Improving the Child Welfare Workforce:
Lessons Learned from Class Action Litigation

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This report offers rich perspectives on efforts to improve the child welfare workforce through class action litigation. It provides a useful framework to guide current and future efforts, and build upon the successes that have been achieved. Although the focus of this report is on the child welfare system, the lessons learned and recommendations may also be applicable to efforts to reform other types of social service systems.

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I. QUICK VIEW

The recruitment, preparation, support and retention of public and private child welfare staff working with abused and neglected children and families are important and ongoing concerns. Class action litigation focusing on reforming public child welfare systems across the country has often included efforts to improve the child welfare workforce.

Children's Rights, in collaboration with the National Center for Youth Law (NCYL) and with support from Cornerstones for Kids, conducted a review of efforts to strengthen the child welfare workforce in the context of class action litigation in 12 jurisdictions across the nation. Children's Rights and NCYL interviewed 74 key stakeholders — plaintiffs' counsel, current and former child welfare agency representatives, current and former court monitors, representatives of foster parent and service provider membership organizations, judges, children’s attorneys (guardians ad litem, GALs), consultants, advocates, private providers, mediators, university-agency training partnership staff and next friends1—in these jurisdictions about the provisions related to workforce issues that are included in the court orders in these cases, the progress made and the barriers that have hindered success.

Interviewees indicated that progress has been made to improve the child welfare workforce in these jurisdictions, and that work remains to be done. The vast majority of all interviewees said that there would not have been improvements without the litigation or that improvements would not have been as significant. Improvements noted by interviewees since the litigation included increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection. Many interviewees said that these workforce improvements had begun to translate into improved case practice and better outcomes for children and families. However, some interviewees said that workforce improvements that were made as a result of litigation had yet to result in improved outcomes.

The problem of staff turnover was identified by many interviewees as an area that had not been successfully addressed. Interviewees also noted only moderate improvements in regard to staff incentives (salary, benefits, professional development opportunities, etc.); the quality of supervision; working conditions, including safety issues; the use of research to inform practice; and leadership and agency culture. Interviewees noted that some improvements were difficult to sustain with leadership changes and the changing political and economic climate.

Reflecting on their experiences, interviewees made a number of suggestions for improving the child welfare workforce, which provide a useful framework to guide current and future reform efforts—in or outside of the context of litigation—and to build upon the successes that have been achieved. Interviewees made clear that specific strategies related to improving the workforce need to be front and center of any systemic effort to reform a child welfare system, whether court-ordered or not. When pursuing workforce reform in the context of litigation, the parties should seriously consider codifying some of the substantive recommendations below in the court order itself and/or in implementation plans developed as a result of the court order.

The recommendations listed below address ways to enhance the process of reforming the child welfare workforce (#’s 1-5), as well as substantive reform strategies (#’s 6-17). The Executive Summary and the full report contain more detailed information regarding specific activities and steps to improve the workforce.

1 A next friend is someone who acts as the client on behalf of a minor or incompetent plaintiff.
RECOMMENDATIONS

1. Increase outreach to and the involvement of key stakeholders in the design and monitoring of the workforce reform process.

2. Reduce acrimony between various stakeholders (e.g., litigants, management and staff, public and private agencies, etc.) by providing regular opportunities for interaction and communication about the workforce reform efforts.

3. Draw significantly upon policy and practice expertise in the design and monitoring of negotiated court orders and reform plans to improve the workforce.

4. Construct workforce reform efforts broadly, e.g., include all functions (investigations, in-home/preventive, foster care, and adoption) of the child welfare system.

5. Strike a balance between court orders that may be overly prescriptive and court orders that do not include enough interim or process measures to ensure a clear roadmap—and the necessary supports for the workforce—to improve outcomes for children and families.

6. Focus on staff retention efforts by establishing manageable caseloads and workloads and providing quality training and supervision, adequate salaries, benefits and incentives and access to professional development opportunities. Ensure that recruitment efforts focus on hiring the right staff for the right positions.

7. Improve the range of staff incentives, including appropriate salaries, benefits, stipends for advanced degrees or specialized skills and opportunities for advancement.

8. Develop and measure supervisory competencies, not only supervisory ratios or supervision hours. Create performance benchmarks that inform caseworkers' promotion to supervisory positions and the evaluation of supervisors' job performance.

9. In addition to increasing the number of training hours offered to staff, address the content and quality of training opportunities to ensure that they are based on best practices and help staff develop needed skills.

10. Establish caseload standards that reflect a real analysis of workload (i.e., the amount of time needed to perform the various functions of the job) and increase clerical supports to help workers do their jobs.

11. Improve working conditions and address safety issues both in and outside of the agency by providing clean and upgraded office space, desks, telephones and cell phones for workers, and instituting safety procedures such as stationing law enforcement in agency buildings and allowing for teaming on cases.

12. Implement organizational culture change at all levels, by ensuring high quality agency leadership, valuing worker input, communicating the agency mission internally and externally and retraining the entire workforce (not just new staff) in the philosophy and practice model.
13. Provide technological supports including user-friendly automated information systems, laptop computers and handheld personal digital assistants (PDAs), and solicit worker feedback when designing and refining these supports.

14. Create internal and external accountability and oversight structures through accreditation, ombudsman offices, child fatality and other review boards and fully staffed Quality Assurance units that conduct meaningful data analyses.

15. Expand data collection and analysis and utilize data to inform policy, practice, supervision and training at all levels.

16. Establish research and evaluation capacity through collaborations with universities to help conduct trend analyses, evaluate programs and inform performance-based contracting.

17. Develop legislative allies and cultivate child welfare champions to support the federal and local policy and resources necessary to maintain a qualified workforce with the appropriate caseloads, training, supervision and resources to effectively do their jobs.

Additional attention to and supports for the workforce must be provided in order to improve outcomes for children and families involved with child welfare systems across the nation.
II. EXECUTIVE SUMMARY

The recruitment, preparation, support and retention of public and private agency child welfare staff working with abused and neglected children and their families are important and ongoing concerns. During the past two decades, many questions have been raised about the adequacy of and the supports provided to the child welfare workforce, while at the same time research has highlighted the correlation between workforce issues and outcomes for children and families and expenditures at the federal, state and local levels. The quality of the child welfare workforce becomes a concern of the general public—if only momentarily—when the media reports on the deaths of children previously or currently known to the child welfare system and poor casework appears to have contributed to the deaths.

One body of class action litigation has focused on reforming public child welfare systems across the country. By creating a greater awareness of systemic problems, putting pressure on politicians and administrators and using the power of the courts to promote change, litigation has served as a catalyst for child welfare reform by enhancing resources and addressing critical workforce issues, including caseloads, staff qualifications, training, supervision, recruitment and retention, policy development, information systems, quality assurance and financing. Limitations that have been noted of class action litigation as a reform tool are its inherently adversarial nature and its potential to focus on rigid indicators of quantity (“bean-counting”) instead of creating a comprehensive, strategic process focused on quality and deep institutional change.

This report provides the findings from a review of efforts to strengthen the child welfare workforce through class action litigation and summarizes the lessons learned. These lessons provide a useful framework for current and future efforts to improve the child welfare workforce, both in and outside of the context of litigation.

Children’s Rights, in collaboration with the National Center for Youth Law (NCYL) and with support from Cornerstones for Kids, interviewed 74 key stakeholders involved in class action litigation in 12 jurisdictions about the provisions related to workforce issues that are included in the court orders in these cases, the progress made and the barriers that have hindered success. Interviewees were extremely candid in their interviews, providing very rich and deep perspectives. In addition to interviews with stakeholders, Children’s Rights and NCYL reviewed initial complaints, monitoring reports and other documentation containing data reflecting the progress made on workforce issues in these jurisdictions.

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5 Bertelli, 2004; Kaplan, 2003; CWLA & ABA Center on Children and the Law (ABA), 2005.
7 Bertelli, 2004; Kaplan, 2003; CWLA & ABA Center on Children and the Law (ABA), 2005.
Children's Rights conducted a review of the child welfare research, policy and practice literature\(^\text{16}\) and identified 12 components important to improving the quality and effectiveness of the workforce: 1) Recruitment and Retention; 2) Staff Incentives; 3) Supervision; 4) Training and Education; 5) Caseloads and Workloads; 6) Working Conditions; 7) Organizational Environment (agency mission, structure, culture, etc.); 8) Technology; 9) Accountability and Oversight; 10) Data; 11) Research and Evaluation; and 12) Funding and Legislative Support. These 12 components provided the framework for the interview protocol and review of available data from each of the jurisdictions.

The sections below highlight the major findings from this assessment, including what factors interviewees identified as most important to improving the child welfare workforce; the status of progress in these jurisdictions; and recommendations from the interviewees for current and future efforts to improve the child welfare workforce, which are applicable both in and outside of the context of litigation.

**FINDINGS**

**A. Contextual Factors Important to Improving the Workforce**

Interviewees consistently reported that the most important factors in improving the child welfare workforce in their respective jurisdictions were:

1) The leadership of the child welfare agency (i.e., the commissioner/director and senior management team setting the tone and expectations within the agency);
2) The resources, attention and pressure resulting from the litigation;
3) Budget considerations in the jurisdiction; and
4) Support of or resistance to the reform effort by social workers and supervisors.

Interviewees frequently noted the importance of a confluence of factors, e.g., that the litigation brought critical attention and resources, while strong agency leadership was necessary to implement the reforms. The vast majority of all interviewees said that there would not have been improvements without the litigation or that the improvements would not have been as significant.

**B. Assessment of Progress in Improving the Workforce**

Interviewees noted significant improvements in their respective jurisdictions since the court order, including increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection. Many interviewees said that these workforce improvements had begun to translate into improved case practice and better outcomes for children and families. However, some interviewees said that workforce improvements had yet to result in improved outcomes.

The problem of staff turnover was identified by many interviewees as an area that had not been successfully addressed. Interviewees also noted only moderate improvements in regard to staff incentives (salary, benefits, professional development opportunities, etc.), the quality of supervision, working conditions, the use of research to inform policy and practice and leadership and agency culture. Interviewees noted that some improvements were difficult to sustain with changes in leadership, staff turnover and the changing political and economic climate.\(^\text{17}\)

\(^{16}\) This literature review was developed by Children's Rights in the context of another joint project—also funded by Cornerstones for Kids—with the Children's Defense Fund. This project is examining federal policy and legislative changes to promote child welfare workforce improvements. The complete reference list is provided in Appendix 3.

\(^{17}\) The full report provides extensive detail and summaries of interviewees' commentary on the strategies to improve the workforce that were implemented, the challenges that were encountered and the degree of progress that was made.
C. Recommendations for Moving Forward

Reflecting on their experiences, interviewees made a number of suggestions for improving the process of child welfare workforce reform (i.e., the way reforms are designed and implemented, who is or is not involved in decisions, etc.), as well as recommendations for effective substantive reform strategies. Although this project studied workforce reforms taking place in the context of class action litigation, many, if not all, of the recommendations offered below are applicable to reform efforts occurring in or outside of litigation. These recommendations should be considered whether reforms are being made administratively, legislatively or pursuant to a court order.

Interviewees made clear that specific strategies related to improving the workforce need to be front and center of any systemic effort to reform a child welfare system, whether court-ordered or not. When pursuing workforce reform in the context of litigation, the parties should seriously consider codifying some of the substantive recommendations below in the court order itself and/or in implementation plans developed as a result of the court order.

Interviewees said that it is critical to consider and understand the agency culture and to identify the underlying causes of problems in the child welfare system. They noted the need to focus intensively on improving the quality of frontline practice through attention to the background and experience of staff hired, the content of training, the supervisory relationship and quality assurance and data feedback mechanisms. The focus cannot be exclusively on, for example, how many staff have been hired, how many hours of training staff are offered and how many case plans have a current date on them.

The recommendations listed below address ways to enhance the process of reforming the child welfare workforce (#’s 1-5), as well as substantive reform strategies (#’s 6-17).

1. Increase Outreach to Stakeholders

There was a very strong belief among the workforce that the decree had no relationship to them. It was only when they got to the point of involving workers, supervisors and managers that they began to get some traction about changes. Not that the decree itself would have been so different; it was really more about engaging people in the process.

CONSULTANT

A primary recommendation from interviewees was to increase outreach to and the involvement of key stakeholders—line staff, the union, foster parents, community service providers, local advocates, judges, etc—to obtain input and ensure broad-based support of workforce reform efforts. Interviewees said that some of the challenges to improving the workforce that arose during the course of the lawsuit were due to the failure to substantially engage key stakeholders during the reform process.

