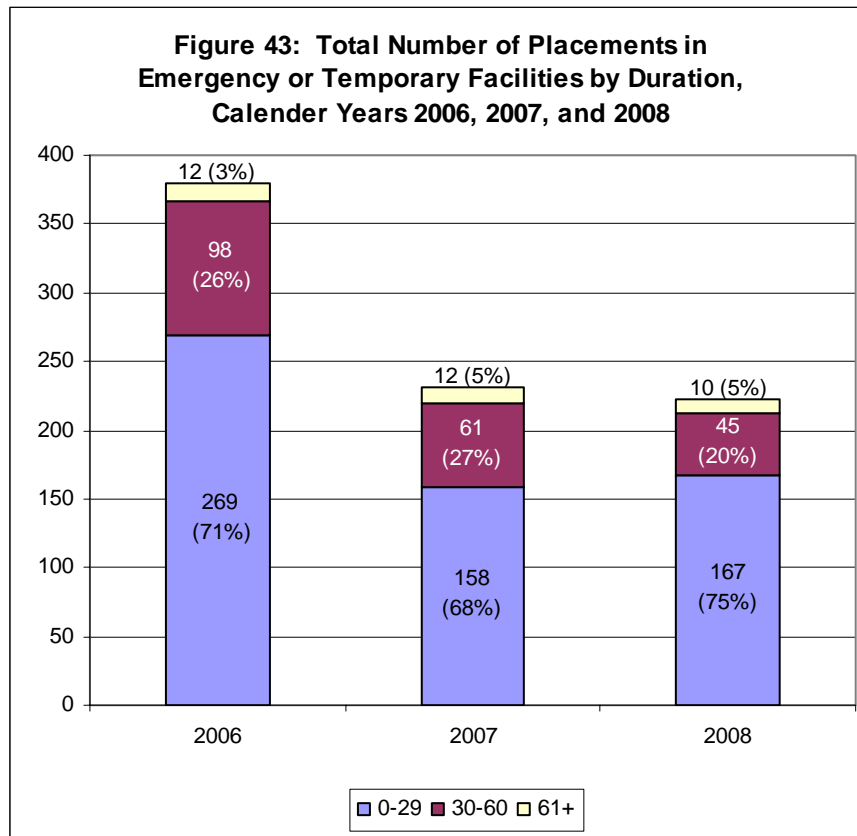
As reflected in Figure 43, this represents a significant reduction in use of emergency or temporary placements since 2006.⁴³ While most of that reduction occurred from 2006 to 2007, there has been a modest decrease in emergency temporary placements from 2007 to 2008. In 2007, there were 231 such placements (involving 198 children), 68% (158) of

⁴¹ Department policy requires PERs to be filed any time a child is placed out of the region, even if the placement is within 75 miles of the child’s home, and any time the child is placed more than 75 miles from home, even if the placement is within the child’s region. Under the terms of the Settlement Agreement, it is permissible to place a child within his region (irrespective of the distance from the child’s home) and it is permissible to place a child outside of his region as long as that placement is within 75 miles of that child’s home.

⁴² This report slightly overstates cases in excess of the limit because it includes placements lasting 30 days with the placements exceeding 30 days.

⁴³ The significant reduction in these placements does not appear to be attributable to the slight reduction in the number of children in custody.

which lasted fewer than 30 days, 27% (61) lasted between 30 and 60 days, and 5% (12) lasted more than 60 days.⁴⁴



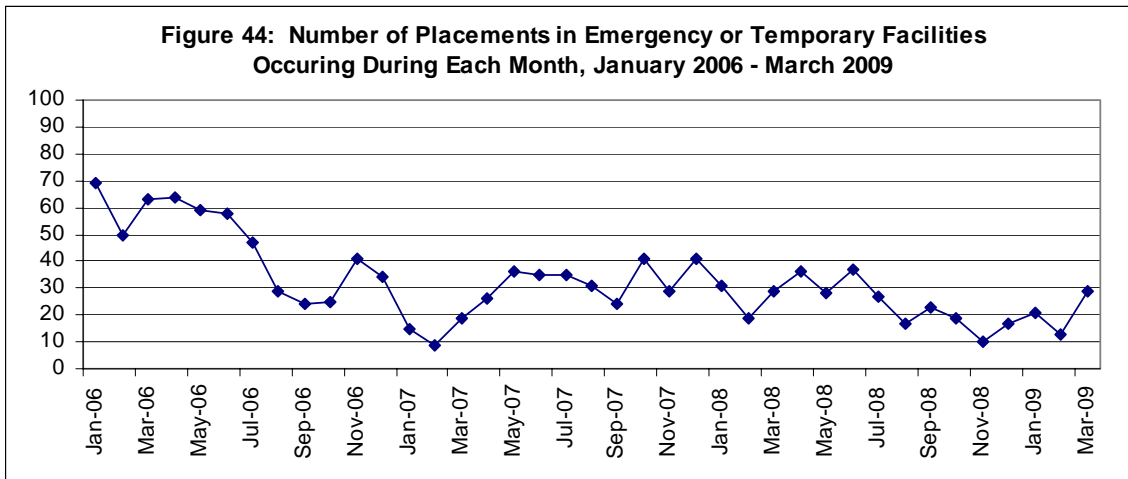
Source: DCS Reporting and Analysis Division Report "Brian A. Number of Placements in Emergency or Temporary Facilities Region Summary, 12 Month Report from January 1, 2006 through December 31, 2006, January 1, 2007 through December 31, 2007, and January 1, 2008 through December 31, 2008" created January 3, 2007, January 3, 2008, and January 7, 2009.

There was also a reduction each year from 2006 to 2008 in the number of children who experienced multiple placements in emergency or temporary placements. Twenty children experienced such multiple placements during 2008 compared with 26 children during 2007, and 48 children during 2006.

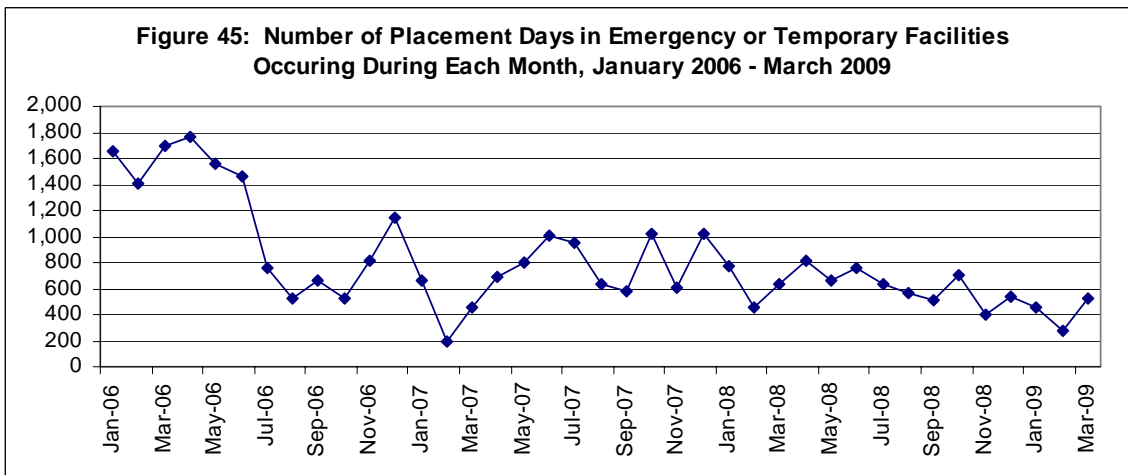
The Division of Reporting and Analysis produces a report each month showing the number of placements in emergency or temporary facilities over the previous 12-month period. It also produces a monthly report showing the cumulative number of days those placements lasted. Figures 44 and 45 show the data from these monthly reports for the 39-month period, beginning January 2006 and ending March 2009. As reflected in the figures, use of Emergency or Temporary Facilities declined in the latter half of 2006 and continued its marked decline reaching its lowest point in February 2007. Since February

⁴⁴ In the December 2008 Monitoring Report, the TAC indicated, based on data from the first six months of 2008, that the use of emergency or temporary placements for 2008 might end up being slightly higher than 2007 usage.

2007, use of emergency and temporary placements has increased but remains well below the January 2006 level.



Source: DCS Reporting and Analysis Division Report "Brian A. Number of Placements in Emergency or Temporary Facilities", 12 1-Month Periods from January 1, 2006 through December 31, 2006, created January 3, 2007; 12 1-Month Periods from January 1, 2007 through December 31, 2007, created January 3, 2008; and 12 1-Month Periods from January 1, 2008 through December 31, 2008, created January 5, 2009.



Source: DCS Reporting and Analysis Division Report "Brian A. Number of Placements in Emergency or Temporary Facilities", 12 1-Month Periods from January 1, 2006 through December 31, 2006, created January 3, 2007; 12 1-Month Periods from January 1, 2007 through December 31, 2007, created January 3, 2008; and 12 1-Month Periods from January 1, 2008 through December 31, 2008, created January 5, 2009. This figure presents the sum of the number of days of each placement in an emergency or temporary placement during the month.

c. Prohibition against placement of children in jail, correction facility, or detention center

TAC monitoring staff conducted a review of detention center placements of class members during the month of February 2009. The cases reviewed included: all class members identified as being in a detention center placement on February 15 and/or February 28 according to the semi-monthly *Brian A.* Placement Reports; and all class members for whom a placement exception request was filed based on the child having been placed in a detention center in February.

There were a total of 24 children identified, 20 of whom were identified from the semi-monthly reports and an additional four from the nine PERs filed in February (the remaining five PERs were for children who also appeared on the semi-monthly report).

Of the 24 children identified as being placed in detention during the month of February:

- Thirteen were arrested⁴⁵ and held based on felony delinquency charges;
- Eight were held based on minor delinquency charges (either alone or in combination with unruly charges). Those eight cases involved stays of overnight (one case); two to three nights (five cases); 15 days (two cases). In two of those cases, the “arrest” was initiated by DCS and/or its agent (one taking place at a resource parent’s home, the other at a congregate care placement), and in each case the child was held for a short period and released without an adjudication;
- Two were picked up on runaway charges and held by court order (for 12 days in one case and 13 days in another) before being released; and
- One child was charged with being unruly in the resource home and arrested by the police and placed in detention overnight before being moved by DCS to a different resource home the next day.

While the Department classified some of the PERs as “non-compliant” and there were several instances in which the placement in detention was instigated by DCS staff or private agency staff and resource parents, most of the detention center placements were clearly permissible and in those questionable circumstances, the duration of the detention was relatively brief. Nevertheless, the TAC has some concerns that the Department is treating PERs related to detention center placements somewhat differently than PERs related to other placement limitations and that this increases the risk that cases of improper use of detention may escape review.

With respect to all other placements for which there are general limitations and permissible exceptions, the Department has a clear approach: a placement exception request form is to be completed whenever a case falls into the general placement limitation category (placement in a group facility with more than eight beds, placement in excess of resource home capacity limits, etc) and those completing the form are required to indicate whether, based on the circumstances of the case, the placement of the child falls within one of the "permissible exceptions" to the general limitation (which DCS refers to as a "compliant exception").

Under this process, all placements of class members in detention were subject to reporting and review.

⁴⁵ The technically correct term for the juvenile system counterpart of an adult being “arrested” is “taken into custody”; however, in common parlance, the term “arrest” is used when referring to a juvenile who is taken into custody by the police for either a delinquent or unruly offence.

The Department now takes the position that if a judge orders a child to be held in detention, no placement exception request need be filed, because the Settlement Agreement prohibition does not apply if the child is held in detention pursuant to a court order. The Department distinguishes the detention center placement from the other kinds of placements (for which PERs must be filed even if the placement is permissible under an exception to the general prohibition) based on the fact that all of the other placements of class members are within the sole authority of DCS to make; it is only the detention center placement which a judge can make independently of any action on the Department's part.

The Department acknowledges that it has an obligation under the DCS practice standards to take appropriate action to seek the release of any class member who DCS believes to be detained improperly (whether by filing an appropriate motion with the juvenile court or seeking appellate review of the detention order). However, the Department does not feel it is necessary to file a PER, when the child is in detention pursuant to a court order.⁴⁶

The TAC first became concerned about the possibility of a class member placed in detention and "falling through the cracks" when it received a complaint regarding a class member that had been held in detention for four months pursuant to a patently illegal court order. When the case was brought to the attention of the Central Office, action was immediately taken to remove the child from detention.

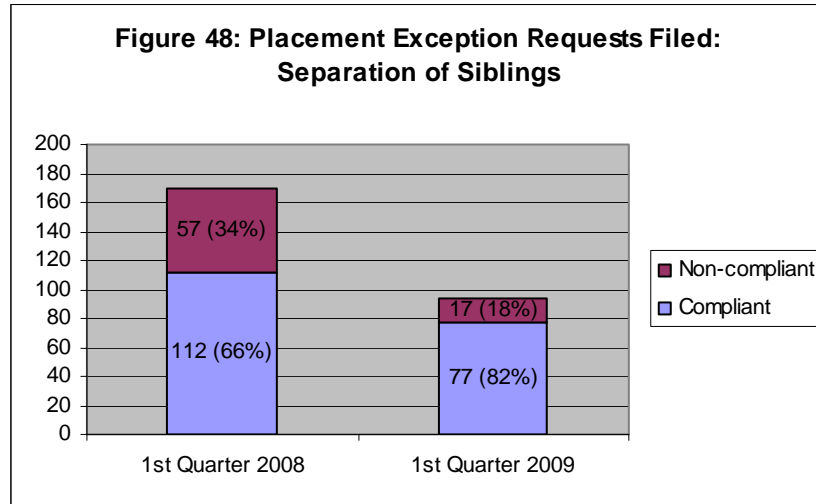
In that case, no placement exception request had been filed (perhaps because the child was being held pursuant to a court order) and although a separate administrative review of DCS children placed in detention centers was being conducted regularly at that time, that review was limited to children in DCS custody based on a delinquency adjudication (and the child in question was not being held as a delinquent).