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18 Reviewed documents included initial complaints, early and recent monitoring reports and other documentation of the status of the child welfare system in each jurisdiction.
19 The data are not entirely comparable across jurisdictions because the same data indicators were not available for all jurisdictions. In addition, within cases, the pre- and post-data are not always comparable due to changes over time in the way data were measured.
2. Reduce Acrimony Through Regular Communication

Interviewees noted the need to take steps to reduce the acrimony that can occur between the parties in the course of litigation. (The analogue outside of the litigation context could be when acrimony develops between management and staff, the public and private sectors, etc., during high pressure situations, such as a child fatality, and communication between these groups becomes strained.) Interviewees involved in cases of both shorter and longer duration commented that acrimony sometimes contributed to periods of time during which not much happened to address workforce issues and concerns. Recognizing that litigation is an inherently adversarial context, interviewees identified the need to provide opportunities for regular interaction and communication among the stakeholders in order to facilitate productive working relationships as workforce reforms are being implemented.

3. Draw Significantly Upon Policy and Practice Expertise in Designing Reforms

Interviewees noted the importance of drawing significantly upon policy and practice expertise in the design and monitoring of negotiated court orders and reform plans, rather than having this as the sole province of defendants' and plaintiffs' attorneys. (The analogue to this outside of the context of litigation could include situations in which reform plans are driven by political pressures and media attention resulting from high profile cases.) Interviewees noted that the involvement of policy/practice experts can help ensure that requirements and implementation plans to improve the workforce are based on best practices and are feasible and practicable. Their involvement can also ensure the use of appropriate quantitative and qualitative methods to measure progress, identify trends and guide future reform efforts. In addition, interviewees said that the involvement of policy/practice experts may have the added benefit of reducing acrimony between the parties.

4. Broaden the Focus of Reforms

Interviewees said that it was important to construct workforce reform efforts broadly, both in terms of the functional areas within the child welfare system and geographically. For example, they noted difficulties when reform efforts were targeted "only" at the foster care workforce within a system (and not, for example, at the investigations or in-home/preventive services workforce), or "only" in one county office within a state. Interviewees said that different pieces of the system are inextricably inter-related, e.g., the number of children in foster care is in part a function of the investigation component of the system. They noted that more narrowly-focused court orders sometimes led to the unintended consequence of resources being decreased in other parts of the...
system or other areas of the state in order to comply with the provisions of a court order. (The analogue to this outside of the context of litigation could include situations in which resources and attention are applied in certain areas based on political pressures and media attention resulting from high profile cases.) Court orders have in fact sometimes been limited to certain functional areas within a child welfare system or to certain geographic areas, due to logistical and/or legal limitations. However, this does not necessarily preclude systems from attempting to implement reforms more broadly. A child welfare agency may be able to leverage the lawsuit (or the media pressure or spotlight of a tragedy) as an opportunity to advocate for appropriate workforce reforms in other "sectors" of the agency and statewide.

5. Balance Outcome and Process Measures

A number of interviewees suggested that it was important to pay more explicit attention in court orders to workforce issues. They advocated for moving beyond the standard provisions that have been included in court orders—such as maximum worker caseloads and supervisor/worker ratios—and including provisions that address, for example, training competencies, salaries and other staff incentives, quality of supervision, etc. Underscoring these recommendations, several interviewees said that only what is mandated gets done.

However, some interviewees said that court orders should be less prescriptive and process-oriented and more focused on outcomes. The nature of provisions focusing on workforce supports is that they are process-oriented, i.e., they reflect actions to be taken to improve supports for staff, rather than end-game outcomes for the jurisdiction to achieve for children, such as X percent of children will be returned home safely or adopted within required timeframes.

Herein may lie the "art" of class action litigation to improve the child welfare workforce: striking the balance between negotiated court orders that may be overly prescriptive and court orders that do not include enough interim or process measures to ensure a clear roadmap—and the necessary supports for the workforce—to ultimately improve outcomes for children. (The analogue to this outside of the context of litigation could include situations in which reform plans are imposed by the legislature, governor or mayor following high profile cases.)

6. Focus on Retention First, Then Recruitment

The majority of interviewees indicated that the litigation resulted in increased recruitment efforts, additional staff and greater systemic attention to both recruitment and retention. However, interviewees said that more attention needed to be paid to retention, as gains made through successful recruitment can be quickly thwarted by high turnover.
Interviewees recommended the following strategies to improve recruitment and retention:

- Thoughtfully plan and sequence the implementation of reforms, i.e., you cannot add 150 new staff without considering and planning for the various implications of a large-scale hiring (such as the training, supervision, administrative supports and technological resources that the newly hired staff will need in order to be effective);
- Provide a realistic job preview to prospective staff and focus on recruiting/hiring the "right" staff, not just hiring any potential candidate to meet hiring numbers;
- Conduct studies of turnover to better understand the factors driving turnover and inform efforts to improve retention;
- Ensure that workers are provided with adequate training and supervision so that they do not burn-out and leave;
- Establish appropriate caseloads and workloads so that workers can be successful;
- Ensure that workers have the practical resources necessary to do their jobs, e.g., desks, computers, cars and other supports;
- Establish social work degree requirements for staff, develop incentives for obtaining these degrees and establish relationships with local university social work programs that can provide a pipeline of degreed staff;
- Create meaningful employee appreciation activities;
- Address salary and promotional structures to make positions more competitive and attractive;
- Take necessary steps to ensure that the human resources (HR) function is connected to the agency mission and better aware of agency needs and goals;
- Streamline the hiring process to ensure swifter decision-making and correct challenges posed by state/county personnel systems, such as delayed response time to requests for filling vacancies and lengthy hiring processes;
- Develop specialized staffing departments, including overhire units designed to satisfy short-term, seasonal, or other workload challenges by maintaining a cadre of trained staff who can fill vacancies as they arise, or through the hiring of part-time or contract staff to fill vacancies caused by planned leaves or hiring freezes;
- Expand the pool of potential applications by utilizing Internet postings, recruiting staff at schools of social work, and conducting targeted recruitment of minorities; and,
- Recruit individuals with relevant life experience.

7. Improve Staff Incentives

Although staff in a few jurisdictions experienced gains in pay, most interviewees noted that worker salaries and benefits went unaddressed in many of the court orders and resulting reform efforts. Acknowledging the complexity of making change given state personnel systems and union contracts, interviewees spoke about the need to identify and attempt to rectify low salaries and undefined career paths, and to address salary and benefit disparities between the public and private sectors.

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20 Life–experienced workers include peers of consumers who provide services and supports; former consumers; residents of a common area or persons from the same culture who provide outreach and other linking services and supports; and human service workers with credentials who have earlier life experience in addition to their credentials. (Definition offered by Sid Gardner of Child and Family Futures in presentation at Cornerstones for Kids' grantees meeting, September 7, 2006).
Interviewees recommended the following strategies to improve the range of staff incentives:

- Conduct studies to compare agency salaries to those in other states or counties to make the case to the executive branch and legislature for pay increases and the development of more competitive pay scales;
- Offer stipends and incentives to workers for obtaining social work degrees;
- Create specialized, higher-pay positions to attract and retain specially-skilled staff (such as the creation of a sexual abuse unit staffed by staff with advanced degrees and experience in the assessment and treatment of children with sexual abuse histories); and
- Include private community service provider agencies in the problem-solving efforts and consider the impact on the system of salary differentials between the public and private sectors.

8. Develop and Measure Supervisory Competencies

Most interviewees noted that, since the litigation, supervisory ratios have improved, the amount of time caseworkers spend with their supervisors has increased and performance evaluations are completed in a more timely fashion. In several instances, however, interviewees said that the quality of supervision had not significantly improved.

Interviewees recommended the following strategies to improve the quality of supervision:

- Develop supervisory competencies and use them to inform decisions regarding promotion of caseworkers and as benchmarks to monitor supervisor performance;
- Place supervisors directly in the field with caseworkers to enhance the supervisory relationship and the timeliness of decision-making;
- Require supervisors to attend the same trainings as caseworkers to ensure transmission of classroom-based knowledge to the field;
- Develop comprehensive mentoring programs for supervisors;
- Create a managerial level dedicated solely to providing supervision to field supervisors;
- Require and provide funding for supervisors to obtain advanced social work degrees; and
- Facilitate the robust involvement of supervisors in the reform efforts through their inclusion in task forces and focus groups and the development of supervisor-directed reform plans at the local level.

9. Address the Content and Quality of Training

Almost all of the court orders included specific requirements regarding training hours. Most interviewees noted that the litigation led to substantially increased training and the establishment of both educational requirements and opportunities for staff. Some interviewees commented that improvements in training and education had resulted in better casework practice. However, other interviewees said that outcomes had not been affected by changes in training and education and noted that there was a need to focus more on the quality of training.
Interviewees recommended a number of strategies to improve training and education:

- Ensure that the training curriculum focuses on meaningful competencies and is based on the best information available about best practices;
- Retrain the entire workforce (not only newly hired staff) when implementing a new policy or practice model;
- Draw upon the resources of local universities to help develop and implement training;
- Ensure that social work programs are effectively preparing students for careers in child welfare;
- Develop supervisory training models that are compatible with the training provided to caseworkers to ensure greater congruence between caseworker and supervisor philosophy and practice;
- Provide stipends or subsidies for staff who pursue social work degrees and child welfare licensing credentials;
- Require all supervisors to obtain advanced social work degrees;
- Provide comprehensive on-the-job mentoring, including placing supervisors in the field with new caseworkers;
- Plan training schedules so that staff can attend, and monitor and track staff attendance at trainings;
- Monitor staff performance in relation to training competencies;
- Ensure that trainings and educational opportunities are held in locations that are convenient for staff to attend;
- Develop an on-site MSW program at the agency; and
- Monitor private community service provider compliance with training requirements.

10. Establish Caseload Standards That Reflect a Real Analysis of Workload

The majority of interviewees said that the litigation played a substantial role in defining appropriate caseload limits and decreasing worker caseloads. They also noted, however, that progress has been hindered by worker turnover, the causes of which can include inadequate clerical support. While some interviewees said that clerical supports improved following the litigation, others indicated that needed administrative supports were largely overlooked during the reform process.

Interviewees recommended a number of approaches to decrease caseloads and workloads:

- Increase the allocation of caseworker and supervisor positions;
- Initiate large-scale recruitment of new, qualified staff;
- Assess workloads so that caseload limits can more appropriately be set;
- Assess and allocate funding for clerical and paraprofessional support staff;
- Reorganize staff assignments to allow for job sharing and teaming on cases;
- Locate offices in the neighborhoods where staff are working so that workers are closer to the children and families they serve; and
- Create specialized staffing units to ensure the maintenance of trained staff to fill vacancies when they arise.

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21 Workload refers to the amount of time it takes to complete all case-related tasks, e.g., transporting children to family visits, developing a case plan, meeting with foster parents, etc.
11. Improve Working Conditions

A small number of interviewees said that, following the court order, office environments were cleaned and upgraded, desks and telephones became available for all workers and safety protocols were instituted.

Interviewees recommended an increased focus on these issues through a number of strategies:

- Conduct a comprehensive study of working conditions, including safety needs and physical plant issues;
- Involve staff in developing solutions, to avoid inappropriate or shortsighted responses to safety or physical plant issues;
- Provide all caseworkers with cell phones;
- Station law enforcement personnel in agency buildings;
- Allow for teaming on difficult cases; and
- Decentralize agency offices to ensure that workers are closer to necessary resources and supports in emergencies.

12. Improve Leadership and Organizational Culture

Many interviewees said that the litigation brought in new and stronger leadership and helped catalyze needed changes in the workforce culture and organizational environment. However, interviewees noted that, over the "life" of a case, gains were made during times of good leadership, and progress often slowed or stalled during times of bad leadership. They also said that leadership turnover has negatively affected the pace of reform, and that having leaders without practical child welfare or human services experience, as well as limited or inadequate leadership in local area offices, posed challenges to the reform efforts.

Several interviewees said that, in hindsight, there should have been a harder push for new and better leadership in their respective jurisdictions, especially in the context of spearheading the reform. Interviewees also noted that, at times, too much attention was paid by the child welfare agency to developing a new mission or vision for the agency, and not enough effort was put into infusing it into policy and practice.

Interviewees recommended the following strategies to improve leadership and the organizational environment:

- In the context of litigation, specifically, include provisions in the court order that specify the required skills and experience for child welfare agency leaders, and discuss leadership needs during the creation of reform plans to implement the court order;
- Place the highest priority on identifying and retaining a strong leadership team within the child welfare agency by conducting a national search for agency leaders and managers to ensure the best possible candidates;
- Draw upon national child welfare expertise to help shape the vision, mission and philosophy of the agency;
• Ensure that agency leaders actively engage frontline staff by soliciting their feedback and periodically shadowing their work activities to gain a realistic perspective regarding the complex challenges they face and address every day;
• Retrain the entire workforce, not simply newly hired staff, when implementing a new policy and practice model;
• Engage local area office leaders and management teams in the reform efforts (not just headquarters), as well as caseworkers and supervisors, to encourage greater buy-in and comprehensive culture change; and
• Include private community service providers working with the child welfare agency in workforce reform efforts.