In response to that case, the Department expanded the administrative review of children in detention to include class members. The Child Placement and Private Provider (CPPP) Director conducts a review of all children in detention according to the semi-monthly report and conducts a separate review of any children in detention for more than 30 days. While this ensures the review of the case of a class member who is detained in excess of 30 days or who is in detention on the 15th day or last day of any given month, a child whose detention is less than 30 days and whose detention stay does not fall on the 15th or last day of the month, could escape notice, if no PER is required to be filed.

⁴⁶ There is still some lack of clarity about whether a PER must be filed if the arrest or the court order detaining a child was in response to the request of a DCS staff member or an agent of the Department (a resource parent or a DCS or private agency staff member) or in response to some other affirmative action by the Department or its agents.

d. Limits on sibling separation

Based on a comparison of the PER data for the first quarters of 2008 and 2009, there has been a decrease in both the number of placement exceptions filed for sibling separation and the percentage of those sibling separations which were determined by the Department to be non-compliant.



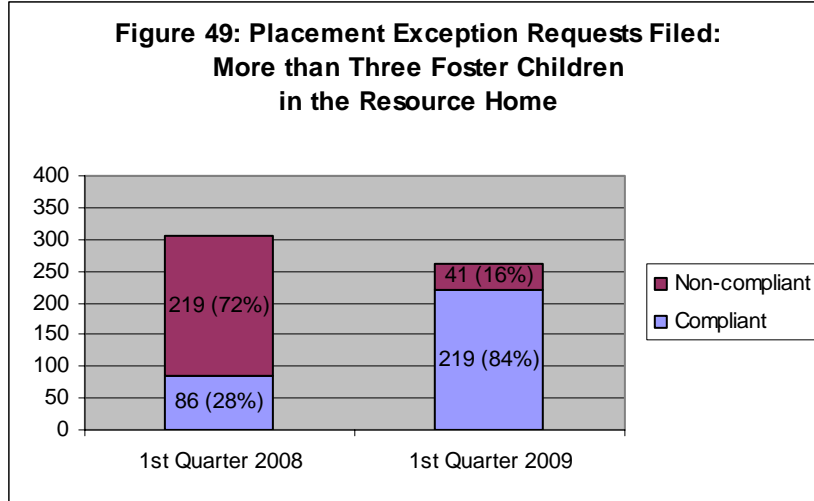
Source: Exceptions Desk Reviews January – March 2008 and January – March 2009.

e. Resource home capacity limits

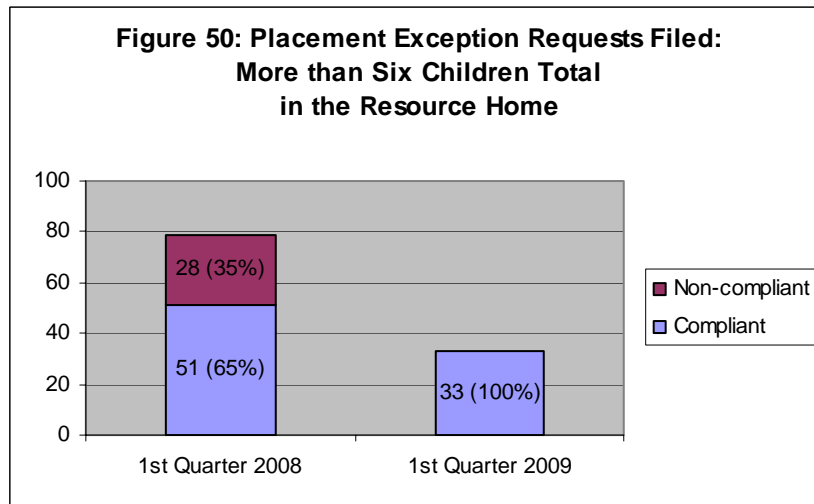
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ii. Exception Request Data

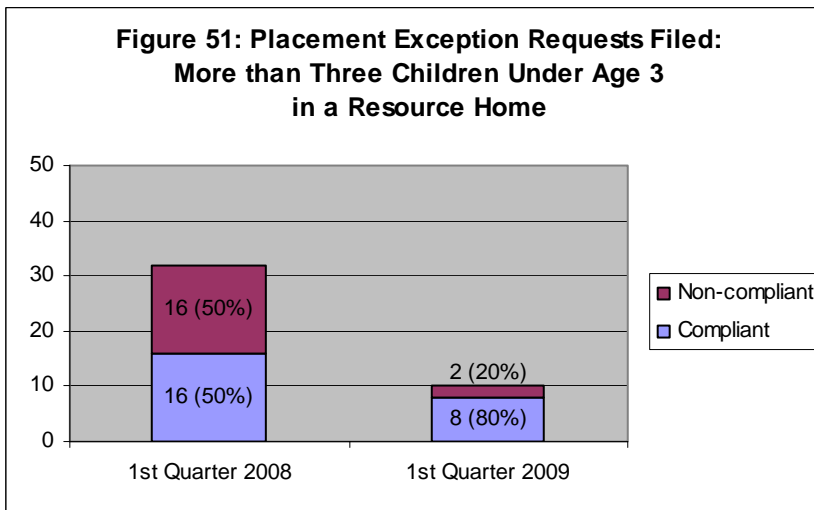
Based on a comparison of the PER data for the first quarters of 2008 and 2009, there has been a decrease in both the number of placement exceptions filed for placement of children in resource homes that exceed capacity (more than three foster children in a resource home; more than six total children in a resource home; more than three children under the age of 3 in a resource home) and in the percentage of those placements which were determined by the Department to be non-compliant.



Source: Exceptions Desk Reviews January – March 2008 and January – March 2009.



Source: Exceptions Desk Reviews January – March 2008 and January – March 2009.



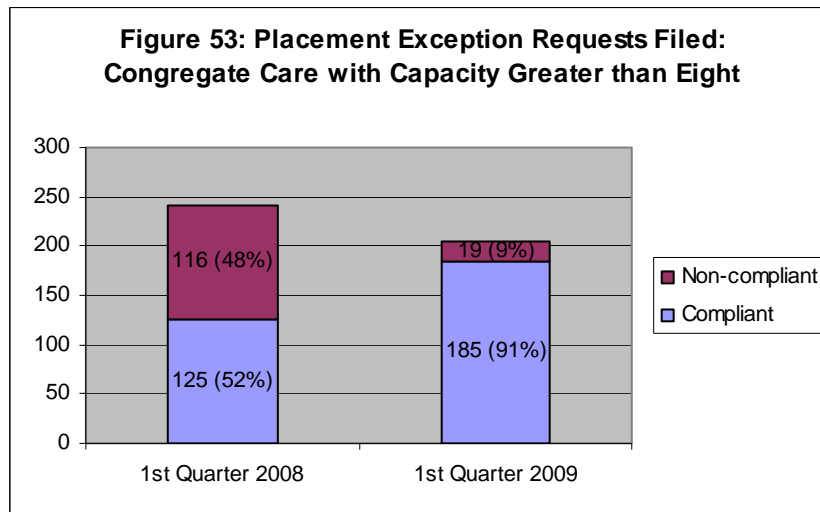
Source: Exceptions Desk Reviews January – March 2008 and January – March 2009.

f. Limits on placement of children under age 6 in group care

According to the *Brian A. Class List* produced by the DCS Division of Reporting and Analysis, a point-in-time report for the last day of each month, no child under the age of 6 was in a congregate care facility as of the last day of each month from July 2008 through March 2009. No placement Exception Requests were filed for this category of placement during this time period.

g. Limits on placements of children in group care with excess of 8 beds

Based on a comparison of the PER data for the first quarters of 2008 and 2009, there has been a decrease in both the number of placement exceptions filed for placement of children in congregate care facilities with a capacity greater than eight and the percentage of those placements which were determined by the Department to be non-compliant.



Source: Exceptions Desk Reviews January – March 2008 and January – March 2009.

h. Prohibition of placing child assessed at high risk for perpetrating violence or sexual assault with foster children not so determined.

In the December 2008 Monitoring Report, the TAC reported that the Department had begun using the Child and Adolescent Needs and Strengths (CANS) assessment as a vehicle for ensuring that it is meeting the requirement of Section VI.C.4 of the Settlement Agreement providing that DCS “not place any child determined by a DCS assessment to be at high risk for perpetrating violence or sexual assault in any foster care placement with foster children not so determined.”

The CANS assessment includes specific inquiry into “Child Risk Behaviors” including three categories of behavior (or “prompts”)—“danger to others,” “sexual aggression” and “sexually reactive behavior”—which can be used to identify children who might be “at high risk for perpetrating violence or sexual assault.”

CANS assessments are required to be initiated by the FSW within one business day of the day a child (age 5 or above) enters custody and approved by the Team Leader and finalized by the Center of Excellence (COE) Field Consultant within five business days of the child entering custody. The CANS is completed and approved online through a DCS web application.

Additional CANS assessments (Reassessment CANS) are to be completed at various points in the life of a case (prior to the revision of the permanency plan, at any major transitional period throughout the custody episode, and just prior to a child's release from custody) and must be done at certain intervals, depending on the child's level of need (for children receiving Level 1 services at least every six months, for those receiving level 2 or 3 services, at least at six months and then at least every three months thereafter, and for those receiving level 4 services, no less than every three months).

The Department expects that in making any placement decision, the Child and Family Team will specifically determine whether the child is at high risk for aggressive behavior and, if the child is, will consider whether any proposed placement for the child is serving children who are not aggressive. Conversely, the Department expects that in making any placement decision of a child who is not aggressive, the Child and Family Team will specifically determine whether any proposed placement is presently serving a child at high risk for aggressive behavior.

Certain DCS staff members have particular responsibilities related to these placements:

- Regional Placement Specialists should know whether the child being placed is a "high risk" child and whether any of the children in a proposed placement is a "high risk" child.
- The CFTM facilitator should make sure that any time there is a "high risk" child being placed or the placement being considered presently serves a "high risk" child, the Child and Family Team addresses that issue.
- The Team Leader and the COE Field Consultant, reviewing and approving CANS of a child found at "high risk" for aggressive behavior, should intervene if the consultant believes the child is placed in a placement where the child poses a high risk to non-aggressive children.

Finally, resource parents should alert the Department if they find themselves being asked to care for children who they feel pose a danger to other children in the home or whom the resource parent is unable to protect from other aggressive children in the home. (While a resource parent may not receive a copy of the CANS, there is a standard form that the DCS worker is to fill out and provide to the resource parent with information about a child and this form includes a checklist of behaviors including sexual acting out, sexual aggression, physical aggression, and assault.)

In order to determine whether, notwithstanding the envisioned placement decision making process, children at high risk of aggression are in fact being placed with children not at high risk, the Department has implemented a process for identifying such placements (at this time, limited to resource home placements) and requiring the regions to review those placements. On the 15th of each month, the Central Office Program Director for the Statewide CANS project generates an extract of all children for whom a CANS was completed during the previous month and develops a list of all of those children who have an “actionable service score” (2 or 3) on Danger to Others (DTO), Sexually Aggressive (SA), and Sexually Reactive (SR), and who are presently placed in resource homes in which there are other children. The list is sorted by region and each region is sent its list for review and response.

The Regional Administrator is required to initiate a review process by staff that the region believes is the most appropriate to review the safety of these children in these placements. At a minimum, the list is sent to the Regional Administrator, the head of the Regional Placement Resources Unit, the Regional Psychologist, and the Regional CANS Consultant. In some regions it is also sent to the Deputy Regional Administrator or other persons known by the Central Office to be involved in the regional review process.

Each region is sent a worksheet with the names of the children from that region whom they are being asked to review and with spaces for the regions to provide the following information with respect to each child:

- Whether the child is a sibling or otherwise related to any of the other children in the home;
- Whether the child not posing a safety risk was placed in that home by the child’s Child and Family Team (CFT) with full knowledge of the presence of the “at risk” child in that home;
- Whether the at risk child was placed with knowledge that there were other children in the home;
- Whether the placement appeared “sound”; and
- What might be done to improve the placement safety for all children in the home.

Central Office expects sufficient factual details from the regions in their responses to these questions to allow the Central Office to be satisfied that the placement is in fact appropriate or, in the event that it is not, that actions are being taken to address any safety concerns.

The regions are expected to return these worksheets with the answers to these questions and any additional information the region deems relevant within two weeks of receiving the list of children.

The emphasis on the front end responsibilities of the Child and Family Team as a whole and of specific team members in particular to use the CANS to ensure that aggressive children are not comingled with non-aggressive children and the “high risk review” process that identifies, reviews, and responds to potentially problematic placements

appears to be a reasonable approach to ensuring compliance with this particular provision of the Settlement Agreement.

The TAC will be reviewing the process and analyzing the data generated and will report the results of that review and analysis in its next monitoring report.

VII. PLANNING FOR CHILDREN

This section supplements the indicated subsections of Section Seven of the December 2008 Monitoring Report; letter and number designations of the supplemented subsections and figures correspond to those of that report.

A. Child and Family Team Meeting (CFTM) Participants

* * *

3. *Findings Related to Team Composition and Participation in Team Meetings*

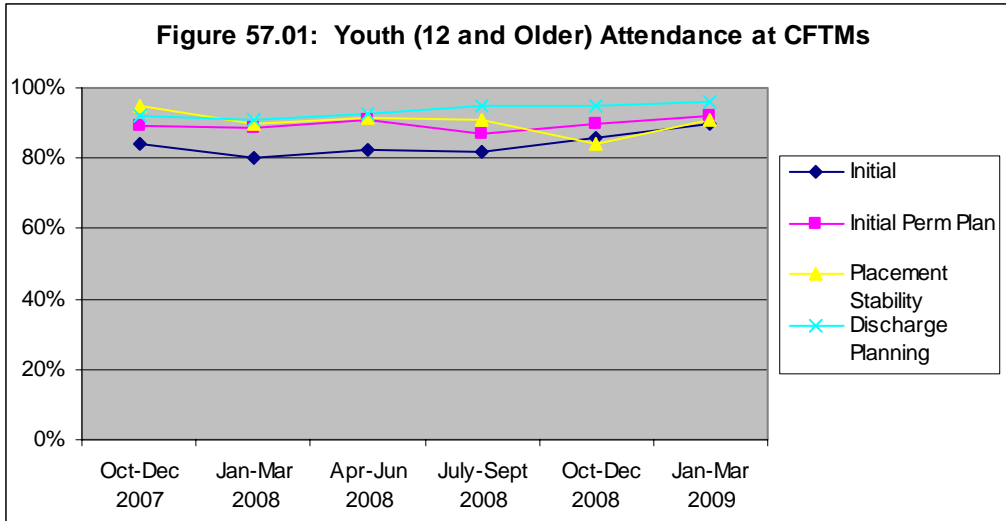
The following figures⁴⁷ illustrate team member attendance at CFTMs beginning in October 2007, when the Department began such reporting.