13. Provide Necessary Technological Supports

Approximately half of the interviewees said that the litigation brought about substantial improvements in terms of technological resources, including the provision of cell phones, laptop computers and PDAs, as well as the development of well-functioning, user-friendly automated information systems.

Interviewees recommended two basic strategies to ensure that workers have the technological supports they need to do their jobs well:

• Provide all staff with access to transportation, cell phones and computers; and,
• Solicit worker feedback when developing new or refining existing technology to ensure usefulness.

14. Create Internal and External Accountability and Oversight Structures

The majority of interviewees noted that, since the litigation, there had been substantial improvement in agency transparency with stakeholders and quality assurance (QA) reporting, as well as the initiation of accreditation activities, ombudsman offices, child fatality review boards and other stakeholder review boards.

Interviewees recommended a number of different strategies to ensure robust internal and external oversight and quality assurance processes that provide meaningful feedback to managers and staff both during and after the reform effort:

• Staff agency QA units with qualified individuals who have backgrounds in research and evaluation;
• Ensure that QA units rely on comprehensive data reflecting the quality of services, client satisfaction with services and systemic factors that impact outcomes;
• View and use QA reports as tools for supervision and reform;
• Share QA reports with stakeholders and monitoring groups;
• To ensure objectivity for a period of time during the early phases of reform, consider initially contracting out the QA function to a university, that would set up the data elements, reporting processes and unit structure, before transferring it in-house later on; and
• Encourage local offices of the child welfare agency (i.e., not just the agency headquarters) to become directly involved in QA activities, and develop QA capacity in local offices to ensure responsibility for and buy-in to oversight activities and reforms.

As with most of the interviewees' recommendations, the above recommendations are relevant both in and outside the context of litigation. In the context of litigation specifically, interviewees recommended taking steps to establish and fund an independent monitoring function to ensure the identification of key data needs; development of new methods for collecting and analyzing data; framing of QA reporting to inform policy and practice; and consultation to the parties regarding best practices and reform strategies. Interviewees also noted the importance of developing and defining clear exit criteria and a plan achieving those benchmarks to prevent reform fatigue, or a lack of energy, attention and focus resulting from there being no end in sight.

15. Expand Data Collection and Analysis

The majority of interviewees viewed the litigation as playing a substantial role in improving data collection, management and sharing in their jurisdiction. Many interviewees also noted that while the quantity of available information had increased significantly, data reports were not consistently being used to inform the field.

Interviewees recommended a range of strategies to improve administrative data collection, analysis and reporting and the utilization of data to inform policy, practice, supervision and training:

• Create staff focus groups to ensure buy-in to changes in data collection processes and the use of data to influence training, supervision and policy and practice decisions;
• Develop and enhance automated information systems to ensure that relevant data can be accessed and analyzed in a timely fashion;
• Improve the availability of data reporting by office, supervisory unit and individual caseworker;
• Issue regular regional and unit-level reports to provide information to staff and stakeholders and to allow for ongoing comparison and improvement; and
• Increase transparency on the part of the agency regarding data elements, methodology and reporting.

16. Develop and Make Use of Research and Evaluation Capacity

The majority of interviewees noted that research and evaluation to analyze trends and identify and evaluate best practices have improved following the litigation. However, interviewees also noted that comprehensive child welfare research has only recently been a focus in the field and that future efforts by the child welfare agency should center on the development of research studies to inform evidence-based practice models.

An organizational focus on data would strengthen issues locally. Giving data more priority and monitoring the use of data, especially at the local level, is something that could be done to improve the workforce.

Research has improved in terms of what to measure and how to measure it, but there is work to be done in understanding what to do with the information. We are much better at assessing data today – the solutions side requires more work. They are still unclear regarding what to pay attention to, and what trends mean. It is important that they continue to learn to set targets, and watch the information to see what happens, rather than setting targets based on the data they already have.

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22 Although most of the cases have/had independent monitors, a few interviewees in jurisdictions where there was or is no independent monitoring function noted the need for a funded, independent monitoring function.

23 When a case for which there is a court order also has an exit plan, either in the order itself or in a separate document, then the parties have reached agreement on a set of measures, or “exit criteria,” the occurrence of which would mean the state or county can exit from the court order, and the case would successfully conclude.
Interviewees recommended a number of different strategies to improve research and evaluation capacity in child welfare agencies:

- Collaborate with state and local universities to facilitate comprehensive analysis of agency programs and outcomes;
- Conduct workforce research focused on recruitment and retention issues such as salaries and reasons for turnover; and
- Use research capacity to implement performance-based contracting with private providers.

17. Cultivate Legislative Allies and Child Welfare Champions and Ensure Lessons Learned from Litigation and Other Reform Efforts Are Incorporated into State and National Law and Policy

The majority of interviewees indicated that the litigation resulted in significant increases in legislative attention, funding and policy changes for child welfare services. Interviewees said that, prior to the litigation, the legislature generally had very little interest in child welfare, and few "child welfare champions" existed in their jurisdiction. Interviewees noted that the litigation served to engage child welfare managers, governors, legislators and others in a dialogue about child welfare and the resources needed to reform the system. The savviest administrators were able to take advantage of the opportunity presented by the litigation to strengthen their case to the legislature for adequate funding and to develop child welfare champions to support a qualified workforce with appropriate caseloads, training, supervision and resources to effectively do their jobs.

Interviewees also commented that it was important to take steps to institutionalize key provisions from the court order into state legislation and/or regulations, so that requirements and resources live on after the end of the lawsuit. Interviewees said that the lessons learned from litigation should be brought to bear on national child welfare policy including, for example, national caseload standards, necessary training and resources, and effective quality assurance processes.

In addition, interviewees noted that there are learnings from the litigation context that can inform the indicators that should be measured through the federal Child and Family Service Reviews (CFSRs).

Interviewees recommended several strategies to increase legislative support and ensure that the lessons learned from litigation live on after the lawsuit has ended:

- Increase collaboration between the parties to more actively engage legislators and educate them about child welfare issues and needed resources;
- Make use of the power of the court in the class action case to attempt to leverage certain levels of funding for the system;
- Explore innovative financing strategies, including waivers or the development of a children's taxing district24;
- As appropriate, incorporate the tenets of the court order or reform effort into state and local child welfare legislation and policy; and,
- Utilize the lessons learned in litigation and other reform efforts to advocate for new resources and effective policy at the federal level.

24 A county where taxes are raised to help children and their families by levying local property taxes purely to help provide children with services and supports.

PLAINTIFFS' COUNSEL

Our county ended up with a healthy funding stream – tripled its child welfare budget. With the lawsuit, we were able to educate the community . . . This fundamentally changed the system. We used it politically, and used the press and worked with legislators and local leadership.

PLAINTIFFS' COUNSEL

Improving the Child Welfare Workforce: Lessons Learned from Class Action Litigation 18
CONCLUSION

This report provides the findings from a review of efforts to strengthen the child welfare workforce through class action litigation and summarizes the lessons learned. This assessment indicates that improvements have been made in the child welfare workforce in jurisdictions that have been the subject of child welfare class action reform litigation, including increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection.

Work remains to be done to improve staff turnover, staff incentives, the quality of supervision, leadership and agency culture and the use of data and research. The interviewees’ recommendations for moving forward provide a useful framework for strengthening the child welfare workforce both in and outside the context of litigation. The graphic on pages 94-97 provides a brief summary of these recommended strategies to strengthen the child welfare workforce. Additional attention to and supports for the workforce must be provided in order to improve outcomes for children and families involved with child welfare systems across the nation.
III. INTRODUCTION

The recruitment, preparation, support and retention of public and private child welfare staff working with abused and neglected children and their families are important and ongoing concerns in the child welfare field. During the past two decades, many questions have been raised about the adequacy of and supports provided to the child welfare workforce, as research has highlighted the impact of workforce issues on outcomes for children, youth and families, and on expenditures at the federal, state and local levels. Caseworkers with high caseloads have less time to interact with children and families, develop and implement thoughtful case plans and provide appropriate supervision of placements. Caseworkers without social work degrees are less successful in developing permanency plans, and caseworker turnover is associated with children experiencing multiple placements, lingering in foster care and not being placed in permanent homes. The United States Department of Labor estimates that the cost of worker turnover is approximately one-third of a caseworker’s annual salary, meaning child welfare agencies take a hit of approximately $10,000 every time a worker leaves. The quality of the child welfare workforce becomes a concern of the general public—if only momentarily—when the media reports on the deaths of children previously or currently known to the child welfare system, and poor casework appears to have contributed to the deaths.

Child welfare class action litigation has focused on reforming public child welfare systems across the country. By creating a greater awareness of systemic problems, putting pressure on politicians and administrators, and using the court to promote change, litigation has served as a catalyst for child welfare reform by enhancing resources and addressing critical areas, including caseloads, staff qualifications, training, supervision, recruitment and retention, policy development, information systems, quality assurance and financing. Limitations of class action litigation as a reform tool that have been noted are its inherently adversarial nature and potential to focus on indicators of quantity (“bean-counting”), instead of creating a comprehensive, strategic process focused on quality and deep institutional change.

Settlement agreements, consent decrees and other court ordered remedies (hereafter, court orders) resulting from class action litigation in multiple jurisdictions across the nation have included provisions specifically targeted to improving the child welfare workforce. When workforce improvements are mandated by the courts, they are legally enforceable and subject to ongoing monitoring. The implementation of a child welfare court order can therefore effectively serve as a demonstration project for evaluating model strategies to improve the workforce. This report provides the findings from a qualitative assessment of efforts to strengthen the child welfare workforce through class action litigation and summarizes the lessons learned. These lessons provide a useful framework for current and future efforts to improve the child welfare workforce in the context of litigation and other reform efforts.

Children’s Rights, in collaboration with the National Center for Youth Law (NCYL) and with support from Cornerstones for Kids, undertook an assessment of the workforce issues that precipitated and/or became the

33 CWLA & ABA Center on Children and the Law (ABA), 2005.
34 CSSP, 1996; Gluck Mezey, 1998.
35 For the sake of brevity we have used the term "court orders" throughout this report as a general term to encompass all the court-ordered remedies represented in this study, although in some instances the remedies may have been by consent. Despite the nomenclature, the common thread is that all are/were court-enforceable, court-ordered remedies.
36 CWLA & ABA, 2005.
focus of class action litigation in 12 jurisdictions;37 the provisions related to workforce issues that are included in the court orders in these cases; the factors associated with successful implementation of these provisions; and the barriers that have hindered success.

The primary source of information for this assessment was interviews with 74 key stakeholders involved in these 12 class action lawsuits. Interviewees included plaintiffs' counsel, current and former public child welfare agency representatives, current and former court monitors, representatives of foster parent and service provider membership organizations, judges, children's attorneys (GALs), consultants, advocates, private providers, mediators, university-agency training partnership staff and next friends.38 The interview process elicited information pertaining to the following general questions:

- What issues precipitated the lawsuit? How were the issues precipitating the lawsuit identified? Were workforce issues specifically identified?
- How longstanding were the identified issues?
- How appropriate or effective were the initial provisions in the court orders? How appropriate/effective are the current provisions?
- Was/is there anything particularly unique to the case in your jurisdiction?
- What is the current status of the child welfare workforce in relation to each of the provisions of the court order/settlement agreement? Has progress been made on all, some, or none of the provisions? In what areas has there been substantial or moderate improvement? In what areas has there been little or no improvement?
- What strategies have been implemented?
- What have the barriers to improvement been?
- What steps should or should not have been taken to promote greater improvements?
- Would improvements have occurred without the court orders? Why or why not?

Children's Rights and NCYL also reviewed initial complaints, early and recent monitoring reports and other documents containing data reflecting the progress that has been made and the challenges encountered in improving the child welfare workforce in these jurisdictions.

Interviewees provided broad commentary on the steps that have been taken in their jurisdictions to improve the workforce, some of which were required by explicit provisions in the court order, and others of which, while not explicitly included in the court order, grew out of it and/or occurred in the context of litigation. Interviewees were extremely candid in their interviews, providing very rich and deep perspectives on improving the child welfare workforce through class action litigation. Interviewees' unvarnished, verbatim comments are provided throughout this report.

A complete description of the methodology for this assessment, its limitations and the steps taken to mitigate the limitations are provided in Section IV. Briefly stated, the limitations of this assessment include the following: the interviews were conducted by staff from Children's Rights and NCYL, which are plaintiffs' counsel organizations involved in many of the lawsuits being studied; plaintiffs' counsel, who would presumably have a favorable view of litigation, were among the interviewees; no child welfare agency representatives were interviewed in three of the 12 cases, as consents were not granted; the number of interviewees differed across cases; the length of interviewees' involvement with the cases varied; and the "age" of the cases varied. It should be noted that Children's Rights analyzed interviewees' commentary with and without plaintiffs' counsel, and there was a remarkable degree of consistency in the comments across the various roles of the stakeholders.

37 Class action child welfare reform cases in the following 12 jurisdictions were the focus of this project: Alabama; Arkansas; Baltimore, Maryland; Broward County, Florida; Connecticut; Illinois; Kansas City, Missouri; Milwaukee, Wisconsin; New Mexico; Tennessee; Utah; and Washington, D.C.
38 A next friend is someone who acts as the client on behalf of a minor or incompetent plaintiff.
Section V provides descriptive information regarding the number and nature of provisions related to workforce issues in the court orders in the 12 identified cases. Section VI provides the findings from the interviews.

The purpose of this assessment was to compile and take stock of the experiences and lessons learned in these cases so that this information can be shared and utilized to inform current and future efforts to improve the child welfare workforce. The major focus and value of this report are the themes that clearly emerged across the comments of the 74 interviewees in the 12 cases, which provide a useful framework for improving the child welfare workforce in the context of litigation and other reform efforts.

Appendix 1 provides examples of workforce provisions in the 12 court orders. Appendix 2 provides the confidentiality/consent form used for interviewees employed in a child welfare agency currently subject to an active court order. Appendix 3 provides the complete references list used to develop the 12 components to improving the quality and effectiveness of the workforce.
IV. STUDY METHODOLOGY

This study was a collaborative project of Children's Rights and NCYL and was funded by Cornerstones for Kids. The project primarily utilized in-depth interviews with stakeholders, supplemented by document reviews, to gather information regarding the factors that have supported and hindered implementation of provisions of court orders in class action lawsuits that address child welfare workforce issues.

Children's Rights conducted a review of the available literature on child welfare workforce issues. Through this review, 12 core components to improving the quality and effectiveness of the child welfare workforce were identified and informed the structure and scope of this project:

1. Child welfare agencies must reduce the barriers to recruiting and retaining a quality workforce.
2. Child welfare caseloads and workloads must be kept at manageable levels.
3. Meaningful supervision and mentoring for caseworkers enhance best practice interventions with children and families, which in turn increases caseworkers' job satisfaction.
4. The child welfare workforce must be re-professionalized through opportunities for quality education and competency-based training.
5. Effective quality assurance and accountability mechanisms must be in place to support an effective child welfare workforce and to ensure positive outcomes for children, youth and families.
6. A supportive organizational environment, led by strong, competent, visionary and committed child welfare professionals, is needed to promote workers' long-term commitment to child welfare.
7. Valuable employment incentives, including pay increases, benefits and promotional opportunities, are essential.
8. Timely, accurate and consistent data are essential for supporting a quality, effective child welfare workforce.
9. Relevant, comprehensive research and evaluation are crucial to ensuring continuous improvement in the child welfare workforce.
10. Workers must be provided with technological resources and support staff to help them meet their professional responsibilities and keep track of important information about the children and families they serve.
11. The child welfare workforce must have safe and suitable workspace.
12. Funding and legislative support are critical to making important and lasting improvements in the ability of the child welfare system and its workforce to meet the needs of vulnerable children and families.

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40 This literature review was developed by Children's Rights in the context of another joint project—also funded by Cornerstones for Kids—with the Children's Defense Fund. This project is examining federal policy and legislative changes to promote child welfare workforce improvements. The complete reference list is provided in Appendix 3 of the full report.

41 Workload refers to the amount of time it takes to complete all case-related tasks, e.g., transporting children to family visits, developing a case plan, meeting with foster parents, etc.
From this review, the following definition of "workforce provision" was developed to identify workforce provisions in court orders and select cases for inclusion in the project:

*A workforce provision is any goal, benchmark, activity or intended outcome in a court order that directly targets developing and improving the quality and capacity of the child welfare workforce. This includes any type of provision that is designed to make the workforce better able to perform its duties and responsibilities; professionalizes the workforce; aids in the recruitment and retention of workers; improves the organizational environment and culture; or aims to develop improved systems of accountability, oversight, and evaluation of practice. The "workforce" includes all public and private agency child welfare workers, supervisors and administrators (child protective services, intake, ongoing, foster care, adoption, etc).*

Children’s Rights and NCYL initially identified 18 major current and recent child welfare system reform class action lawsuits that potentially addressed workforce-related issues. Following a review of these 18 lawsuits, six cases that were in active litigation or early settlement phase or did not specifically address any workforce-related issues were excluded. The 12 cases ultimately included in the review are listed in Table 1 below.

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42 The following cases were excluded from the review: Charlie & Nadine H. v. Codey (NJ); Kenny A. v. Perdue (GA); Braam v. DSHS (WA); Olivia Y. v. Barbour (MS); Marisol v. Pataki/Guiliani (NY); Sheila A v. Finney (KS).
Table 1: Child Welfare Class Action Lawsuits Reviewed for this Project

<table>
<thead>
<tr>
<th>Case Name</th>
<th>Jurisdiction</th>
<th>Plaintiffs' Counsel</th>
<th>Date of Initial Complaint Filing</th>
<th>Date of Initial Court Order</th>
<th>Date Case Ended</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. David C.</td>
<td>Utah</td>
<td>NCYL (Oakland, CA) Co-counsel: Morrison &amp; Foerster (San Francisco, CA); Jones, Waldo, Holbrook &amp; McDonough (Salt Lake City, UT)</td>
<td>Feb. 1993</td>
<td>May 1994</td>
<td>N/A</td>
</tr>
<tr>
<td>5. G.L.</td>
<td>Kansas City, MO</td>
<td>Children's Rights (New York, NY) Co-counsel: Shook, Hardy &amp; Bacon (Kansas City, MO); [Case initially filed by Legal Aid of Western Missouri, (Kansas City, MO)]</td>
<td>March 1977</td>
<td>March 1983</td>
<td>Feb. 2006</td>
</tr>
<tr>
<td>6. Jeanine B.</td>
<td>Milwaukee, WI</td>
<td>Children's Rights (New York, NY) Co-counsel: American Civil Liberties Foundation of Wisconsin (Milwaukee, WI); Gray, Plant, Moody, Moody &amp; Bennett, PA (Minneapolis, MN); Dorsey &amp; Whitney (Minneapolis, MN)</td>
<td>June 1993</td>
<td>Dec. 2002</td>
<td>N/A</td>
</tr>
<tr>
<td>Case Name</td>
<td>Jurisdiction</td>
<td>Plaintiffs' Counsel</td>
<td>Date of Initial Complaint Filing</td>
<td>Date of Initial Court Order</td>
<td>Date Case Ended</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------------------------------</td>
<td>-----------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>9. L.J</td>
<td>Baltimore, MD</td>
<td>NCYL (Oakland, CA) Co-Counsel: Venable LLP (Baltimore, MD); Whiteford, Taylor &amp; Preston, LLP (Baltimore, MD); Public Justice Center (Baltimore, MD)</td>
<td>Dec. 1984</td>
<td>Sep. 1988</td>
<td>N/A</td>
</tr>
<tr>
<td>11. R.C.</td>
<td>Alabama</td>
<td>Bazelon Center for Mental Health Law (Washington, DC) Co-counsel: Alabama Disabilities Advocacy Program (Tuscaloosa, AL); Southern Poverty Law Center (Montgomery, AL); Hogan &amp; Hartson, LLP (Washington, DC)</td>
<td>Nov. 1988</td>
<td>June 1991</td>
<td>N/A</td>
</tr>
<tr>
<td>12. Ward</td>
<td>Broward County, FL</td>
<td>Youth Law Center (San Francisco, Ca) Co-Counsel: Colodny, Fass, Talenfeld, Karlinsky &amp; Abate, PA (Fort Lauderdale, FL); Michael Dale, Professor of Law at Nova Southeastern University Law School (Ft. Lauderdale-Davie, FL)</td>
<td>Oct. 1998</td>
<td>May 2000</td>
<td>October 200143</td>
</tr>
</tbody>
</table>

On August 14, 2001, plaintiffs filed a motion for preliminary injunction to enforce the settlement agreement, appoint a monitor and seek continuing jurisdiction. The judge denied the motion on October 16, 2001, and denied reconsideration.

Improving the Child Welfare Workforce: Lessons Learned from Class Action Litigation 26
Children's Rights and NCYL reviewed the court orders in each of these cases and identified all of the workforce-related provisions. Section V of this report provides descriptive information regarding the number and nature of the identified provisions. Appendix 1 provides examples of the provisions contained in the court orders.

A structured interview protocol was developed by Children's Rights in consultation with NCYL.

Ninety individuals associated with the 12 cases were identified as possible interviewees. Plaintiffs' counsel initially identified 50 individuals to be interviewed. During their interviews, these interviewees subsequently identified 40 additional potential interviewees. These 90 individuals included 20 plaintiffs' counsel, 30 current or former public child welfare agency representatives, 13 current or former court monitors, 14 advocates (next friends; child advocates; foster/adoptive parent associations; service provider membership organizations; citizen review board members or other stakeholder monitoring groups) and 13 others (juvenile court judges; university-agency training partnership staff; private providers; consultants; mediators).

As shown in Table 2 below, the overall response rate from the 90 potential interviewees was 82%. For 10% of the prospective interviewees, consent was not granted. Eight percent of the prospective interviewees were unable to be located or did not respond to requests to be interviewed.

<table>
<thead>
<tr>
<th>Role</th>
<th>Consented</th>
<th>Declined</th>
<th>No Response / Unable to Be Located</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiffs' Counsel</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Current/Former Child Welfare Agency Representative</td>
<td>21</td>
<td>9</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Current/Former Court Monitor</td>
<td>11</td>
<td>0</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>Advocate</td>
<td>12</td>
<td>0</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>0</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>TOTAL</td>
<td>74</td>
<td>9</td>
<td>7</td>
<td>90</td>
</tr>
</tbody>
</table>

It should be noted that some interviewees held more than one role during and/or since the litigation, (such as interviewees who were public employees at one point and then later became private agency employees or advocates.)

This category includes public child welfare agency commissioners and staff, current and former; i.e., not only parties who were specifically named as defendants in the lawsuit.
The majority of cases (nine out of 12) had between five and seven interviewees. One case had three interviewees and two cases had nine and ten interviewees, respectively. In three of the 12 cases, no current or former child welfare agency representatives were interviewed due to agency counsel declining to grant consent. In these three cases (as in all of the cases), advocates, monitors and private providers were among those interviewed, in addition to plaintiffs' counsel.

Phone interviews were conducted from August 2005 to May 2006 by Children's Rights policy and legal staff and NCYL legal staff. All interviewees were promised confidentiality, i.e., that their specific comments would not be attributed to them in the final report. Current and former child welfare agency representatives whose agency counsel permitted their participation were also promised that the information they provided during their interviews could not be used in the context of current or future litigation. This agreement was documented through a formal consent that was signed by all parties (see Appendix 2).

All of the commentary provided by interviewees was reviewed and major themes were identified. Where possible, some of the commentary was quantified and analyzed by Children's Rights using SPSS (Statistical Package for the Social Services), a commonly used data entry and analysis program.

In addition to conducting the interviews, Children's Rights and NCYL reviewed initial complaints and early and recent monitoring reports and other documents in these cases that provide data on selected workforce indicators and describe the progress that has been made and the challenges encountered in the jurisdictions under review.

Limitations

This assessment has certain limitations including the following:

- The interviews were conducted by staff from Children's Rights and NCYL, plaintiffs' counsel organizations involved in the lawsuits being studied, raising the question as to whether interviewees would be hesitant to be critical of the litigation. To mitigate this to some degree, the majority of the interviews were conducted by staff from the Policy Department of Children's Rights, who were not directly involved in the cases. Based on the numerous verbatim quotes provided throughout the report, it appears that many interviewees were not in fact shy to voice their criticisms and concerns.
- Plaintiffs' counsel were included among those interviewed. In addition, in three of the 12 cases, no current or former child welfare agency representatives were interviewed, as consents were not granted. In these three cases (as in all of the cases), advocates, monitors and private providers were among those interviewed, in addition to plaintiffs' counsel. To mitigate the potential for findings to be skewed towards a positive view of litigation and its impacts, some key analyses of the interviewees' commentary were conducted on both the full sample and a sub-sample excluding the plaintiffs' counsel. For the most part, there were very small differences in the results between the full sample and the sub-sample excluding the plaintiffs' counsel. For example, 93% of the entire sample indicated that the lawsuit was very important or important to improving the workforce in the child welfare system, compared to 91% of the non-plaintiffs' counsel interviewees. In the instances where there were differences in the results between the two groups, that information is provided. However, as noted above, the thrust of this report is not the quantitative analyses, but rather the themes that emerged, which were remarkably consistent across cases and the various roles of interviewees. Where different viewpoints existed among various parties, that information is presented.
- Nine of the 12 cases had between five and seven interviewees; however, one case had three interviewees and two cases had nine and ten interviewees, respectively. To mitigate the possibility of a particular case being over- or under-represented in our analyses, we examined commentary both across interviewees and within cases and report these findings from a general perspective; however, specific case-by-case analyses of interviewees' comments are not provided in this report, as this assessment was not designed to report individually on particular cases.
• The length of involvement of the interviewees with the cases varied from a short period of time to many years.
• The age of the cases varied, from three to 29 years. However, interviewees involved in "short" and "long" cases frequently expressed similar concerns, for example, the issue of progress being stalled during certain periods of time due to poor agency leadership.