In general, the figures reflect attendance of children over the age of 12 as a relative strength and reflect incremental improvement in attendance of relatives at Initial CFTMs. There has also been an increase in supervisor attendance at CFTMs and an increase in the utilization of trained facilitators, even for the Initial Permanency Planning and Discharge Planning CFTMs, for which a trained facilitator is not required.

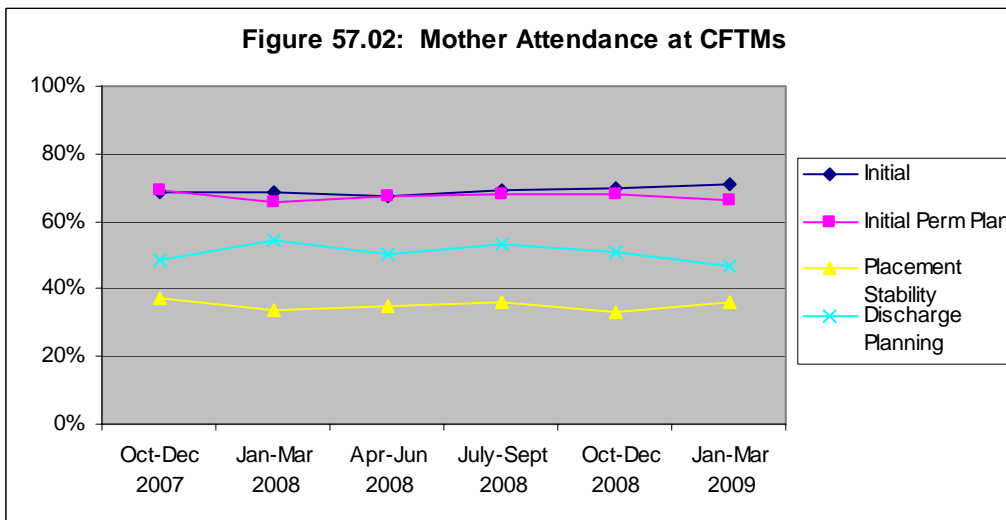
However, there has been relatively little significant improvement in attendance of other participants over the past year. While attendance of mothers is consistently much higher than that of fathers, there remains a considerable “fall-off” in participation of mothers after the Initial CFTM and Initial Permanency Planning CFTM. The very low level of participation of fathers in all CFTMs continues to be a challenge, as does the limited participation of informal support persons.

Particularly concerning is the relatively low proportion of resource parents attending CFTMs. It is understandable that resource parent attendance for Initial CFTMs would be low, but it is troubling that resource parents are present at fewer than 40% of Initial Permanency Planning CFTMs and at only 40% of Placement Stability CFTMs.

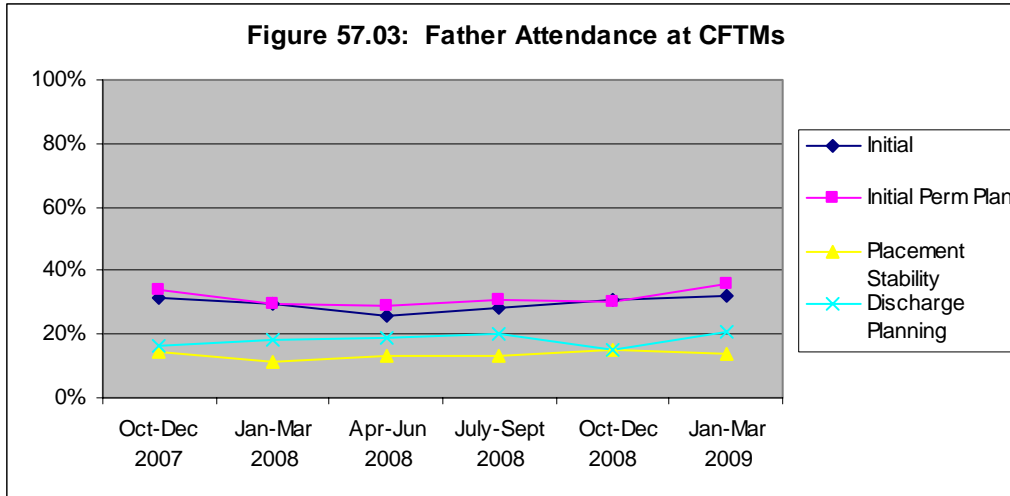
⁴⁷ These figures correspond to Tables 28 through 37 in the December 2008 Monitoring Report.



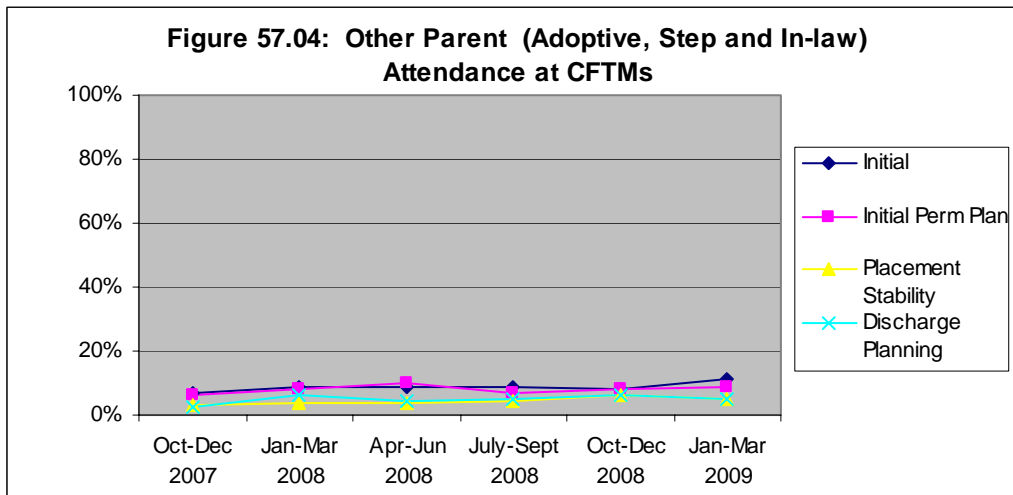
Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.



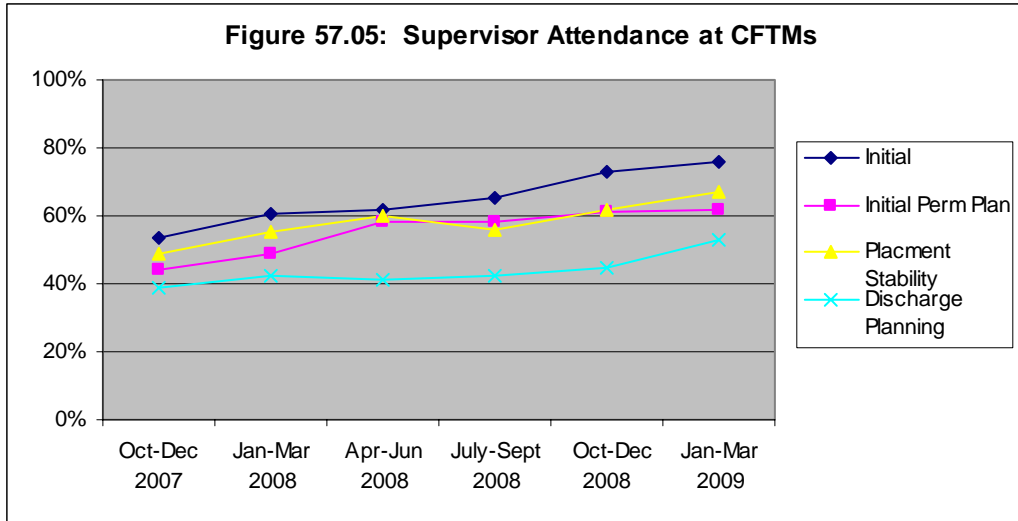
Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.



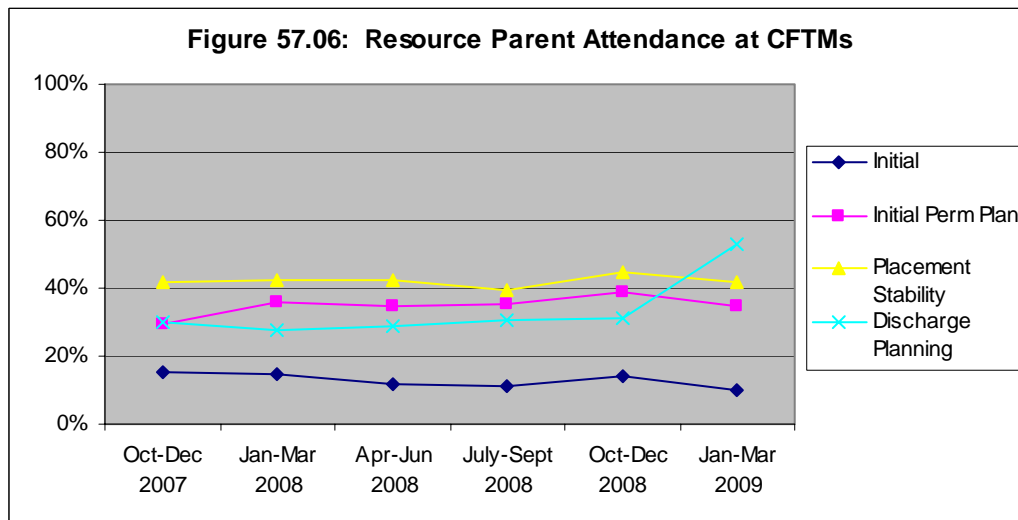
Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.



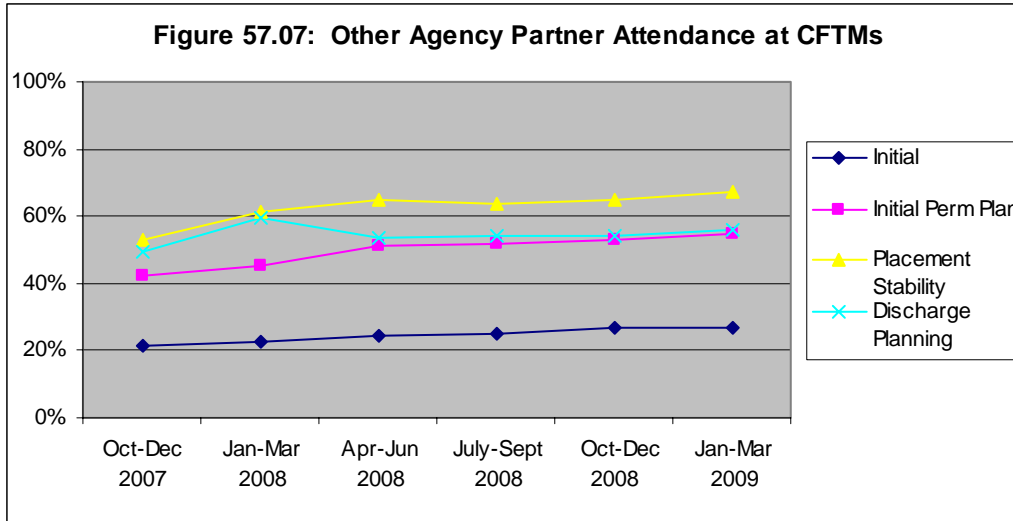
Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.



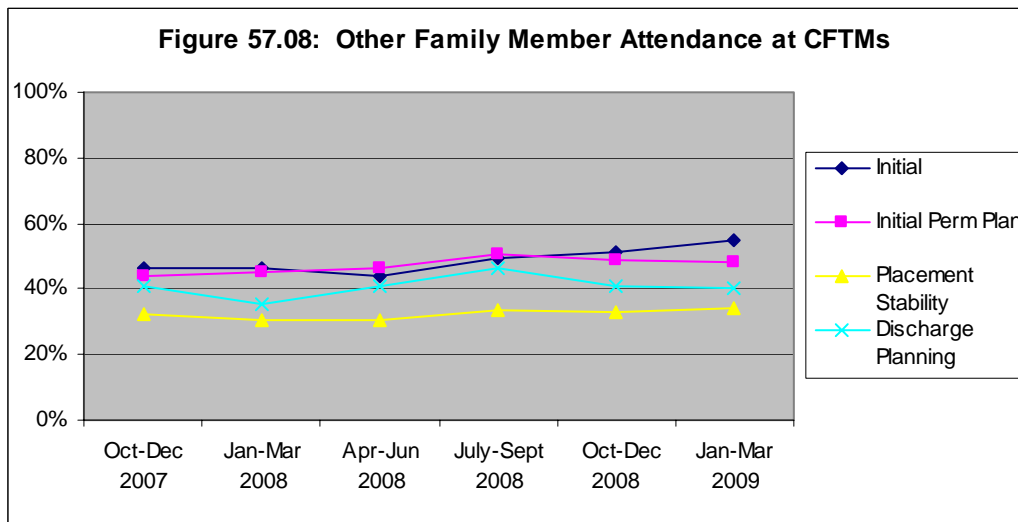
Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.



Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.

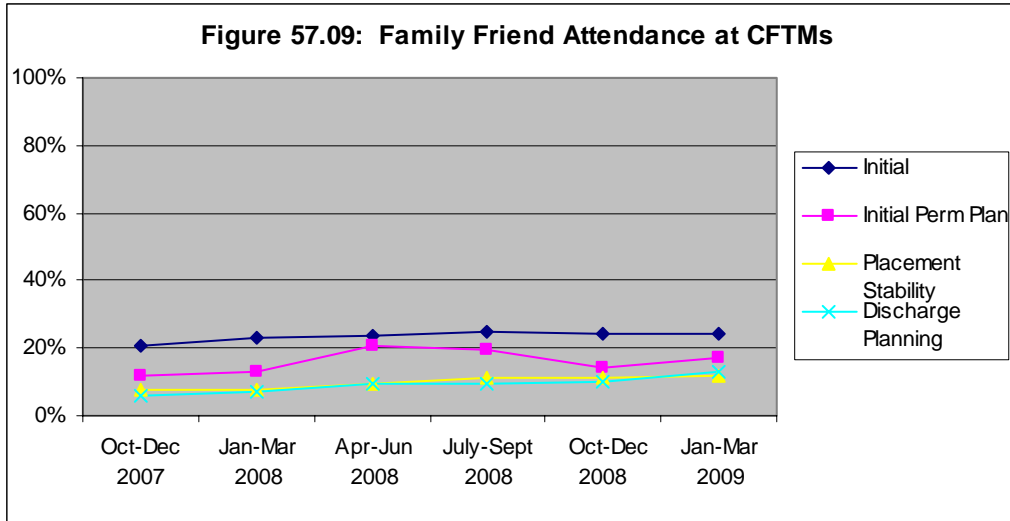


Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.⁴⁸

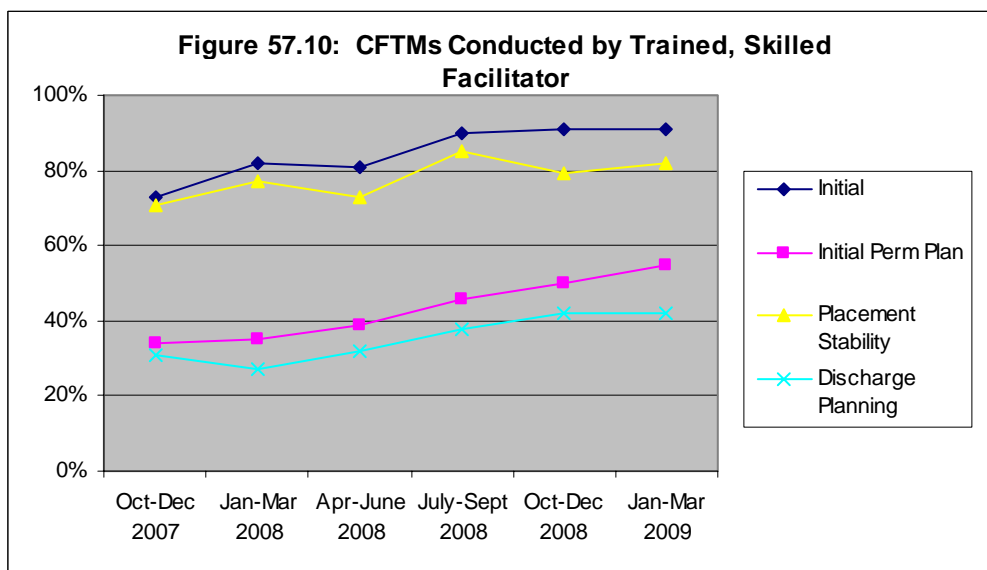


Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.

⁴⁸ The 'Other Agency Partners' include: CART (Child Abuse Review Team) members, court personnel, CPIT (Child Protective Investigative Team) members, law enforcement, medical/dental care providers, non-DCS attorneys (may include GALs), provider agency staff and service providers.



Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.

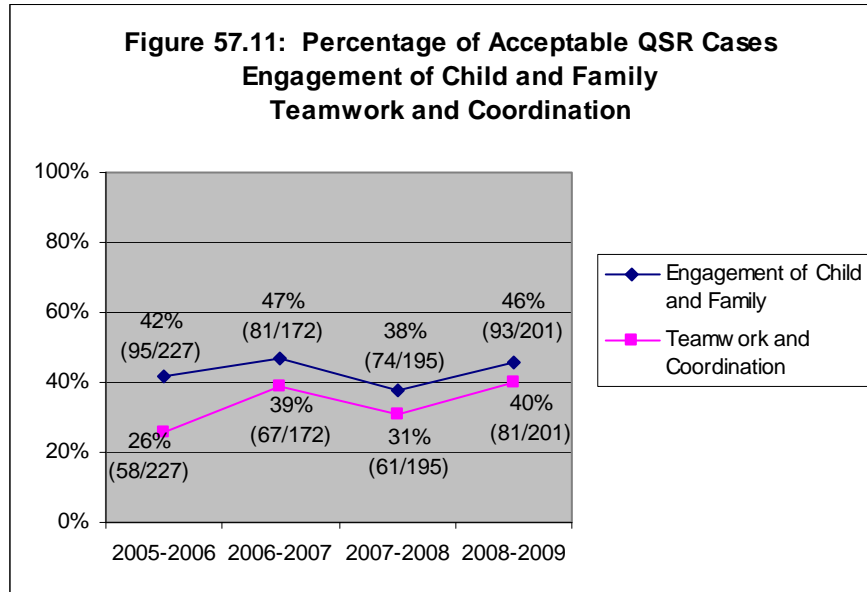


Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.⁴⁹

⁴⁹ According to the Settlement Agreement (VII.B), a facilitator is required to participate in Initial and Placement Stability CFTMs, but not in Initial Permanency Planning and Discharge Planning CFTMs.

3. Quality Service Review (QSR) Results Related to Team Composition and Participation in Team Meetings

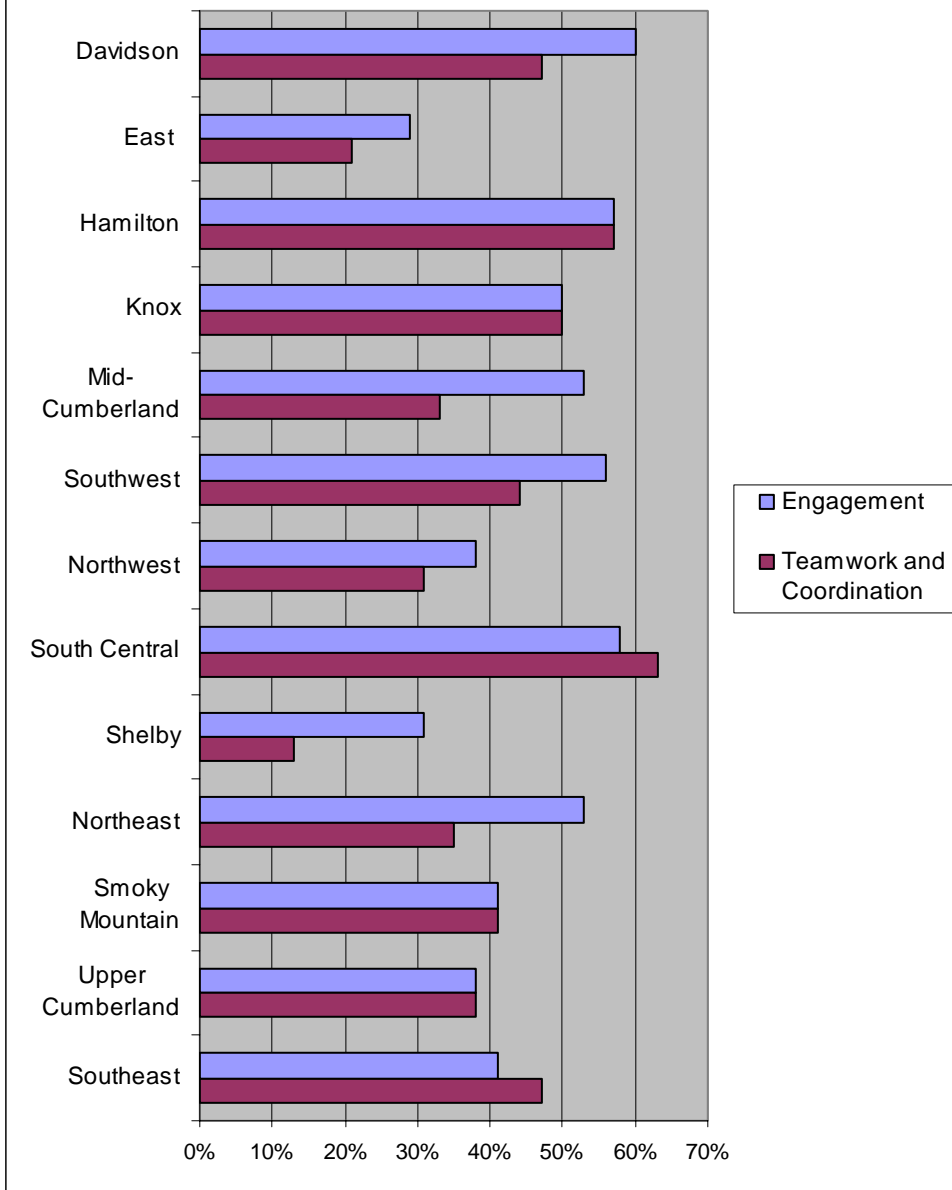
Figure 57.11 presents the number and percentage of *Brian A.* cases receiving acceptable scores for Engagement of Child and Family and Teamwork and Coordination in the past four annual QSRs.⁵⁰



Source: Annual QSR finalized database.

⁵⁰ Figures 57.11 and 57.12 include QSR data for all 13 regions for 2008-2009, but as of this report, the data has been finalized for only eight regions: Mid-Cumberland, Davidson, East, Knox, Southwest, Hamilton, Smoky Mountain and South Central.

Figure 57.12: Regional Variation in Percentage of Acceptable QSR Cases 2008-2009

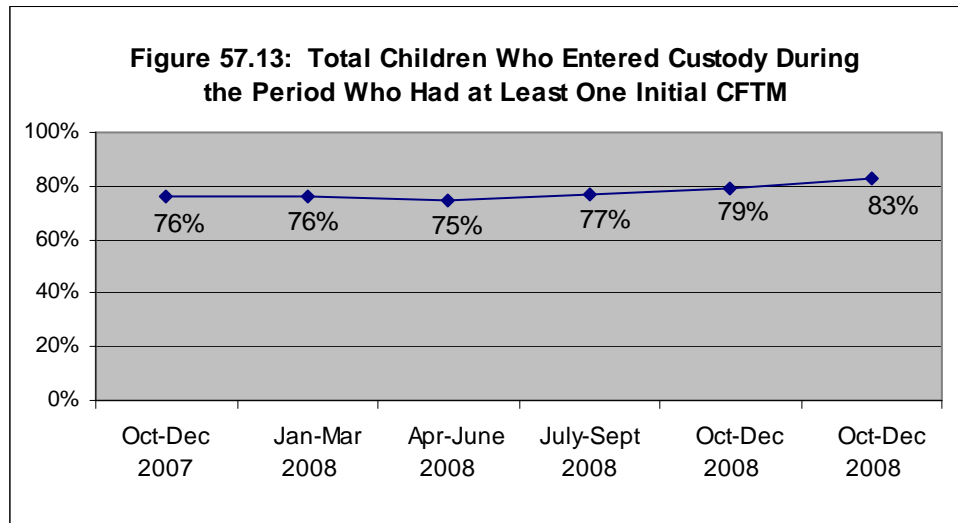


Source: Annual QSR finalized database.

B. Initial CFTM

The figure below reflects the Department’s quarterly performance with respect to the requirement that an Initial Child and Family Team Meeting be held for every child entering custody. That Initial CFTM might occur shortly before a child comes into custody as part of the CPS/FSS process or promptly after the child comes into custody; in

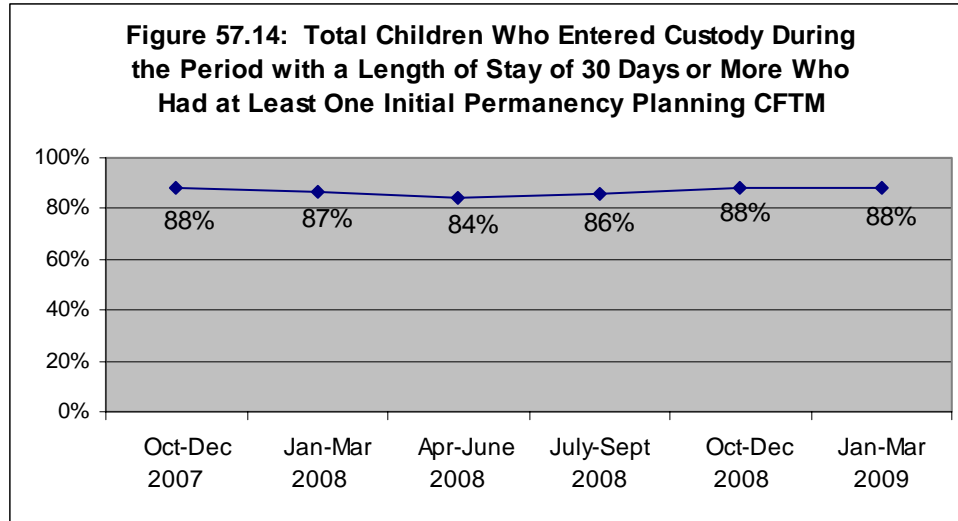
either case, the CFTM reports should be capturing this information. Because the Initial CFTM is a core aspect of practice in every case and at the center of the Unified Placement Process, it is critically important to understand whether (or the extent to which) the 17% of cases that are reported as not having had an Initial CFTM reflect some problem with documentation rather than a failure to implement in every case such a significant practice element.



Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.

C. Initial Permanency Planning CFTM

The figure below reflects the Department's quarterly performance with respect to the requirement that an Initial Permanency Planning Child and Family Team Meeting be held for every child with a length of stay of 30 days or more. Because a Permanency Planning CFTM should be occurring within 30 days of any child coming into custody, there is no child who has been in custody for 30 days or more who should not have had a Permanency Planning CFTM. As was the case with Initial CFTMs, it is important to understand whether (or the extent to which) the 12% of cases that are reported as not having had a Permanency Planning CFTM reflect some problem with documentation rather than a failure to implement in every case such a significant practice element.