Although some of the interviewees' comments have been quantified to provide a general sense of the preponderance of interviewees' perspectives, e.g., percent of interviewees who rated a certain factor to be important to improving the workforce, percent of interviewees who said a certain issue had improved in their jurisdiction, etc., this was not intended to be and is not a scientific, quantitative study.

The purpose of this qualitative assessment was to compile and take stock of the experiences and lessons learned in these cases so that this information can be shared and utilized to inform current and future efforts to improve child welfare systems, and specifically the child welfare workforce. The major focus and value of this report are the consistent themes that emerged across the comments of the 74 interviewees in the 12 cases, which provide a framework for improving the child welfare workforce in the context of litigation and other reform efforts.
V. CHILD WELFARE WORKFORCE PROVISIONS IN COURT ORDERS

Children’s Rights and NCYL reviewed the court orders in the 12 identified class action child welfare reform cases and categorized all of the provisions in these orders related to developing and improving the quality and capacity of the child welfare workforce. A total of 342 workforce provisions were identified in the court orders across the 12 cases. It should be noted that some court orders contained a general provision on an issue, while others contained several very detailed individual provisions on elements of the same issue.

The provisions in the court orders were organized into the following major categories based upon the review of the literature:

1. **Recruitment and Retention**, including capacity-building, creation of new positions and/or units and agency activities to seek out applicants for open positions;
2. **Staff Incentives**, including salaries, benefits and promotional opportunities;
3. **Supervision**, including supervisory ratios, the quality and quantity of supervision and performance evaluations;
4. **Training and Education**, including pre-employment screening and training opportunities, in-service and ongoing training opportunities for caseworkers and supervisors, training curriculum development and modification, certification and educational requirements for staff and training and education partnerships with colleges and universities;
5. **Caseloads and Workloads**, including standards for practice, staffing ratios and the provision of clerical and paraprofessional supports;
6. **Working Conditions**, including office space and accommodations and on-the-job safety plans and supports;
7. **Organizational Environment**, including agency structure, mission, vision, culture, leadership, policies and regulations;
8. **Technology**, including the availability of telephones, cell phones, pagers, cameras, computers, Personal Digital Assistants (PDAs) and other supports;
9. **Accountability and Oversight**, including accreditation activities, the development of Quality Assurance units (QA) and ongoing QA activities;
10. **Data**, including documentation and reporting requirements, data collection and data-sharing;
11. **Research and Evaluation**, including assessment of service delivery outcomes, outcomes for children and families and use of evidence-based practices, and evaluation of individual caseworker and supervisor performance in relation to benchmarks and key child and family outcomes; and
12. **Funding and Legislative Support**, including additional resources and financial support for the system through budgetary allocation and legislative efforts.

Provisions related to caseload and workload were found in the court orders in all 12 of the cases. Provisions related to training and education were found in all but one of the cases. Other provisions found in the court orders in the majority of cases were those focused on recruitment and retention; supervision; and, accountability and oversight. Court orders in five of the 12 cases contained provisions related to the organizational environment. Court orders in three of the 12 cases contained provisions related to data and information and/or research and evaluation. One court order contained provisions related to funding and legislative support. Only one court order contained provisions related to incentives. None of the court orders contained provisions related to working conditions and technology. Appendix 1 provides examples of workforce provisions identified in the court orders.
VI. FINDINGS

This section provides the findings from the 74 interviews conducted with plaintiffs' counsel, current and former child welfare agency representatives, current and former court monitors, advocates and a range of other informants in the 12 jurisdictions that were the focus of our study. The findings are organized into 2 areas:

- **Section A** provides interviewees' perspectives on the importance of various contextual factors in improving the child welfare workforce.

- **Section B** provides information on the strategies that were utilized to improve the workforce in the 12 jurisdictions; the barriers that were encountered; the interviewees' ratings of progress in improving the workforce during the life of the lawsuit; and their perspectives on the lessons learned.

A. Importance of Various Contextual Factors in Improving the Child Welfare Workforce

Interviewees were asked to rate the importance of various contextual factors in improving the child welfare workforce in their respective jurisdictions. As shown below in Table 3, three factors were consistently identified by the majority of interviewees (more than 70%) to be the most important: 1) the leadership of the child welfare agency; 2) the resources, attention and pressure resulting from the litigation; and 3) budget considerations. A fourth important factor identified by interviewees was support of or resistance to the reform effort by social workers and supervisors. Interviewees frequently noted the importance of a confluence of factors, e.g., the lawsuit brought critical attention, and strong agency leadership was necessary to implement the reforms.

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*Hereinafter referred to as child welfare agency representatives.*

*Hereinafter referred to as monitors.*
Table 3: Role of Different Factors in Improving the Child Welfare Workforce

<table>
<thead>
<tr>
<th>Factor</th>
<th>Very Important</th>
<th>Important</th>
<th>Somewhat Important</th>
<th>Not Important</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child welfare agency leadership</td>
<td>78%</td>
<td>16%</td>
<td>5%</td>
<td>-</td>
</tr>
<tr>
<td>Lawsuit and resulting court orders</td>
<td>74%</td>
<td>19%</td>
<td>7%</td>
<td>-</td>
</tr>
<tr>
<td>Budget considerations</td>
<td>74%</td>
<td>18%</td>
<td>4%</td>
<td>4%</td>
</tr>
<tr>
<td>Support/resistance by caseworkers/supervisors</td>
<td>45%</td>
<td>28%</td>
<td>12%</td>
<td>15%</td>
</tr>
<tr>
<td>Local advocacy</td>
<td>35%</td>
<td>18%</td>
<td>32%</td>
<td>15%</td>
</tr>
<tr>
<td>Legislative leadership</td>
<td>23%</td>
<td>26%</td>
<td>28%</td>
<td>23%</td>
</tr>
<tr>
<td>Response to tragedy</td>
<td>16%</td>
<td>22%</td>
<td>34%</td>
<td>28%</td>
</tr>
<tr>
<td>Major reform initiated by governor or county manager (separate from the lawsuit)</td>
<td>15%</td>
<td>23%</td>
<td>23%</td>
<td>31%</td>
</tr>
<tr>
<td>Child and Family Services Reviews/Program Improvement Plans</td>
<td>12%</td>
<td>18%</td>
<td>27%</td>
<td>42%</td>
</tr>
<tr>
<td>Union influence and advocacy</td>
<td>11%</td>
<td>10%</td>
<td>10%</td>
<td>47%</td>
</tr>
</tbody>
</table>

Child Welfare Agency Leadership

Ninety-four percent of interviewees said that child welfare agency leadership was very important (78%) or important (16%) to improving the child welfare workforce. An additional 6% said that agency leadership was "somewhat important" for improving the workforce.

According to one child welfare agency representative, "Leadership with a vision is crucial. A consent decree without strong leadership won't make a difference." Another interviewee (a training consultant) said, "[The Commissioner] went out and worked with people and got close to the workforce, not in a micromanagement way, but gained their loyalty and support. He was very hands on, went on investigations with staff, tried to see the job through workers' eyes, and he really gained the support of the workers. At the same time, he wasn't trying to win the support of every single person, just a critical mass, so he could start to work with them to change the system."

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48 Some rows do not add to 100 due to rounding.
49 Thirty-one percent said that reforms initiated by the manager or governor were not important, and 8% said that there were no reforms of this type applicable to their jurisdiction.
50 One person (1.4% of the sample) said he/she did not have knowledge to be able to speak to this question.
51 Forty-seven percent said that the union was not important, and 23% said the union was not applicable in their jurisdiction. It should be noted that there was inconsistency among interviewees within cases, i.e., there were cases in which one interviewee said the union was "not applicable," yet other interviewees in the same jurisdiction indicated that the union was applicable and, as such, provided a rating of how important the union was to improving the child welfare workforce.
Interviewees noted that, over the "life" of a case, gains were made during times of good leadership, and progress sometimes slowed or stalled during times of bad leadership, i.e., leaders who lacked child welfare expertise and/or political savvy. Some noted that, while the lawsuit could not substitute for good leadership, the lawsuit ensured continued pressure on the agency, the legislature and other key stakeholders as administrations and leaders changed over time.

The Lawsuit

Ninety-three percent of interviewees indicated that the lawsuit and its resulting court orders and monitoring were very important (74%) or important (19%) to improving the child welfare workforce. An additional 7% said the lawsuit was "somewhat important" for improving the workforce. No interviewees (0%) said the lawsuit was not important.

Furthermore, 87% of interviewees said that there would not have been improvements without the lawsuit. An additional 11% said the improvements would not have been as significant or occurred as quickly without the lawsuit. The box below provides many of the interviewees' comments on the role of the lawsuits in their respective jurisdictions.

**WOULD THERE HAVE BEEN IMPROVEMENTS WITHOUT THE LAWSUIT?**

- Folks would have never defined the workforce as a real problem worthy of fixing without the consent decree. These issues often require additional resources, and you couldn't deal with the problem without the pressure and spotlight of the consent decree.
  **MONITOR**

- Nothing sets the bar quite like a lawsuit. The structure of a decree gives more than just an agency working to implement changes, because it brings in the mayor, governor, etc., because the political cost is too high to have failures publicized.
  **ADVOCATE**

- Neither the county nor the state would have allocated the resources to invest in the system without the litigation. But, litigation can also undermine the staff morale and camaraderie. The community can lose respect and confidence in the child welfare system, which has to be rebuilt.
  **CHILD WELFARE AGENCY REPRESENTATIVE**

- [The lawsuit] lit a fire. It was a very significant factor, probably most significant in addressing caseload size. But for the lawsuit, ASFA and the CFSRs, there would be no reform. If you remove the lawsuit, then the demand for caseload reduction would be far less timely and effective.
  **CHILDREN'S COURT JUDGE**

- What is mandated and expected gets managed and done. Nothing else.
  **ADVOCATE**
WOULD THERE HAVE BEEN IMPROVEMENTS WITHOUT THE LAWSUIT?, cont.

• It seems to me very unlikely. It was recognized that caseloads were too high and that the workforce wasn’t as prepared as it should be, but the governor and the legislature didn’t respond in a very well-organized political effort. There was a wide perception that a lawsuit was needed.
  PLAINTIFF’S COUNSEL

• No, I don’t believe there would have been improvements, largely because child welfare was not a political priority.
  CHILD WELFARE AGENCY REPRESENTATIVE

• I think [there would have been improvements without the consent decree], because of such growing concerns. I think the agency would have imploded on its own based on other pressures.
  CHILD WELFARE AGENCY REPRESENTATIVE

• My impression is that there probably would have been some without the lawsuit, but there were probably more because there was a court order. It put more focus on making improvements.
  CHILD WELFARE AGENCY REPRESENTATIVE

• The consent decree was key to opening up funding streams; that is a big factor. The decree also was very important in bringing technical support to help shape a new culture.
  CHILD WELFARE AGENCY REPRESENTATIVE

• For 20 years, the agency existed without any movement towards improvement. There wouldn’t have been improvements without the lawsuit. There is no constituency for abused and neglected children.
  ADVOCATE

• There might have been some improvements, but they wouldn’t have been as quick or grand.
  CHILD WELFARE AGENCY REPRESENTATIVE

• Because the legislature has to allocate the FTEs and put the money behind them, and social services has never been such a great focus [in our state], I don’t think we could have gotten what we did without the consent decree.
  CHILD WELFARE AGENCY REPRESENTATIVE

Budget

Ninety-two percent of interviewees said budget considerations were very important (74%) or important (18%) to improving the child welfare workforce. Eight percent of interviewees (six interviewees representing six different jurisdictions) said budget considerations were only somewhat important or not important at all.

Agency Staff Support

Seventy-three percent of interviewees indicated that social workers’ and supervisors’ support of various reform efforts and initiatives was very important (45%) or important (28%) to improving the child welfare workforce. Twelve percent said it was somewhat important. Fifteen percent (eleven interviewees representing seven jurisdictions) said this was not an important factor. One child welfare agency representative noted, "Caseworkers and supervisors viewed the settlement agreement as their salvation." A Children's Court Judge indicated that "Line social workers have bought into efforts to improve the child welfare system." On the other hand, another child welfare agency representative in a different jurisdiction explained "A lot of us agency staff looked at ourselves as victims in the beginning [of the lawsuit]."

Interviewees generally noted that it was important to engage caseworkers and supervisors early on in the reform process and to sustain that connection, as their buy-in or lack thereof could significantly impact the
success of the reform efforts. Non-plaintiffs' counsel interviewees (e.g., child welfare agency representatives, monitors, advocates, others) were somewhat more likely than plaintiffs' counsel interviewees to say that worker support or resistance was an important factor; 82% of non-plaintiffs' counsel interviewees said so compared to 73% of the entire sample.