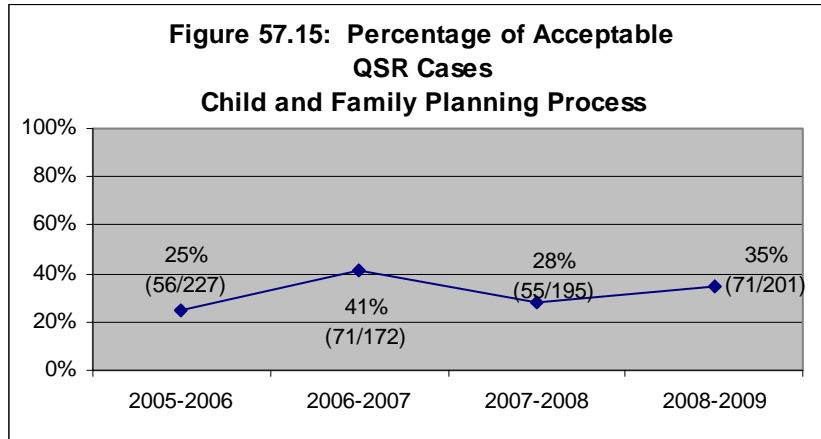
Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008, and the first quarter of 2009.

**D. Permanency Plan Content and
E. Permanency Plan Implementation and Tracking**

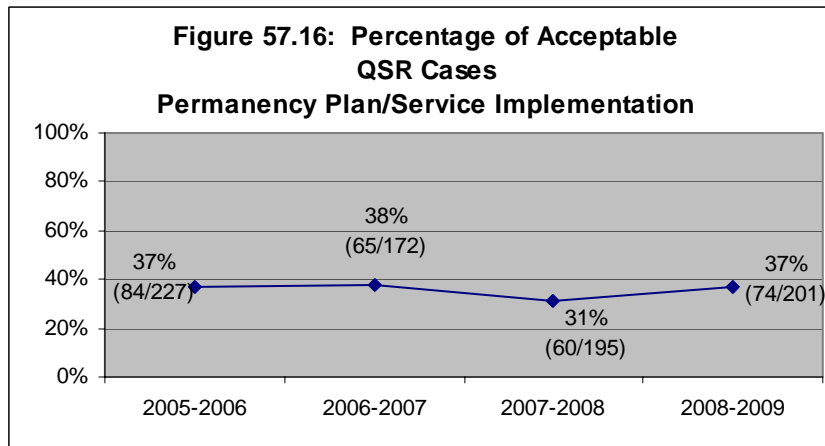
The following figures present the number and percentage of *Brian A.* cases receiving acceptable scores for Child and Family Planning Process, Permanency Plan/Service Implementation, Tracking and Adjustment,⁵¹ Appropriateness of Placement and Resource Availability and Use in the past four annual QSRs.⁵²

⁵¹ The indicator for Tracking and Adjustment requires the reviewer to determine whether services are routinely monitored and modified by the team to respond to the changing needs of the child and family. There is an expectation that the permanency plan be modified when objectives are met, strategies determined to be ineffective, new preferences or dissatisfactions with existing strategies or services are expressed, and/or new needs or circumstances arise.

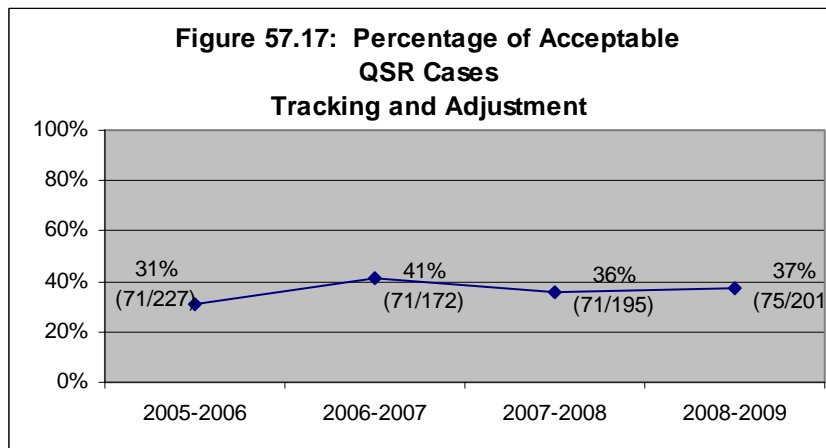
⁵² Figures 57.15, 57.16, 57.17, 57.18 and 57.19 include QSR data for all 13 regions for 2008-2009, but as of this report, the data has been finalized for only eight regions.



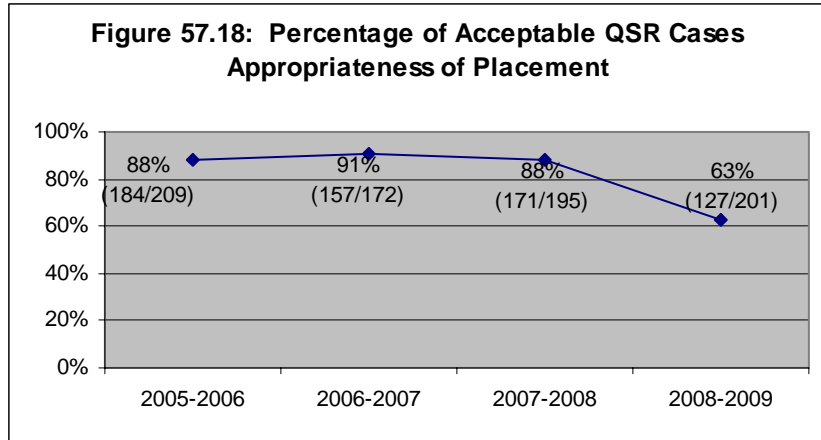
Source: Annual QSR finalized database.



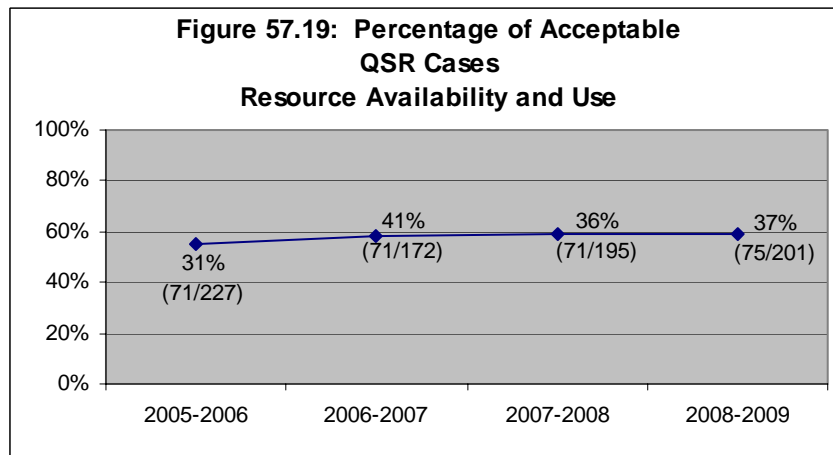
Source: Annual QSR finalized database.



Source: Annual QSR finalized database.



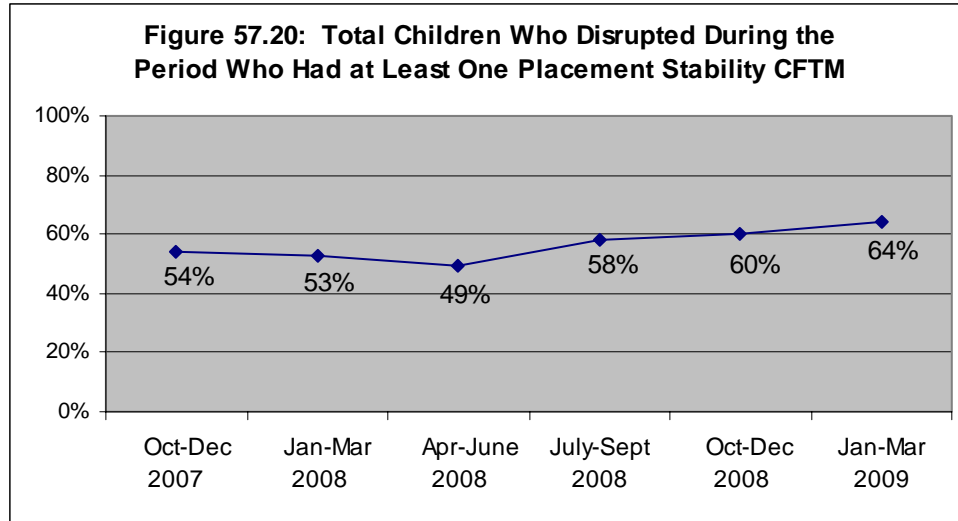
Source: Annual QSR finalized database.



Source: Annual QSR finalized database.

F. Placement Stability CFTM

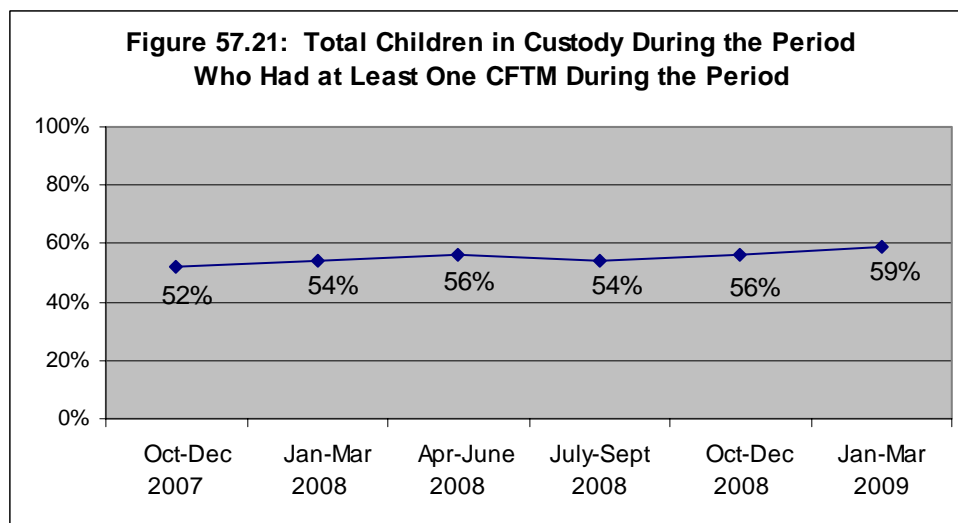
The figure below reflects the Department's quarterly performance with respect to the requirement that a Placement Stability Child and Family Team Meeting be held for every child who experiences a placement disruption. While there is considerable room for improvement in this area, the trend reflected in the figure below is encouraging.



Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008 and the first quarter of 2009.

G. CFTM to Review/Revise Permanency Goal

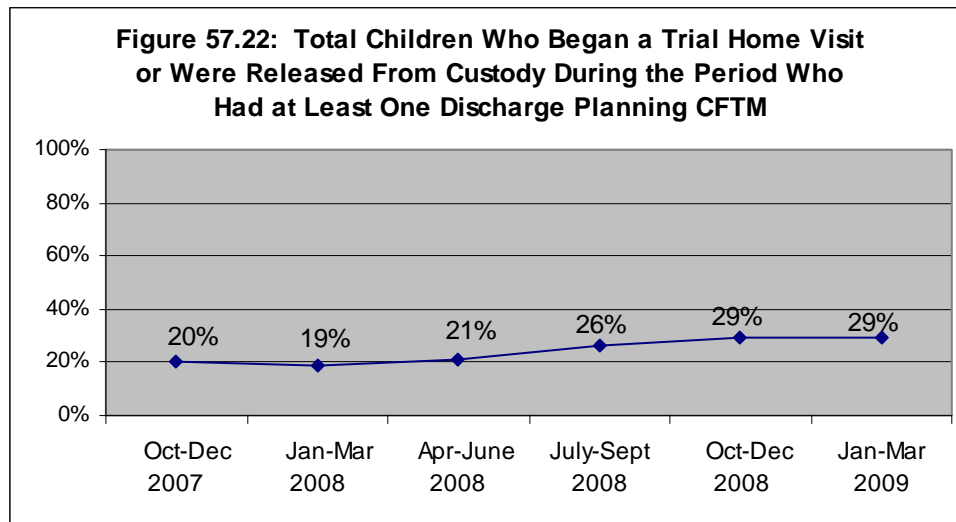
The figure below reflects the Department's performance with respect to the requirement that a Progress Review Child and Family Team Meeting be held no less often than every three months for every child in custody. While there is considerable room for improvement, the figure reflects a positive trend. In addition, if the bulk of the children who have not had a CFTM during a particular quarter, are having a CFTM shortly after the beginning of the next quarter, there are reasonable explanations for the delay, and communication among team members is sufficient to ensure that there are no significant concerns going unaddressed, there may be less cause for concern.



Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008 and the first quarter of 2009.

H. Discharge Planning CFTM

The figure below reflects the Department's quarterly performance with respect to the requirement that a Discharge Planning Child and Family Team Meeting be held for every child who begins a trial home visit or is released from custody. While there will certainly be cases in which the failure to hold a discharge CFTM is understandable—for example, if a child is discharged unexpectedly by court order or if a child discharge occurs shortly after the child enters custody, as the result of an Initial CFTM—this would not account for the infrequency of Discharge Planning CFTMs. Good discharge planning is essential to ensuring that appropriate supports are in place and that potential obstacles to successful discharge are identified and addressed. It is important to understand the extent to which good practice (effective Initial CFTMs) or unexpected court orders contribute to the failure to hold Discharge Planning CFTMs, and for the remainder, the extent to which lack of documentation, rather than failure to hold Discharge Planning CFTMs, accounts for the level of performance reflected in the CFTM quarterly reports.