**Legislative Leadership**
Approximately half of interviewees noted legislative leadership as an important factor influencing the child welfare workforce; however, a consistent theme among interviewees was that legislatures paid attention and provided resources only after and in response to public pressure from the lawsuit. As the monitor in one case put it, "We needed key legislative advocates to help move this along, but have never found proactive legislative leadership on children's issues."

**Local Advocacy**
About half (53%) of interviewees identified local advocacy, i.e., state- or county-based private providers and advocacy organizations, as a key factor in improving the child welfare workforce. As the monitor in one case noted, "Some people have been advocates for this work, and we've really tapped into their resources." Another interviewee (a child welfare agency representative) said, "There has been an increase in local engagement in child welfare because of the consent decree." However, plaintiffs' counsel in one case explained that "the absence of a homegrown child advocacy organization that has the ability to take on this type of big reform litigation was what led us to get involved."

**Child Welfare Tragedies**
Almost 40% of interviewees cited child welfare tragedies (e.g., child fatality) as a critical factor in catalyzing workforce improvements. Interviewees noted that tragedies can have a mixed impact on the child welfare system. One interviewee said, "When they occur, they attract the interest of the legislature and resources will be flowing . . . On the other hand, it is also hard to take the mountain of criticism that is leveled at the agency of the workers, and it takes a toll on staff morale, which can then result in turnover."

**Local Initiatives**
Almost 40% of interviewees indicated that a reform effort initiated by the state or county separate from the lawsuit was very important (15%) or important (23%) to improving the workforce. However, 62% said that efforts initiated by a state/county were only somewhat important (23%) or not important (39%). As one juvenile court judge put it, "There have been reforms but most have been the results of the PIPs, the lawsuit and the tragedies together, not the governor." However, one child welfare agency representative offered an alternate perspective; he said, "Advocates should think of governors who sign consent decrees as reformers."

Non-plaintiffs' counsel interviewees (e.g., child welfare agency representatives, monitors, advocates, others) were somewhat more likely than plaintiffs' counsel interviewees to report that a reform effort initiated by the state or county separate from the lawsuit was very important or important to improving the workforce; 46% of non-plaintiffs' counsel interviewees said so, compared to 40% of the entire sample.

**Other Factors**
Factors that were considered by most interviewees to have limited impact on improving the child welfare workforce included unions and the federal Child and Family Services Reviews (CFSRs) and Program Improvement Plans (PIPs). As the monitor in one case put it, "The statewide data are not gathered broadly enough and mask regional issues; there's no teeth from the feds."

Non-plaintiffs' counsel interviewees were somewhat more likely than plaintiffs' counsel interviewees to report that the Child and Family Services Reviews (CFSRs) and Program Improvement Plans (PIPs) were very important or important to improving the workforce; 40% of non-plaintiffs' counsel interviewees said so, compared to 30% of the entire sample.
Non-plaintiffs’-counsel interviewees were also somewhat more likely than plaintiffs’ counsel interviewees to report that unions were very important or important to improving the workforce; 26% of non-plaintiffs' counsel interviewees said so, compared to 20% of the entire sample. However, it should be noted that there was inconsistency on the union question among interviewees within cases, i.e., there were interviewees who said the union was "not applicable," in a jurisdiction, yet other interviewees in that same jurisdiction indicated that the union was applicable and, as such, provided a rating of how important the union was to improving the child welfare workforce.

B. Assessment of Child Welfare Workforce Reform Efforts and Lessons Learned

This section includes a review of available data pertaining to the child welfare workforce in the 12 jurisdictions; interviewees' comments on the strategies that were utilized to improve the workforce in these jurisdictions, the barriers that were encountered and the degree of progress made; and interviewees' recommendations for improving the workforce going forward.

Interviewees noted significant improvements in their respective jurisdictions since the litigation including increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection. Many interviewees said that these workforce improvements had begun to translate into improved case practice and better outcomes for children and families. However, some interviewees said that workforce improvements had yet to result in improved outcomes.

The problem of staff turnover was identified by many interviewees as an area that had not been successfully addressed. Interviewees also noted only moderate improvements in regard to staff incentives (salary, benefits, professional development opportunities, etc.), use of research to inform policy and practice, the quality of supervision, working conditions and leadership and agency culture. Interviewees noted that some improvements were difficult to sustain with changes in leadership, staff turnover and the changing political and economic climate.

Children's Rights' and NCYL's review of available data from these jurisdictions pertaining to workforce issues supports the statements made by interviewees about progress since the litigation.

Review of Available Data

Children's Rights and NCYL reviewed documents including initial complaints, early and recent monitoring reports and other documentation at the start of the case and currently (or at the end of the case if the case has ended) regarding the status of the child welfare system in each jurisdiction. Table 4 on pages 37-43 provides data on a limited number of workforce-related indicators gleaned from this review. The data are not entirely comparable across jurisdictions because the same data indicators were not available for all jurisdictions. In addition, within cases, the pre- and post-data are not always comparable due to changes over time in the way data were measured.
### Table 4: Workforce Issues and Progress to Date in the 12 Jurisdictions

<table>
<thead>
<tr>
<th>Case</th>
<th>When the lawsuit began and shortly thereafter</th>
<th>Today (or when the case ended)</th>
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</thead>
</table>
| **Angela R.** (AR)<sup>52</sup> | • The agency had less than half the social work staff necessary to meet its own standards of no more than 20 cases for foster care workers and no more than 12-14 cases for protective services workers.  
• The caseworker turnover rate was almost 50%.  
• 46% of children in foster homes did not receive the required twice monthly caseworker visits during their first month in placement, and 54% of the children did not receive a monthly visit in subsequent months. | • Caseloads remain higher than the recommended standard in every area of the state.  
• 19% of authorized caseworker positions are unfilled.  
• 55% of children in foster care receive all required monthly visits. |
| **B.H. (IL)**<sup>53</sup>    | • Average caseloads for child welfare workers were between 50 and 60.  
• Average investigation caseloads for CPS workers were between 15 and 17 per month.  
• Supervisory ratios were standardized at 10 to 1 for CPS workers and 8 to 1 for child welfare workers, but many supervisors were expected to oversee many more workers, often totaling 150-200 cases a month, and had to supervise in multiple offices.  
• Turnover rate among caseworkers was high.  
• There were not sufficient workers with fluency in the language and culture of clients. | • Average caseloads for child welfare workers are an estimated 15 cases per worker. However, caseworkers in seven of the ten agency sub-regions report caseloads in excess of the terms of the 1991 B.H. consent decree.  
• Though investigation caseloads for CPS workers are set at no more than 12 per month by the consent decree and at no more than nine per month by agency Best Practice protocols, some workers still report receiving more than 12 cases per month.  
• Agency staff was cut by 22% between 2001 and 2005 despite an 11% increase in the number of child abuse investigations.  
• The agency has 25% fewer Spanish-speaking child protective investigators on staff than are needed. |

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<sup>52</sup> Angela R. Complaint (E.D. Ark., July 1991); Paul Kelly, The Arkansas Child Welfare System: More Than a Decade of Change – Many Things Remain the Same (August 2005); Field Staff Summary (May 2006); Statewide Compliance Outcome Report (April 2006). It should be noted that the Angela R. case ended in 2001 and data indicate that progress has not been sustained in certain areas.

<sup>53</sup> AFSCME Council 31, Campaign for Responsible Priorities, Fearing the Worst: DCFS Reforms at Risk (2006); Final Consolidated Report of Rule 706 Panel of Experts (1990); IL Department of Children and Family Services, 40 Years of Stewardship...Where Are We Headed? (2004); Report for Court on Child Protective Services (N.D. Ill., 1990).
<table>
<thead>
<tr>
<th>Case</th>
<th>When the lawsuit began and shortly thereafter</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Brian A. (TN)</td>
<td>• Caseworkers were routinely responsible for more than 40 children. When vacancies in caseworker positions were</td>
<td>• 95% of case managers have caseloads at or below the standards set in the Settlement.</td>
</tr>
<tr>
<td></td>
<td>taken into account, caseloads rose to as high as 80 in at least one region. • 17% of case-carrying positions</td>
<td>• Staff turnover remains a challenge, with the statewide turnover rate at 19%.</td>
</tr>
<tr>
<td></td>
<td>were vacant. • New workers were trained for only three weeks, and workers were unable to take advantage of</td>
<td>• Filling all case-carrying positions remains a challenge. 63 positions out of 819 were</td>
</tr>
<tr>
<td></td>
<td>in-service training due to the demands of high caseloads. • Turnover among caseworkers was high. In one</td>
<td>vacant. • The agency provides competency-based pre-service training for new caseworkers and</td>
</tr>
<tr>
<td></td>
<td>office, the turnover rate in one year was 100%. • Supervisors frequently lacked necessary experience and</td>
<td>new supervisors, as well as regular competency-based in-service trainings.</td>
</tr>
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<td></td>
<td>training, and were also often assigned to supervise more caseworkers than they could effectively manage.</td>
<td>• Nearly 90% of supervisors completed a newly developed pre-service training, and 97% of</td>
</tr>
<tr>
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<td></td>
<td>all supervisors were compliant with the supervisory ratios established by the settlement.</td>
</tr>
<tr>
<td>David C. (UT)</td>
<td>• The caseworker turnover rate was above 23%. • There were no established caseload standards and the average</td>
<td>• The caseworker turnover rate is 20.7%. • Average caseloads are 13 cases per worker, with</td>
</tr>
<tr>
<td></td>
<td>number of cases per month was 1,537 with only 78 workers on staff. To meet CWLA standards of 15 cases per</td>
<td>19% of caseworkers carrying 16-19 cases; 2% carrying 20-23; and 1% carrying 24 or more</td>
</tr>
<tr>
<td></td>
<td>worker, the agency needed 129 workers. • Pre-service training consisted of reviewing a handbook, a computer</td>
<td>cases. • All caseworkers are required to receive 120 hours of training on Utah's Practice</td>
</tr>
<tr>
<td></td>
<td>presentation on background information on the agency and child development, and a two-day orientation on</td>
<td>Model prior to receiving a caseload and participate in 40 hours of on-going training each</td>
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<tr>
<td></td>
<td>agency policies and procedures. Subsequent training consisted of a two-week certification training to be</td>
<td>year through the Child Welfare Institute or other in-service training. • The budget for the</td>
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<tr>
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<td>completed within one year. • The budget for the agency was approximately $50 million.</td>
<td>agency for the 2005 Fiscal Year was $134,254,800.</td>
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</table>

54 Brian A. Complaint (M.D. Tenn., May 2000); Monitoring Report of the Technical Assistance Committee (TAC) (January 2006).
<table>
<thead>
<tr>
<th>Case</th>
<th>When the lawsuit began and shortly thereafter</th>
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</tr>
</thead>
</table>
| G.L. (Jackson County, MO)        | • The average caseworker had 30 cases, and some workers’ caseloads exceeded 50.  
• Inadequate training and insufficient clerical and paraprofessional support made high caseloads even more difficult for caseworkers to handle.  
• Caseworkers missed up to a third of required face-to-face visits with children in their placements. According to the Judge on the case, "excessive" caseloads were "the single greatest hindrance" to the overall reform effort. For example, the Judge drew a clear link between high caseloads and the agency's failure to meet the consent decree's minimum standard of two caseworker visits to each child per month. | • More than 80% of caseworkers working exclusively with foster children carried caseloads of 15 children or less, and 95% of supervisory workers oversaw 6 or fewer front-line caseworkers.  
• The Training Unit ensured that all caseworkers were adequately trained before assuming a caseload.  
• 94% of caseworkers received more than 100 hours of pre-service training, plus 30 hours per year of continuing training.  
• Along with strengthening upper-level staffing by hiring a new Deputy Program Administrator, the department hired six additional full-time clerical workers and six additional full-time paraprofessional workers to provide administrative and logistical support to front-line caseworkers.  
• The department created new, specialized staff positions to ensure a consistent focus on key performance areas, adding a full-time Educational Advocate and a full-time Resource Development Coordinator.  
• A Quality Assurance unit provided ongoing review of individual cases as well as systemic trends. |