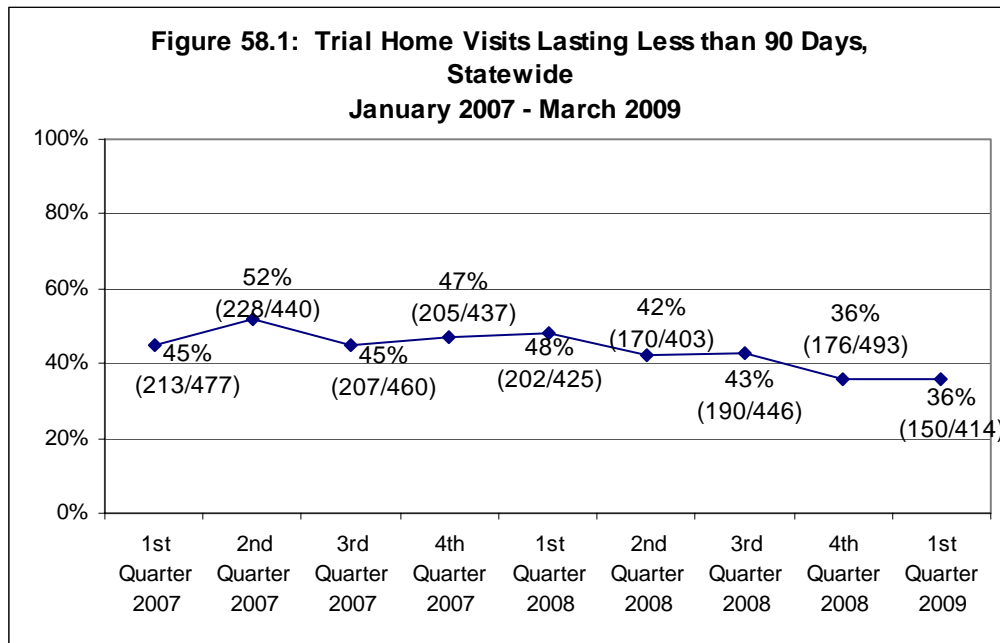
Source: TNKids "Child and Family Team Meeting (CFTM) Report for *Brian A. Clients*" (CFT-BACFTMSR-200); reports for the fourth quarter of 2007, the four quarters of 2008 and the first quarter of 2009.

1. Requirement of Trial Home Visit prior to Discharge

Consistent with the original Settlement Agreement, it has long been the policy of the Department to recommend 90-day trial home visits for all children for whom a decision has been made to return them to the custody of parents or relatives.

At the time of this Supplemental reporting, the Department is revising its Trial Home Visit policy to more clearly articulate its expectations to the regions and to create a process for Central Office review and approval of those cases in which the region determines that a trial home visit of less than 90 days is appropriate.

Figure 58.1 illustrates the decrease in the occurrence of Trial Home Visits lasting less than 90 days.



Source: Brian A. 2007, 2008 and 2009 THV Quarterly Reports.

* * *

J. Special Provisions related to Goal of Planned Permanent Living Arrangement

At the time of the December 2008 Monitoring Report, the Department was in the process of implementing the recommendations that the TAC had made related to the review and approval (and re-approval) process for those cases in which a child has a goal of PPLA. The Department anticipated that all of the TAC recommendations would be fully implemented by February 2009.

The Department has established a PPLA review process that incorporates the TAC's recommendations in policy, protocol and process.

According to the Department's PPLA report, of the 36 class members with a goal of PPLA as of May 15, 2009, 24 (67%) have had that goal reviewed and approved by Central Office. Of the remaining 12 cases, as a result of the Department's Central Office review process, six have been identified as inappropriately assigned the goal and the regions either agree that the goal was selected in error, or have agreed to change it, but have not yet officially changed the goal in TNKids; and the remaining six are listed in TNKids as having a PPLA goal, but Central Office has requested the region submit a new

application because the child has either changed placements or the goal is due for annual renewal (for which the case must go through the entire review process again).⁵³

In keeping with the TAC's recommendations, Central office staff have identified some real and some perceived differences in the services and supports available to children in foster care and their resource parents, as compared to children and their adoptive families, that act as a financial or other disincentive to adoption or subsidized permanent guardianship and make PPLA a preferable option. The Central Office staff work with regional staff to address any misperceptions and make sure that any decision to opt for PPLA occurs after a full discussion. The Central Office is also working with regions to ensure that practical approaches are being taken to support children in situations in which DCS reasonably believes that a child is going to return to his or her family of origin at age 18, but does not feel that reunification is a safe or appropriate permanency goal.⁵⁴

The Department consistently maintains a small number of children with a sole or concurrent goal of PPLA. As of May 31, 2009, 23 (0.43%) of the 5,359 *Brian A.* class members had a sole or concurrent PPLA goal. Of those 23, 19 (0.35%) children had a sole PPLA goal.⁵⁵

⁵³ The December 2008 Monitoring Report reported that of the 99 children with a goal of PPLA as of September 14, 2008, 90 (91%) had had that goal reviewed and approved by Central Office. Of the remaining nine cases, four had been inappropriately assigned the goal and the regions either admitted that the goal was selected in error, or had agreed to change it, but had not yet officially changed the goal in TNKids; and five were listed in TNKids as having a PPLA goal, but the regions were still working to submit the necessary paperwork to complete the PPLA application and review process.

⁵⁴ As of the December 2008 Monitoring Report, the TAC was not aware of any action taken thus far by the Department to address these recommendations.

⁵⁵ The September 2007 Monitoring Report reported 35 (0.5%) of 6,535 *Brian A.* class members with a sole goal of PPLA as of August 31, 2007. That report did not include data on those with a concurrent PPLA goal; however, as of August 31, 2007, 175 (2.7%) of 6,535 *Brian A.* class members had a sole or concurrent goal of PPLA. The December 2008 Monitoring Report reported, as of August 2008, 101 (1.7%) of 5,948 *Brian A.* class members with a sole or concurrent goal of PPLA. Of those 101, 23 (0.39%) had a sole goal of PPLA.

VIII. FREEING A CHILD FOR ADOPTION

This section supplements the indicated subsections of Section Eight of the December 2008 Monitoring Report; letter and number designations of the supplemented subsection correspond to those of that report.

* * *

G. Identifying Adoptive Placements

The FOCUS process described in the December 2008 Monitoring Report has been revised to include all children who are in full guardianship, rather than just those children for whom no adoptive family has been identified within 60 days of full guardianship.

Under the revised process, when a child comes into full guardianship, DCS Central Office FOCUS staff review that child's situation with the region to determine whether an adoptive family has been identified. If a family has been identified, the Central Office and regional staff discuss the action steps and timeline for moving the case to adoption. If a family has not been identified, the Central Office and regional staff determine whether the case should be referred to Harmony Adoptions for assignment to one of their Regional Case Coordinators (RCC) with special expertise in adoptive family recruitment.⁵⁶

With respect to those cases referred to Harmony, considerable progress has been made over the past several months in clarifying the roles and responsibilities of the RCCs, particularly those related to conducting "archaeological digs," and ensuring that there is a strong, functioning child and family team in every case assigned to them. The Department and Harmony have designed and are implementing a reasonable tracking and reporting process for those cases referred to Harmony. The first quarterly report is expected to be released in the latter part of August.

The tracking and reporting process is less clearly articulated for those cases retained by the regions. The Department is working to clarify that process and developing a reporting format that will serve the same purposes for the regionally retained FOCUS cases as the Harmony reporting serves for the RCC assigned cases.

The Department expects to produce an analysis of the tracking data to both determine the effectiveness of the FOCUS process in moving children from full guardianship to adoption and to gain some insight into (and develop some strategies to address) those cases which prove particularly difficult to move to adoption.

⁵⁶ If a case originally retained by the region (either because a home had been identified or because the region felt it would be able to identify a home) proves problematic (the identified home backs out or finding a home proves more difficult than expected), a further determination can be made to refer the case to Harmony at that point.

**IX: RESOURCE PARENT RECRUITMENT, RETENTION,
AND APPROVAL**

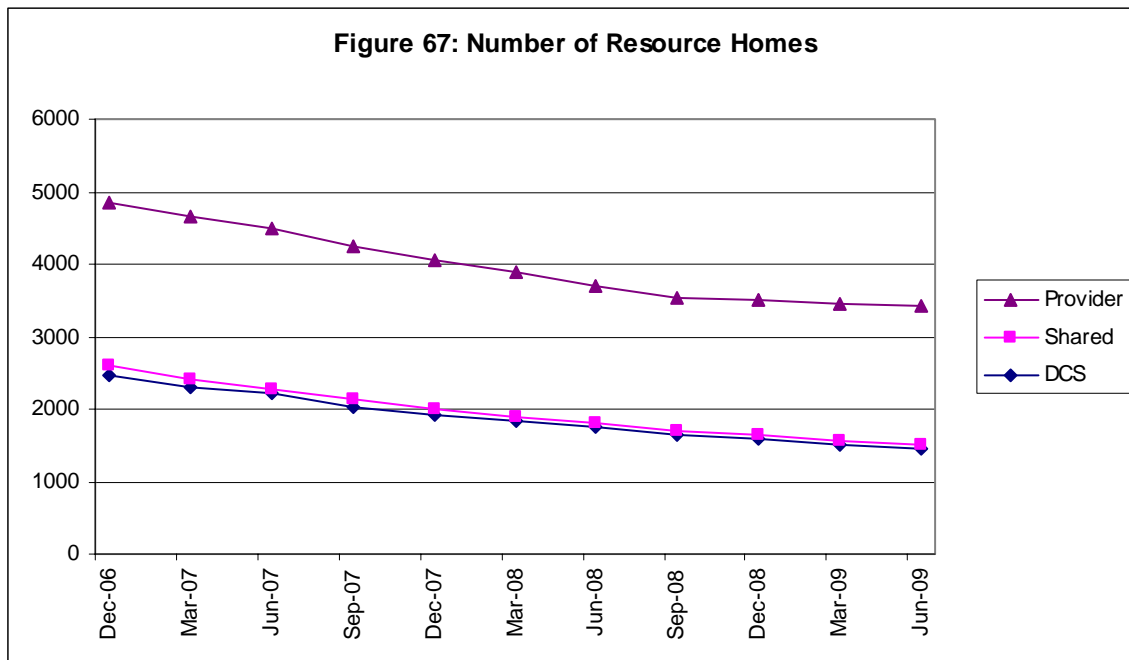
This section supplements the indicated subsections of Section Nine of the December 2008 Monitoring Report; letter and number designations of the supplemented subsections and figures correspond to those of that report.

A. General Infrastructure Related to Recruitment and Retention

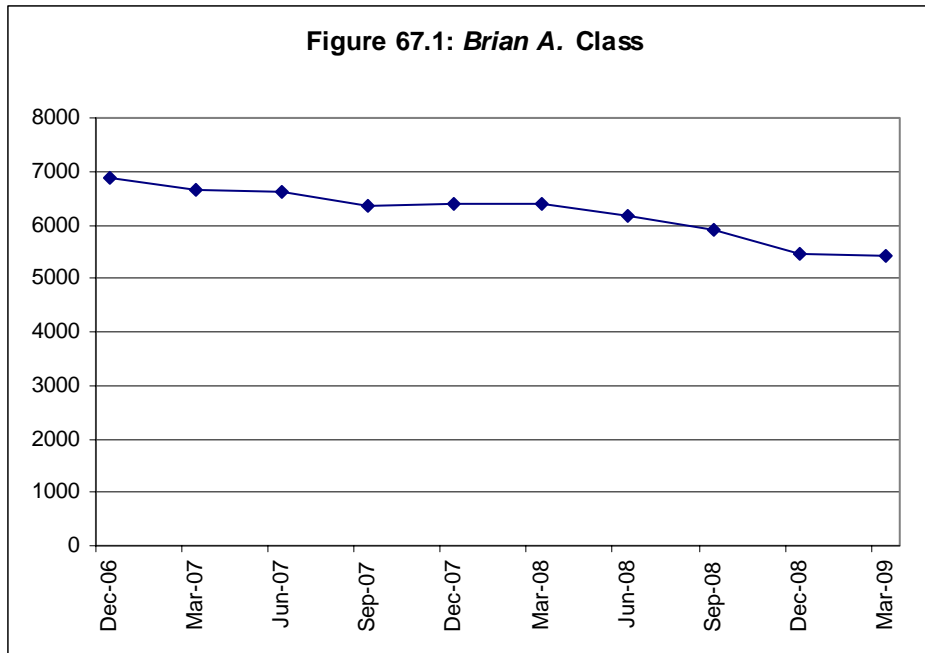
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2. Development of Resource Parent Database

Figures 67 and 67.1 below compare the number of resource homes from December 31, 2006 to March 31, 2009 with the number of children in the *Brian A.* class from December 31, 2006 to March 31, 2009. During this time period, there has been a decline in the number of total resource homes (DCS and provider) from 4,862 to 3,442 (net loss of 1,420 homes) and a decline in the number of class members in DCS custody from 6,873 to 5,413 (net reduction in the custodial population of 1,460 children).



Source: TNKids Approved Resource Home Timeframe Report.



Source: Brian A. Class List

Figure 67 does not include homes that have an expedited approval only and are not fully approved. Reporting on homes that have expedited approval only is difficult because the reports list expedited homes that have long since ceased to have a DCS child placed in them. According to the Resource Home Dashboard, there were 669 homes with an expedited approval as of March 31, 2009. According to the TNKids “Expedited Resource Home Timeframe Report,” there were 1,143 homes that had an initial expedited approval in their current activation period as of March 30, 2009, of which 478 homes have reached full approval. Six hundred and sixty-five of those homes have an expedited approval as of March 30, 2009. Of these 665 homes, 221 had a client placed in them according to this report. Many of the remaining homes have not had a child placed in them for a long time and possibly should have been closed.