55 Turnover data was not available in 1993; the earliest available data on turnover rates is from 1998.  
57 G.L. Contempt Motion (February 1985); G.L. Complaint (W.D. Mo., March 1977); G.L. Contempt Order, (Judge Whipple, 1992); Children’s Division Quality Assurance Unit, Report of Compliance (Jan. 1, 2005 to June 30, 2005); Monitoring Committee, Report of Compliance (Jan. 1, 2005 to June 30, 2005).  G.L. was filed in 1977, and contempt motions were filed in 1985 and 1992. The Court’s 1992 Opinion and Order finding Defendants in contempt of court for failure to comply with the terms of the consent decree paid particular attention to workforce issues.
<table>
<thead>
<tr>
<th>Case</th>
<th>When the lawsuit began and shortly thereafter</th>
<th>Today (or when the case ended)</th>
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<tbody>
<tr>
<td>Jeanine B. (Milwaukee, WI)</td>
<td>• Caseloads averaged more than 100 cases per case manager and often were higher.</td>
<td>• Caseloads average ten families per case-carrying manager — one of the lowest average caseloads in the country.</td>
</tr>
<tr>
<td></td>
<td>• Caseworkers received little or no training before receiving a full caseload.</td>
<td>• Hands-on training for new workers has been expanded, and the agency has partnered with the University of Wisconsin-Madison's Master of Social Work program to offer a flexible, part-time degree program for agency employees.</td>
</tr>
<tr>
<td></td>
<td>• Workers in Milwaukee received significantly lower salaries than those working in neighboring counties.</td>
<td>• Salaries have been increased, and a stepped salary system has been put in place to reward workers for tenure and education.</td>
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<tr>
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<td>• Because worker turnover was high, children were often assigned to &quot;vacant zones,&quot; which had no assigned caseworker.</td>
<td>• Case manager turnover rate is still 33%, and case managers' average length of employment is only 1.7 years.</td>
</tr>
<tr>
<td>Joseph A. (NM)</td>
<td>• Pre-service training was not provided for many new workers, and the training that was provided failed to address the development of worker skills.</td>
<td>• 84% of new workers completed the entire pre-service training program within 120 days of being hired.</td>
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<td></td>
<td>• During one four-year period in the 1980s, workers were not offered any annual training.</td>
<td>• 98% of caseworkers received at least 15 hours of annual training.</td>
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<td>• Records specifying when employees had been hired and when, if ever, they had attended training, were not maintained.</td>
<td>• All supervisors received a minimum of 6 hours of training in supervision within three months of assuming their position as well as at least 15 hours of annual training.</td>
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<td>• Formal supervisory training was not provided.</td>
<td>• Interviews with staff indicated dissatisfaction with the pre-service training curriculum and a common belief among social workers that the training did not adequately prepare them for treatment social work.</td>
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<td>• A significant number of caseworkers were not licensed, and some supervisors lacked both relevant graduate-level education and three years of social work experience.</td>
<td>• Nearly 100% of caseworkers possessed a current, valid license.</td>
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<tr>
<td></td>
<td>• Worker caseloads were high and increasing.</td>
<td>• Fully 100% of supervisors possessed a current, valid license.</td>
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<td>• Caseloads for supervisors were high, with a significant number of supervisors being assigned seven or more caseworkers to supervise.</td>
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<td>• Supervisors frequently had to carry children's cases in excess of 60 days in addition to their regular supervisory duties.</td>
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58 Jeanine B. Complaint (E.D. Wis., June 1993); Testimony, Department of Health and Family Services, on the Legislative Audit of the BMCW (March 2006); Bureau of Milwaukee Child Welfare (BMCW), Period 3 Settlement Agreement Semi-Annual Report (March 2006).
59 Joseph and Josephine A. Compliance Report for Training (June 21, 1999); Joseph and Josephine A. Compliance Report (December 7, 1999); Plaintiffs' Post-Trial Memorandum (December 22, 1988).
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<tbody>
<tr>
<td>Juan F.</td>
<td>• Caseloads were very high due to a shortage of caseworkers.</td>
<td>• The agency has sustained 100% compliance with caseload standards, established through the lawsuit, for child protective services (CPS), ongoing, foster care and adoption caseworkers.</td>
</tr>
<tr>
<td>(CT)⁶⁰</td>
<td>• Turnover rate among social work staff had been steadily increasing—in one office at least one-third of the caseworkers had less than a year of experience, and only about 30% had more than two years of experience.</td>
<td>• 90% of families whose cases were reviewed had had only one or two primary caseworkers during a 12-month period, and in 98% of cases that had to be reassigned, a new primary caseworker was assigned within five days.</td>
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<td>• Formal training for workers was completely suspended at one point, and training positions often went unfilled because of a lack of funds.</td>
<td>• The agency's Training Academy is fully funded and staffed with mandated pre-service and in-service training for all workers.</td>
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<td>• Because of staff shortages, social work supervisors were forced to supervise an excessive number of cases and to provide casework services.</td>
<td>• 55% of cases reviewed were being handled by caseworkers who were still receiving &quot;poor&quot; or &quot;negligible&quot; supervision.</td>
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<td>• No reliable data system existed for identifying individual children in care or tracking basic information on them.</td>
<td>• A high functioning MIS &quot;LINK&quot; system is utilized to track individualized information on all children in the system and to provide regular aggregate reporting. However, some historic data problems remain for children who have been in care for long periods.</td>
</tr>
<tr>
<td>L.J.</td>
<td>• Workers and supervisors lacked the basic training necessary to fulfill their responsibilities.</td>
<td>• All new workers are required to pass a competency training and examination.</td>
</tr>
<tr>
<td>(Baltimore,</td>
<td>• Substantial increases in staff were deemed necessary to reduce the high numbers of cases handled by foster care workers.</td>
<td>• An L.J. Rally/in-service training was held in September 2005 during which approximately 750 child welfare staff were retrained in 26 areas of knowledge and skill.</td>
</tr>
<tr>
<td>MD)⁶¹</td>
<td>• Cases went uncovered for lengthy periods of time due to high worker turnover and unfilled staff vacancies.</td>
<td>• Caseload ratios required by the consent decree have been achieved in all but one category of staff, but they remain higher than the Child Welfare League of America standards.</td>
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<tr>
<td></td>
<td>• Caseworkers did not have access to supports to address special needs of children in care.</td>
<td>• MD CHESSIE (Children’s Electronic Social Services Information Exchange) will be on-line in November 2006, providing caseworkers with comprehensive data on children in the system.</td>
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<td>• The data system had major gaps and did not support casework.</td>
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</tbody>
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⁶⁰ Juan F. Complaint (D. Ct., December 1989); Juan F. Exit Plan Outcome Measures 2005 Annual Progress Report (November 2005); Juan F. Exit Plan Quarterly Report (March 2006).

⁶¹ Improving the Child Welfare Workforce: Lessons Learned from Class Action Litigation 41
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| LaShawn A. (DC)<sup>62</sup> | • 50% of authorized social work positions were vacant.  
• The majority of social work staff was unlicensed.  
• Caseloads were very high with investigators receiving 30 new investigations per month, and ongoing services workers with caseloads of 49 (intensive services branch) and 59 (continuing services branch).  
• No formal pre-service or in-service training for social work staff existed.  
• Basic working conditions were a serious problem. Concerns included a lack of telephones, vehicles, parking and staff security. | • The agency's vacancy rate is 4.72%.  
• All social work staff are required to be licensed. Workers hired without a license are not kept past the probationary period if they do not become licensed in a short period of time.  
• Eighty percent of investigators, 72% of case-carrying workers (in-home and foster care cases), and 84% of adoption workers have appropriate caseloads.  
• A formal training institute is in place with requirements for pre-service and in-service training. However, not all staff receives the training, despite the fact that it is mandatory.  
• Working conditions have improved. Workers have access to telephones, copiers, cars and computers with an automated data system for case management. |
| R.C. (AL)<sup>63</sup> | • Social work staff turnover and vacancy rates were very high.  
• Very few workers were BSW- or MSW-level social workers.  
• Caseloads averaged from 40-50 cases per worker, and no caseload standards existed.  
• There was no formal comprehensive training program for social work staff. | • Staff turnover rate is 17.5%; the vacancy rate is 2%.  
• 40% of frontline staff are license-eligible social workers.  
• As a result of the lawsuit, caseload standards of one worker for every 18 open family services cases, 18 children in foster care, or 22 children available for adoption were established. 60% of workers have caseloads meeting these standards.  
• Though a formal training program called ACT is in place with requirements for pre-service and in-service training, nearly half of caseworkers in larger counties, such as Montgomery County, are not receiving the basic ACT training. |

<sup>63</sup> Testimony, Center for the Study of Social Policy (CSSP) (September 1990); CSSP Progress Report (October 1991); CSSP, An Assessment of the District of Columbia’s Progress (June 2005).
<sup>64</sup> AL Department of Human Resources (DHS), Annual Progress and Services Report (FY 2005); AL (DHS), Child Welfare Strategic Plan (May 2004); Final Report on Implementation of the R.C. v. Walley Consent Decree (November 2004); Monitor’s Performance and Outcome Review (January 1994); Monitor’s Report to the Court in Response to Court’s Order Directing the Monitor to Conduct On-Site Reviews (April 2006); Plaintiffs’ Response to Request for Ruling on Second Motion for Order Terminating Consent Decree (M.D. Ala., May 2006).
<table>
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<th>Case</th>
<th>When the lawsuit began and shortly thereafter</th>
<th>Today (or when the case ended)</th>
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| **Ward** (Broward County, FL)<sup>64</sup> | • Caseloads were high, with some caseworkers carrying caseloads that were eight times the national standards.  
• Annual turnover rate among caseworkers/supervisors was 80%.  
• Many children had no caseworker or went without visits from their caseworkers for months at a time.  
• Statewide funding for FY 1998-99 was $9,823 per child. | • Though caseloads have decreased to an estimated 21 cases per worker, statutory guidelines require caseloads to be lower (14-17 cases per worker).  
• Yearly turnover rate is 12%, with a vacancy rate of 0%.  
• Statewide funding for FY 2004-05 was $17,966 per child. |

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<sup>64</sup> Ward Complaint (S.D. Fla., October 1998); Office of Program Policy Analysis & Government Accountability, Child Welfare System Performance Mixed in First Year of Community Based Care (June 2006).
Interviewees' Comments and Recommendations

Interviewees were in agreement that goals and strategies related to improving the workforce need to be front and center of any child welfare system reform effort—whether in or outside the context of litigation. As one plaintiffs' counsel said, "One thing I'd like to improve is to focus more on the real day-to-day life of workers and making their job something that can actually be done."

A number of interviewees also suggested that more explicit provisions related to workforce improvements should be included in court orders. As one child welfare agency representative put it, "Knowing what I know now, I think the workforce standards were not rigorous enough." Interviewees emphasized that, to develop an effective workforce, it is critical to consider and understand the agency culture and to identify the underlying causes of problems in the child welfare system in order to address them, i.e., simply increasing the numbers of staff is not necessarily going to solve the problem.

ADDRESSING WORKFORCE ISSUES IN REFORM EFFORTS

- The decree had so many different requirements, so workforce got lost and didn't shine. Caseload was one or two paragraphs out of pages and pages.
  CHILD WELFARE AGENCY REPRESENTATIVE

- We need provisions that require better assessment of quality of workers by the agency, supervision standards, and strong personnel action procedures.
  PLAINTIFFS' COUNSEL

- You can't get change unless you go after culture. "Are these procedures and processes the right ones to get done what we want?" You have to ask about the social system of the organization and how people relate to one another to understand the underlying problems. Court orders tend to focus on technical problems, not human relations problem that feed the technical problems. If you want to change the system, you've got to address both. Otherwise you keep monitoring and reporting and you're not close to the numbers, but you don't know why. You can't just keep flogging until the morale improves. It is important to understand the underlying dynamics that inform organizational performance, as it is too easy to simply say "it's just that we need more resources!" We learned early on that even if you track 440 indicators each month, nothing will happen, because you haven't gotten to the root of the issues.
  TRAINING CONSULTANT

- I do not think there are specific enough requirements for documenting caseloads. The question is what should the breakdown of positions be to provide quality care and take into account the need for flextime and secondary cases? It would have been a good thing to have a template.
  ADVOCATE

- We should have dealt with the paperwork and bureaucratic burdens on the caseworkers.
  PLAINTIFFS' COUNSEL

- The standards are quite adequate. I guess the only thing I would wish for would be incentives around compensation to help maintain the workforce.
  MONITOR
ADDRESSING WORKFORCE ISSUES IN REFORM EFFORTS, cont.