* * *

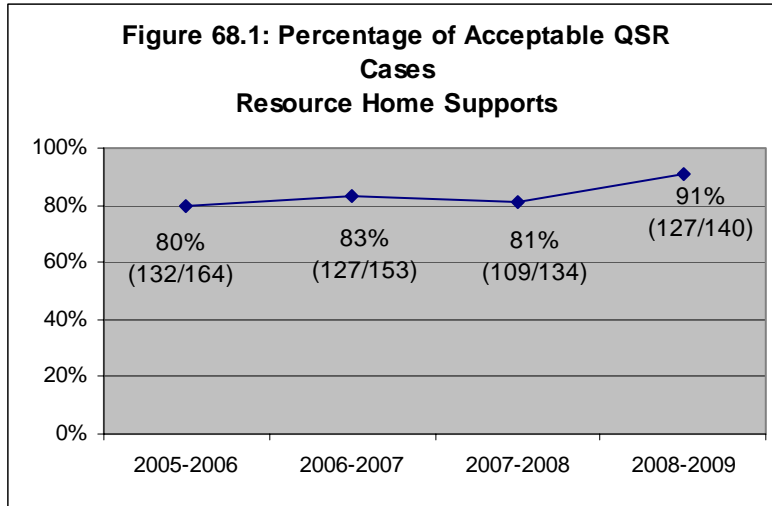
4. Resource Parent Support Activities

The Quality Service Review includes a specific focus on the quality of the support that the Department provides to resource parents. The QSR indicator for Resource Home Supports requires the reviewer to determine whether the resource family is being provided the training, assistance, supervision, resources, support, and relief necessary to provide a safe and stable living arrangement for the child that meets the child’s daily care, development, and parenting needs.

Figure 68.1⁵⁷ presents the number and percentage of *Brian A.* cases receiving acceptable scores for Resource Home Support in the past four annual QSRs. Only cases of class

⁵⁷ Figure 68.1 corresponds to Table 52 in the December 2008 Monitoring Report.

members placed in out of home family settings are presented. The resource homes reviewed for this indicator included both resource parents and pre-adoptive parents. Children with finalized adoptions are not included in the QSR sample.



Source: Annual QSR finalized database⁵⁸

* * *

B. Additional Structural Requirements Related to Recruitment and Retention

The Settlement Agreement also requires that the Department:

* * *

- respond to all inquiries from prospective resource parents within seven days after receipt (IX.C.1);

* * *

- identify specific staff to conduct exit interviews with all resource parents who voluntarily resign (IX.C.3); and
- issue annual reports on why resource families leave DCS and what steps are necessary to ensure their retention (IX.C.3).

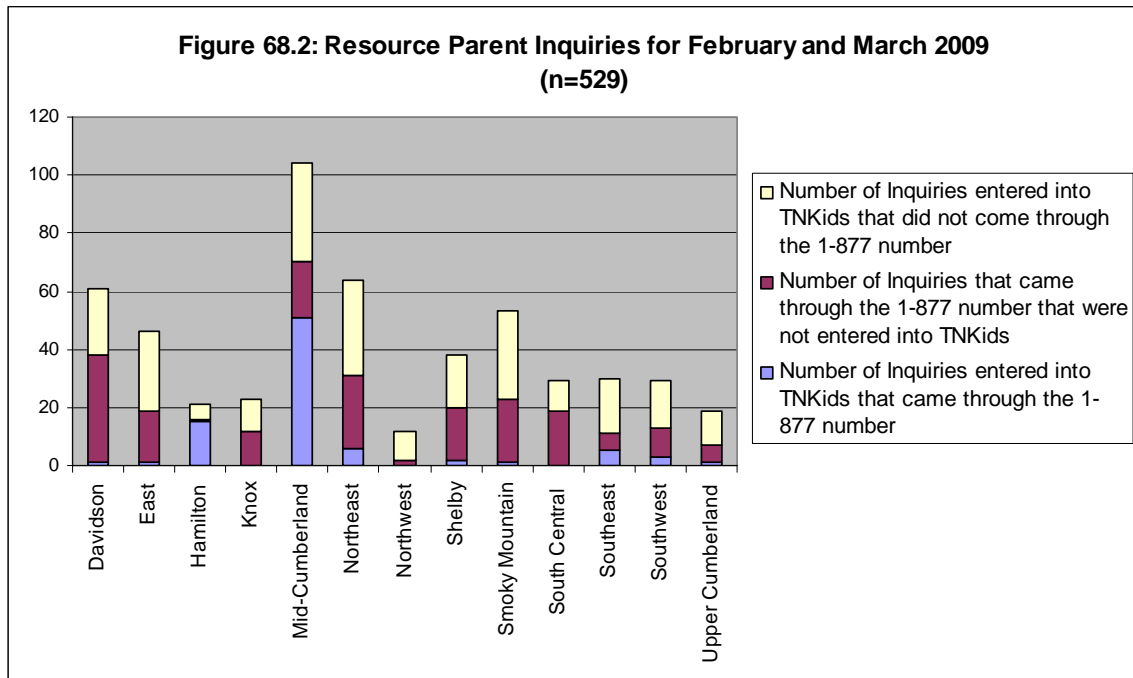
Prospective resource parents can inquire about resource parenting through the Department’s 1-877 number for prospective resource parents or through the regional offices directly. When calls come to the 1-877 number, they are answered by Foster Care

⁵⁸ Figure 68.1 includes QSR data for all 13 regions for 2008-2009, but as of this report, the data has been finalized for only eight regions.

staff in Central Office and the information about the prospective resource parent is emailed to the appropriate region.

Regions are expected to contact the prospective resource parent and enter the home into TNKids as an inquiry. A tracking spreadsheet has been developed for all of these inquiries. Regions also enter prospective resource parents into TNKids as inquiries if they come to the region’s attention directly or through another source.

Figure 68.2 shows the number of inquiries called into the 1-877 number in February and March 2009 that had been entered into TNKids as of April 2009, the number of inquiries called into the 1-877 number during February and March 2009 that had not been entered into TNKids as of April 2009, and the number of inquiries entered into TNKids that did not come through the 1-877 number but came to the region through another source.



Source: TNKids Path Inquiry Follow Up Report and Tracking Spreadsheet for Inquiries Made to the 1-877 Number

Since the issuance of the Department’s 2007 Exit Interviews Report in 2008, the Department has not consistently conducted exit interviews and there have been no further reports generated. Beginning July 1, 2009 the responsibility for conducting exit interviews and reporting the results of the interviews has been assumed by a private agency (Harmony Adoptions).

C. Resource Parent Approval Process

The Settlement Agreement requires that the Department:

* * *

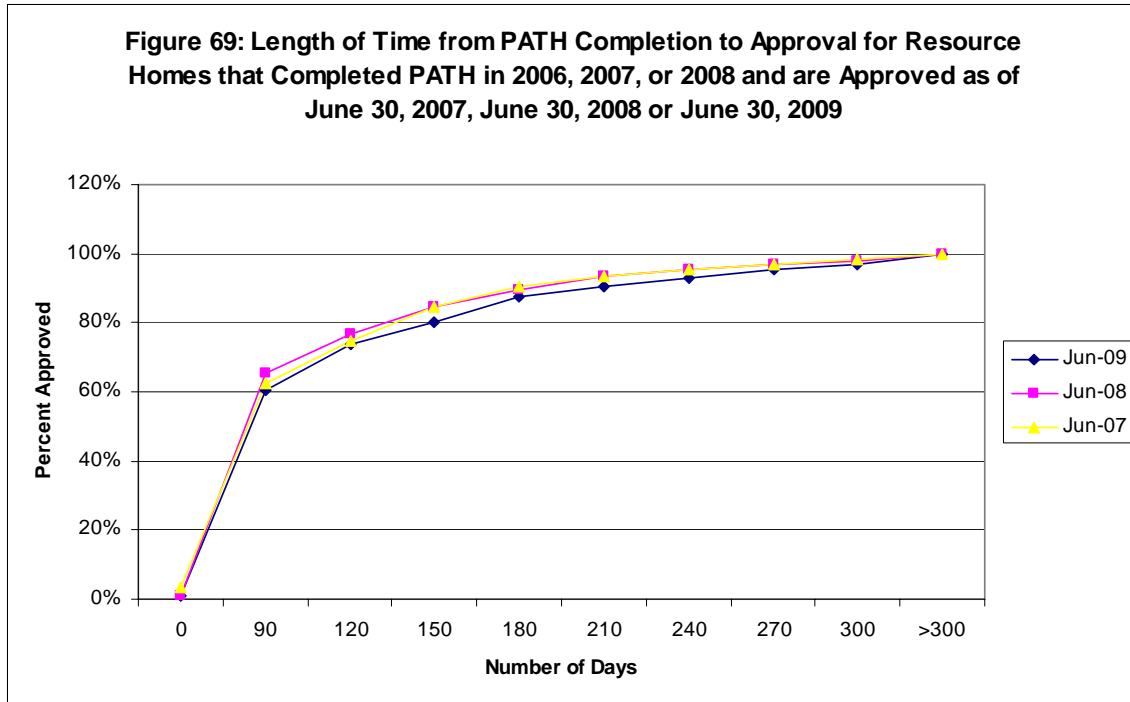
- complete all home studies within 90 days of applicant's completion of approved training (PATH training), unless the applicant defaults or refuses to cooperate (IX.C); and

* * *

- provide for a waiver of approval of the requirements for relatives wishing to care for related children...In situations where approval for placement has been granted under a waiver, all remaining approval requirements, including the relatives' completion of approved resource parent training, shall be completed within 150 days of the placement (IX.G).

The following figure reflects the time from completion of PATH training to approval for homes that completed PATH from January 1, 2006 through December 31, 2008 and had completed full approval by June 30 of the following year.⁵⁹

⁵⁹ This calculation omits: resource parents who were participating in PATH in 2009 but had not completed it as of December 31, 2009; people who completed PATH in 2006, 2007, or 2008 but were not approved as of June 30 of the following year; and people who completed PATH in 2006, 2007 or 2008 but were already approved and closed as of June 30 of the following year. It therefore gives an incomplete picture of the efficiency of the PATH training and approval process. Also, this calculation measures the time from PATH completion to full approval while the Settlement Agreement specifies time from PATH completion to the completion of the home study.



Source: TNKids Approved Resource Home Timeframe Reports.

There is, unfortunately, no DCS report that provides accurate data on the extent to which the Department is meeting the 150-day time limit for achieving full approval of an expedited resource home placement.

One potential source for this data is the TNKids *Brian A.* Class List. The list indicates for each child a “program type” and a “placement date” (reflecting the date that the child was placed in that “program”). A child placed in an expedited resource home placement that has not yet received final approval should have the program type designation “EXPHM” (expedited resource home); the “placement date” field is the date from which the 150 days to full approval can be measured. Once an expedited home receives full approval, the “program type” should be changed to “DCSFH” (DCS resource home).⁶⁰ If the Department is meeting the requirements for timely full approval of expedited resource homes, there should be no children on the *Brian A.* Class List with a placement type designated “expedited” and a placement date more than 150 days from the date of the.

However, when TAC monitoring staff attempted to use the *Brian A.* Class List for reporting on the time from initial expedited placement to final approval, it appeared that a significant number of homes listed as still being “expedited” (not fully approved) had been fully approved, according to other TNKids sources.

⁶⁰ A provider home cannot be an expedited home; however, it is possible (although in practice rare) that a home that reaches full approval could under certain circumstances opt to become a private agency home rather than a DCS home. In those rare cases (TAC monitoring staff found just one instance in their reviews in this area) the program type would not change to “DCSFH” but would instead change to the appropriate contract designation (e.g., Level 2 or Level 2 Continuum).

For example, the December 31, 2008 TNKids *Brian A.* Class List identified 19 expedited resource placements (some serving just one child, others serving sibling groups) for which the placement dates were each prior to January 1, 2008, indicating that these children had been in these placements for over a year without the homes achieving final approval. However, for 10 of these placements, notwithstanding the EXPHM designation on the *Brian A.* Class List, the child's TNKids placement screen indicated that the homes had been fully approved. Of the remaining nine homes, seven were still indicated as expedited homes both on the *Brian A.* Class List and in the child's placement screen in TNKids, but the resource home summary in TNKids listed the home as having been fully approved.

Only two homes remained in expedited approval status with children placed in them as of March 31, 2009 according to all three sources (the *Brian A.* Class List pulled from TNKids, the child's placement screen in TNKids, and the resource home summary screen in TNKids). The Department followed up on these two homes. In one case, the home study was recently completed, and in the other, the home study is expected to be completed by August 2009.

In order to provide some reporting on the extent to which recent expedited resource home placements are achieving full approval within 150 days, TAC monitoring staff reviewed the 146 expedited resource home placements identified in the December 31, 2008 *Brian A.* Class List with placement dates between September 1 and December 31, 2008. By May 31, 2009, each of those resource homes should either have achieved full approval or have been closed as a resource home.⁶¹

To determine whether a home continued to serve as a resource home and, if so, whether it had been fully approved, TAC monitoring staff relied on recent *Brian A.* Class Lists, the child's placement screen, and the resource home summary screen. A home was considered fully approved if any of those sources reflected that the home was fully approved.

Of the 146 homes identified, in 60 the children were discharged to the custody of the relative that had initially served as an expedited resource placement or to their parents or were otherwise released from custody prior to May 31, 2009. In 37 others, the child remained in DCS custody, but was moved to another placement prior to May 31, 2009. (Of these 97 homes, 11 had reached full approval status prior to May 31, 2009.⁶²)

Of the remaining 49 homes—those that were caring for a DCS custody child as of May 31, 2009—46 (94%) had completed the full approval process by May 31, 2009 with children remaining in the home. Only three (6%) had still not completed the full

⁶¹ This review was not able to look at the exact time from expedited placement to full approval. For homes in which the child(ren) were placed during the month of December 2008, the Department would have had between 150 and 180 days to complete approval. For children placed in November, they would have had between 180 and 210 days; for those placed in October, between 210 and 240 days, and for those placed in September, between 240 and 270 days.

⁶² Twenty-four homes still had an expedited approval status in TNKids with no custodial children placed in the home as of May 31, 2009.

approval process by May 31, 2009, according to all three sources. (The TAC has asked the Department to review those three homes.)

APPENDIX A

Regional and Statewide

Section XVI Outcome and Performance Measure Data for the Supplemental Reporting Period

XVI.A.1 Reunification or Living with Relatives within 12 Months of Custody						
Region	Supplemental Reporting Period Children Exiting Care to Reunification or Relative Placement between 4/1/08 and 3/31/09			Period III Children Exiting Care to Reunification or Relative Placement between 7/1/07 and 6/30/08		
	Within 12 Months	Within 24 Months (% of remaining children)	Over 24 Months (% of remaining children)	Within 12 Months	Within 24 Months (% of remaining children)	Over 24 Months (% of remaining children)
Davidson	71%	69%	31%	74%	64%	36%
East	76%	87%	13%	85%	69%	31%
Hamilton	66%	72%	28%	67%	72%	28%
Knox	75%	82%	18%	77%	93%	7%
Mid-Cumberland	73%	74%	26%	81%	72%	28%
Northeast	83%	74%	26%	82%	83%	17%
Northwest	78%	92%	8%	81%	89%	11%
Shelby	75%	68%	32%	77%	55%	45%
Smoky Mountain	78%	80%	20%	80%	82%	19%
South Central	76%	92%	9%	77%	93%	7%
Southeast	78%	90%	10%	78%	83%	18%
Southwest	74%	90%	10%	74%	84%	16%
Upper Cumberland	77%	63%	37%	74%	69%	31%
Statewide	76%	78%	22%	79%	75%	26%
Requirement (Period IV / Period III)	80%	75%		80%	75%	

XVI.A.2 Adoptions Finalized within 12 Months of Full Guardianship		
Region	Supplemental Reporting Period	Period III
	Full Guardianship Obtained between 10/1/06 and 3/31/08	Full Guardianship Obtained between 1/1/06 and 6/30/07
Davidson	72%	62%
East	81%	82%
Hamilton	73%	77%
Knox	77%	73%
Mid-Cumberland	70%	74%
Northeast	76%	74%
Northwest	70%	71%
Shelby	72%	76%
Smoky Mountain	78%	70%
South Central	78%	81%
Southeast	65%	67%
Southwest	76%	88%
Upper Cumberland	74%	77%
Statewide	74%	74%
Requirement (Period IV / Period III)	75%	75%

XVI.A.3 Number of Placements				
	Supplemental Reporting Period		Period III	
	Children in Custody between 4/1/08 and 3/31/09		Children in Custody between 7/1/07 and 6/30/08	
Region	Two or Fewer Placements within Prior 12 Months of Custody	Two or Fewer Placements within Prior 24 Months of Custody	Two or Fewer Placements within Prior 12 Months of Custody	Two or Fewer Placements within Prior 24 Months of Custody
Davidson	90%	79%	84%	78%
East	93%	85%	87%	81%
Hamilton	92%	83%	88%	79%
Knox	92%	84%	85%	76%
Mid-Cumberland	92%	85%	86%	79%
Northeast	96%	89%	92%	82%
Northwest	94%	90%	87%	78%
Shelby	93%	87%	87%	82%
Smoky Mountain	93%	86%	89%	81%
South Central	92%	86%	90%	82%
Southeast	94%	88%	89%	81%
Southwest	96%	90%	90%	84%
Upper Cumberland	94%	88%	90%	82%
Statewide	93%	86%	88%	80%
Requirement (Period IV / Period III)	90%	85%	90%	85%

XVI.A.4 Length of Time in Placement						
	Supplemental Reporting Period			Period III		
	Children in Custody between 4/1/08 and 3/31/09			Children in Custody between 7/1/07 and 6/30/08		
Region	Two Years or Less	Between Two and Three Years	More than Three Years	Two Years or Less	Between Two and Three Years	More than Three Years
Davidson	75%	14%	11%	74%	12%	14%
East	85%	9%	6%	87%	8%	5%
Hamilton	73%	14%	13%	73%	15%	12%
Knox	81%	10%	9%	82%	9%	9%
Mid-Cumberland	80%	11%	9%	80%	12%	8%
Northeast	78%	13%	9%	79%	12%	9%
Northwest	88%	3%	9%	82%	8%	11%
Shelby	77%	10%	13%	72%	11%	17%
Smoky Mountain	78%	12%	10%	79%	11%	10%
South Central	82%	13%	5%	87%	8%	6%
Southeast	84%	8%	8%	84%	6%	11%
Southwest	83%	12%	5%	84%	11%	5%
Upper Cumberland	80%	13%	7%	79%	12%	9%
Statewide	80%	11%	9%	80%	10%	10%
Requirement (Period IV / Period III)	75%	no more than 20%	no more than 5%	75%	no more than 20%	no more than 5%

XVI.A.5 Reentry within 12 Months of Most Recent Discharge Date		
Region	Supplemental Reporting Period Children Exiting Custody between 4/1/07 and 3/31/08	Period III Children Exiting Custody between 7/1/06 and 6/30/07
Davidson	7%	9%
East	8%	6%
Hamilton	4%	5%
Knox	4%	4%
Mid-Cumberland	6%	5%
Northeast	7%	5%
Northwest	11%	8%
Shelby	9%	9%
Smoky Mountain	6%	4%
South Central	7%	6%
Southeast	4%	7%
Southwest	5%	4%
Upper Cumberland	8%	10%
Statewide	7%	6%
Requirement (Period IV / Period III)	no more than 5%	no more than 5%

XVI.A.6 Adoptive Placement Disruption as of March 31, 2009		
Region	Supplemental Reporting Period Adoptive Placements Occurring between 4/1/08 and 3/31/09	Period III Adoptive Placements Occurring between 7/1/07 and 6/30/08
Davidson	1%	4%
East	0%	0%
Hamilton	0%	4%
Knox	1%	2%
Mid-Cumberland	3%	5%
Northeast	1%	1%
Northwest	11%	3%
Shelby	2%	1%
Smoky Mountain	1%	0%
South Central	6%	6%
Southeast	4%	2%
Southwest	0%	3%
Upper Cumberland	0%	0%
Statewide	2%	2%
Requirement (Period IV / Period III)	NA	no more than 5%

XVI.A.7 Achievement Measures (Youth Reaching at Least One Achievement Measure)					
	Supplemental Reporting Period				
	Youth Exiting Custody between 4/1/08 and 3/31/09				
Region	Achieving at Least One Achievement Measure	GED/High School Diploma	Enrolled in School	Full-time Employment	Receiving Post-Custody Services
Davidson	90%	32%	55%	3%	0%
East	93%	38%	55%	0%	0%
Hamilton	75%	13%	63%	0%	0%
Knox	96%	29%	67%	0%	0%
Mid-Cumberland	81%	17%	64%	0%	0%
Northeast	90%	45%	45%	0%	0%
Northwest	85%	39%	46%	0%	0%
Shelby	76%	9%	65%	2%	0%
Smoky Mountain	90%	34%	56%	0%	0%
South Central	87%	23%	65%	0%	0%
Southeast	92%	28%	64%	0%	0%
Southwest	94%	44%	50%	0%	0%
Upper Cumberland	94%	19%	75%	0%	0%
Statewide	87%	27%	60%	0%	0%
Requirement (Period IV)	90%				
	Period III				
	Youth Exiting Custody between 7/1/07 and 6/30/08				
Davidson	83%	15%	65%	2%	0%
East	88%	43%	43%	3%	0%
Hamilton	95%	5%	90%	0%	0%
Knox	92%	38%	54%	0%	0%
Mid-Cumberland	85%	26%	59%	0%	0%
Northeast	73%	34%	39%	0%	0%
Northwest	83%	39%	44%	0%	0%
Shelby	71%	12%	58%	1%	0%
South Central	91%	47%	42%	2%	0%
Smoky Mountain	84%	23%	58%	3%	0%
Southeast	84%	37%	47%	0%	0%
Southwest	100%	41%	59%	0%	0%
Upper Cumberland	88%	31%	56%	0%	0%
Statewide	84%	28%	55%	1%	0%
Requirement (Period III)	90%				

XVI.B.1 Parent-Child Visiting				
Region	Supplemental Reporting Period Children in Out-of-Home Placement with Reunification Goals during June 2008		Period III Children in Out-of-Home Placement with Reunification Goals during June 2008	
	Twice per Month	Once Per Month	Twice per Month	Once Per Month
Davidson	35%	59%	25%	24%
East	21%	33%	23%	10%
Hamilton	21%	29%	25%	15%
Knox	20%	40%	33%	18%
Mid-Cumberland	47%	72%	23%	23%
Northeast	21%	44%	29%	18%
Northwest	45%	61%	14%	20%
Shelby	22%	42%	21%	16%
South Central	17%	33%	31%	19%
Southeast	35%	50%	23%	12%
Southwest	21%	52%	26%	18%
Upper Cumberland	35%	54%	14%	16%
Statewide	26%	45%	22%	18%
Requirement (Period IV / Period III)	50%	60%	50%	60%

XVI.B.2 Sibling Visiting				
Region	Supplemental Reporting Period Sibling Groups Entering Custody within 30 Days of Each Other Who Were Separated during February and March 2009		Period III Sibling Groups Entering Custody within 30 Days of Each Other Who Were Separated during May and June 2008	
	Once per Month	Once Every Two Months	Once per Month	Once Every Two Months
Davidson	50%	50%	88%	0%
East	37%	35%	38%	34%
Hamilton	46%	43%	19%	23%
Knox	21%	37%	25%	40%
Mid-Cumberland	55%	60%	46%	43%
Northeast	50%	0%	29%	20%
Northwest	50%	0%	50%	0%
Shelby	35%	24%	27%	47%
South Central	31%	33%	11%	75%
Southeast	56%	50%	57%	67%
Southwest	0%	33%	33%	50%
Upper Cumberland	20%	38%	64%	25%
Statewide	36%	34%	37%	39%
Requirement (Period IV / Period III)	90%	90%	90%	90%

XVI.B.3 Placing Siblings Together		
Region	Supplemental Reporting Period Sibling Groups Entering Custody within 30 Days of Each Other during Fiscal Year 2008-2009	Period III Sibling Groups Entering Custody within 30 Days of Each Other during 2007
Davidson	86%	89%
East	84%	80%
Hamilton	88%	81%
Knox	91%	83%
Mid-Cumberland	87%	86%
Northeast	83%	89%
Northwest	90%	64%
Shelby	78%	84%
Smoky Mountain	84%	78%
South Central	87%	92%
Southeast	95%	92%
Southwest	87%	96%
Upper Cumberland	82%	96%
Statewide	85%	85%
Requirement (Period IV / Period III)	85%	85%

XVI.B.4 Filing a Petition to Terminate Parental Rights				
Region	Supplemental Reporting Period Children with Sole Adoption Goals for at Least Three/Six Months between 4/1/08 and 3/31/09		Period III Children with Sole Adoption Goals for at Least Three/Six Months between 7/1/07 and 6/30/08	
	TPR Activity within 3 Months	TPR Activity within 6 Months	TPR Activity within 3 Months	TPR Activity within 6 Months
Davidson	83%	75%	80%	33%
East	95%	33%	93%	22%
Hamilton	94%	100%	94%	0%
Knox	99%	0%	98%	0%
Mid-Cumberland	86%	33%	80%	50%
Northeast	89%	60%	84%	50%
Northwest	90%	100%	100%	0%
Shelby	76%	40%	58%	22%
South Central	81%	0%	100%	0%
Southeast	92%	0%	94%	0%
Southwest	100%	0%	100%	0%
Upper Cumberland	97%	0%	94%	33%
Statewide	90%	41%	85%	32%
Requirement (Period IV / Period III)	65%	75%	65%	75%

XVI.B.5 Timeliness of Placement in Adoptive Home (Intent to Adopt Signed within 6 Months of Full Guardianship)		
Region	Supplemental Reporting Period	Period III
	Children Obtaining DCS Full Guardianship between 4/1/08 and 9/30/08	Children Obtaining DCS Full Guardianship between 7/1/07 and 12/31/07
Davidson	64%	70%
East	56%	82%
Hamilton	31%	56%
Knox	66%	64%
Mid-Cumberland	75%	60%
Northeast	71%	62%
Northwest	50%	58%
Shelby	53%	53%
Smoky Mountain	66%	68%
South Central	44%	54%
Southeast	77%	36%
Southwest	46%	55%
Upper Cumberland	56%	76%
Statewide	61%	63%
Requirement (Period IV / Period III)	NA	65%

XVI.B.6 PPLA Goals						
Region	Supplemental Reporting Period			Period III		
	Children in Custody on March 31, 2009			Children in Custody on June 30, 2008		
	Sole	Concurrent	Total	Sole	Concurrent	Total
Davidson	1.2%	2.0%	3.2%	0.7%	1.6%	2.2%
East	0.2%	1.1%	1.3%	0.0%	3.1%	3.1%
Hamilton	0.0%	0.9%	0.9%	0.0%	4.1%	4.1%
Knox	0.9%	1.0%	1.9%	0.7%	2.5%	3.2%
Mid-Cumberland	0.0%	0.2%	0.2%	0.1%	0.3%	0.4%
Northeast	0.2%	0.7%	0.9%	0.7%	1.3%	2.0%
Northwest	0.0%	1.3%	1.3%	2.9%	2.2%	5.1%
Shelby	0.2%	0.2%	0.4%	0.3%	0.0%	0.3%
Smoky Mountain	0.0%	1.0%	1.0%	0.3%	4.3%	4.6%
South Central	0.0%	0.5%	0.5%	0.5%	0.7%	1.1%
Southeast	0.3%	0.0%	0.3%	0.7%	0.4%	1.1%
Southwest	1.5%	0.5%	2.0%	1.7%	2.2%	3.9%
Upper Cumberland	0.0%	0.0%	0.0%	0.0%	0.5%	0.5%
Statewide	0.3%	0.6%	0.9%	0.4%	1.7%	2.1%
Requirement (Period IV / Period III)	no more than 5%			no more than 5%		

XVI.B.7 Placements within 75 Miles		
Region	Supplemental Reporting Period Children in Custody during June 2008	Period III Children in Custody during June 2008
Davidson	85%	87%
East	89%	90%
Hamilton	91%	88%
Knox	84%	86%
Mid-Cumberland	90%	91%
Northeast	90%	92%
Northwest	87%	81%
Shelby	91%	91%
Smoky Mountain	91%	91%
South Central	91%	91%
Southeast	92%	93%
Southwest	95%	95%
Upper Cumberland	91%	90%
Statewide	90%	90%
Requirement (Period IV / Period III)	85%	85%

APPENDIX B

Supplemental Information on Placement Stability

The figure below provides a more detailed look, by region, at the number of placements experienced as of June 30, 2008 by children who entered care for the first time during fiscal year 2006-2007 (July 1, 2006 through June 30, 2007).