- The consent decree imposed heavy new demands on the workforce without giving them the support necessary to step up their performance and meet the new requirements.
  CHILD WELFARE AGENCY REPRESENTATIVE

- Workforce discussions take place in a fact mode—there is not a conversation about competency when you’re just talking about numbers and quotas. Without time and a focus on quality, it’s very hard to move ahead. People have to start looking at the quality of the work. The challenge is how to translate that into improvement strategies—those will sometimes be hit and miss.
  CHILD WELFARE AGENCY REPRESENTATIVE

- One issue that I felt the least successful in was with state personnel issues. With respect to the personnel issues, we might have tried to use the settlement agreement more.
  CHILD WELFARE AGENCY REPRESENTATIVE

- I don’t think we really dealt much with training and the quality of training and content of training, mentoring—that is absent and could have helped.
  PLAINTIFFS’ COUNSEL

The major comments and recommendations provided by interviewees are organized below into 17 major themes. The first five speak to the "process" of child welfare workforce reform; the remaining 12 focus on substantive workforce reform strategies:

1. Outreach to Key Stakeholders
2. Acrimony in Reform Efforts
3. Drawing on Policy and Practice Expertise
4. Broadening the Focus of Reform
5. Balancing Outcome and Process Measures
6. Recruitment and Retention
7. Staff Incentives
8. Supervision
9. Training and Education
10. Caseloads and Workloads
11. Working Conditions
12. Leadership and Organizational Environment
13. Technology
14. Accountability and Oversight
15. Data
16. Research and Evaluation
17. Funding, Legislative Support and Incorporating Reform Lessons into Law and Policy

■■1. Outreach to Key Stakeholders

Many interviewees spoke about the need for both plaintiffs' counsel and child welfare agency representatives to increase efforts to reach out to and substantially involve key stakeholders—line staff, the union, community service providers, local advocates, judges, etc.—on an ongoing basis, both in the process of identifying the problems and solutions and in tracking and monitoring progress. Interviewees noted that many challenges during the course of the lawsuit arose due to the failure to substantially engage key stakeholders throughout the reform process. As one consultant put it, "There was a very strong belief among the workforce that the decree had no relationship to them. It was only when they got to the point of
involving workers, supervisors and managers that they began to get some traction about changes. Not that the decree itself would have been so different; it was really more about engaging people in the process.

OUTREACH TO KEY STAKEHOLDERS

• I attribute the failure of the first round of reform to problems in the court order as well as problems in how the state approached reform. Greater input from the stakeholder and expert communities might have mitigated this problem, but those voices were excluded from the bargaining table by the “outside” groups behind the lawsuit, who were too aggressive and saw the settlement as their chance to make all the changes they’ve ever wanted.

   CHILD WELFARE AGENCY REPRESENTATIVE

• Plaintiffs’ counsel and others involved in the case should really have been involving [the community] all along. This was a huge oversight. This is why there hasn’t been enough progress; there has not been enough involvement with the community. I think we could have helped improve access to community-based services. This potential assistance has truly been ignored.

   PROVIDER

• Reaching out to agency staff and more buy-in by supervisors and managers was needed. There was so much bickering along the way, the voices of the staff got lost in the shuffle in the early years. Staff are not opposed to changing, but they are at times opposed to changing at the request of folks they feel didn’t understand what they needed in the first place.

   CHILD WELFARE AGENCY REPRESENTATIVE

• We should have formed or tried to form alliances with the caseworkers. They saw us as adversaries, but we might have developed a strategy to make them allies instead.

   PLAINTIFFS’ COUNSEL

• The decree is still seen as being forced from the outside, but it really should have been embraced at the grassroots level because it is helping workers to do a better job. They should have been included more, so they could have embraced it.

   JUVENILE COURT JUDGE

• Our organization and others have felt frozen out of the reform effort. The community believes that plaintiffs’ counsel litigated the case without ever asking for feedback or assistance from them or other advocates. We feel like we do not know what is going on, at all. We see that there have been a lot of failures, and the thought of actually negotiating an exit plan without consulting the local players to see what is really going on is absurd.

   ADVOCATE
2. Acrimony in Reform Efforts

As a general matter, interviewees commented that states/localities should not spend so much time and money fighting these lawsuits when they are aware that the status of the system is poor and the reforms sought are necessary. Similarly, interviewees state that plaintiffs’ counsel should not immediately assume that child welfare agencies have the worst of intentions, nor should they always turn to formal legal actions as the first option when a problem arises during the life of the case, post court order.

Recognizing that litigation is an inherently adversarial context, interviewees identified the need—for both plaintiffs’ counsel and child welfare agency representatives—to reduce acrimony that can hinder the progress of reform. Interviewees in cases of both shorter and longer duration commented that acrimony sometimes contributed to periods of time during which not much happened by way of actual system reform.

Several interviewees noted the importance of ongoing interaction and communication between the parties to build relationships and reduce acrimony. As one interviewee put it, "I think it would have been good to have everyone talk more frequently from the beginning. Once this started happening, things became much improved. Plaintiffs' counsel, child welfare agency representatives and the monitor began talking on a quarterly basis, and this helped tremendously.” Interviewees noted that regular conference calls and in-person meetings served to increase the level of trust between the parties.

ACRIMONY IN REFORM EFFORTS

- [It wasn't productive] until it became less adversarial and people from both sides worked together. I don’t think the really hard, adversarial approach accomplishes anything. Ninety-percent of the energy spent was writing rebuttal letters, which was really adversarial stuff. Progress wasn’t made until we put all that aside to decide what we could agree on. I would recommend keeping it as a non-formal and legalistic as possible, but I know that is extremely difficult for attorneys to do. The reason that started here was because two leaders (from defendants and plaintiffs) got together and said "this isn't working, let's give our people instructions to try and do something different.” Then they put all of us together in a room, a very informal setting. There were probably no more than 6-8 people and sometimes we went from 8am to 8pm, and we got the sense that we were all human beings sitting around the table and just had different perspectives. Through this process, people really became more comfortable with each other. You have to get to know the people.

CHILD WELFARE AGENCY REPRESENTATIVE

- The attorneys did a great job; they identified the core issues that made service delivery to kids and families better. But the challenge is still "What is quality service, caseload levels that are appropriate? You really need to know what barriers you have before you go and try to answer those questions.

ADVOCATE
ACRIMONY IN REFORM EFFORTS, cont.

- In the beginning, it was not viewed favorably by the agency. They were ticked off that they had been sued, and they saw the court order as a burden. So there was a negative attitude toward change. It wasn't viewed as, "look at this new money and ability to change." Instead, it was, "poor us, why are they picking on us?" Attitude is everything. That could have been improved a lot.

ADVOCATE

- I wish we could have tried to resolve things with plaintiffs' attorneys before heading into court; it cost a lot of money, and that money could have been better used to help kids and families. It would be great to try to get these types of things resolved amicably prior to a full lawsuit. I would not have had the consent decree at all. I think we could have worked together and come to the table, and made changes without a legal battle that took money away from kids and families. However, the suit also brought a huge influx of dollars into the system.

CHILD WELFARE AGENCY REPRESENTATIVE

- There's a learning process at the beginning of these decrees; you come together with your adversary and agree, you're trying to build trust, but you're uncertain. It's a very public process, and people don't engage in a lot of problem solving conversations early on.

CHILD WELFARE AGENCY REPRESENTATIVE

- In litigation, the issue is not always what gets said but how it gets said. Litigation is within the bubble of the court system and there is a bully pulpit of litigation. Both sides must assume that the other side is filled with good people trying in a difficult system. Litigators need to sit down with the state and understand why outcomes resulted and that this is not a result we are happy with. But litigation gave clout to the governor to change. The state wouldn't have put money or backbone into changing system without litigation.

CHILD WELFARE AGENCY REPRESENTATIVE

- Litigation is expensive and an indirect way to change child welfare and if the state administration had worked with the advocates better and quicker, millions could have been saved, but ultimately the litigation produced the change we needed. It was a slow process but, without it, not as many changes would have occurred.

CHILD WELFARE AGENCY REPRESENTATIVE

3. Drawing on Policy and Practice Expertise

Interviewees identified the critical need to infuse substantive expertise into the design and monitoring of court orders, rather than having this be the sole province of child welfare agency representatives and plaintiffs' attorneys. Interviewees said that the involvement of policy/practice experts helps reduce acrimony, ensure that plans are based on best practices and feasible and practicable, and ensure the use of appropriate quantitative and qualitative strategies to measure progress, identify trends and guide future reform efforts. As one child welfare agency representative put it, "The relationship between the plaintiffs and the state has improved greatly in recent years, but it was once characterized by table-pounding, yelling and overly adversarial attitudes. To a certain extent, they have been overcome. The second agreement was much more effective, which I attribute to the fact that it was expert-driven, while the first agreement was attorney-driven. You need an expert-driven decree from the start."

As one monitor said, "We need to find a way to be more flexible, have the parties trust each other more. Plans need to be more reasonable and doable, and things can't stay strictly adversarial throughout the process. I think you can be adversarial up to the court order, but in the development of the standards, you need to meld more of a social work process into it. You need to have more than just a bunch of lawyers sitting at the table deciding ‘What can we do to them and when and for how long?’"
4. Broadening the Focus of Reform

Numerous interviewees—including multiple child welfare agency representatives—noted that, in order for these court orders and reform efforts to be most effective, they should not be limited to the workforce serving the "in custody" foster care population, i.e., they should not focus on the workforce in one piece of the system, but rather the entire system's workforce, including staff in investigations, in-home services (pre-custodial), foster care and adoption. Interviewees said that the different pieces of the system are inextricably inter-related, e.g., the number of children in foster care is in part a function of the investigation component of the system. Children and families move through different parts of the system. In addition, some interviewees noted that litigation focused in a narrow area sometimes led to an unintended consequence of resources being decreased in other parts of the system in order to comply with the provisions of the court order.

In fact, although some of the 12 lawsuits assessed in this project included such pre-custodial aspects of the system, most did not. Typically, this was because the ability to bring legal challenges for children not in the state's custody has been very limited, and not because the pre-custodial components of these systems were necessarily functioning well or plaintiffs' counsel preferred to exclude these parts of the system. In some systems where such "pre-custodial" claims were not brought, court orders and reforms that went beyond the foster care population came about due to input from outside experts and/or the recognition of state officials that the system must address the "front end" of the system if it expects to meet its obligations for children in foster care. Notwithstanding the comments of some child welfare agency representative interviewees, plaintiffs' counsel interviewees report that defendants' typical posture has been to fight the inclusion of pre-custodial children in the case or the expansion of court orders to include functional practice areas outside of foster care.

In addition to recommending a broader focus in the lawsuits beyond the class of children in foster care, interviewees in county-based suits recommended a broader geographic focus, i.e., statewide rather than county-focused. Interviewees said that county-specific suits encouraged states to pay more attention to the workforce in one locality at the expense of the workforce in the rest of the state. Others described it as a lost opportunity to reform an entire state's workforce, rather than just one county. In county-based suits, interviewees also noted that the court order did not provide incentives for workers to remain employed in counties that were under the court order, and that workers often perceived that the court order, especially in the first few years of the reform effort, simply resulted in additional demands without any additional benefits. Hence, turnover increased, as some workers chose to transfer to non-court order counties to fill positions there.

Plaintiffs' counsel interviewees indicated that, in some instances, county versus statewide strategies have been pursued because of the logistical difficulties in proving claims across an entire state, particularly in states that have county-administered systems or in which practice varies substantially in different counties.

BROADENING THE FOCUS OF REFORM

• It should be broader than a particular subset of the child welfare population [e.g., covering only children in foster care]. The fact is that the same family exists and needs the same quality and level of service, whether the kid is in or out of foster care. [Also, with a consent decree focused in just one county], there was not an equitable distribution of resources across the state. There was even some hostility between staff in the different counties. I think that a state-based suit is better in the long-run, because it makes the whole system better at once.

CHILD WELFARE AGENCY REPRESENTATIVE

• I think the suit should have been statewide. Too much money and resources went into one county, but nothing happened across the board in others.

CHILD WELFARE AGENCY REPRESENTATIVE
5. Balancing Outcome and Process Measures

Interviewees had a number of comments pertaining to the nature of provisions included in the court orders. Some interviewees suggested that more provisions should be included that address workforce issues directly, e.g., provisions addressing training, supervision, recruitment and retention, etc. In addition to the substantive need to address these issues, one of the rationales interviewees offered for adding such provisions was summarized by an advocate in one case who said, "What is mandated and expected gets managed and done. Nothing else." It should be noted that the nature of provisions focusing on workforce supports is that they are "process-oriented," i.e., they reflect actions to be taken to improve supports for staff, rather than end-game outcomes for the jurisdiction to achieve for children, such as X percent of children will be adopted within required timeframes.

While recommending that court orders include more workforce-specific provisions (which would by nature be "process-oriented"), many interviewees also identified the need to craft court orders that are less prescriptive and more focused on outcomes. Interviewees suggested that court orders should identify measurable child outcomes in the major practice areas, rather than specifying dozens or hundreds of specific agency procedures, which can become cumbersome, as well as make it difficult to focus on what are most important, namely quality services and positive outcomes. As one monitor put it, "The training piece is based on hours of training, and again, it could lead you to be counting hours as opposed to looking at the content/quality of the curriculum, which we're trying to do now. Some of the order's provisions are more procedural than they should be, because the order is old, but we work around those." A plaintiffs' counsel said, "Clearly, the initial approach to reform ought not to have been so prescriptive. The initial set of 'enforceables' led to a compliance environment and an overwhelmed agency and workforce. Transition to an outcomes based model was important. Time was lost in the transition."

However, plaintiffs' counsel also noted that some process measures are necessary because there is a lack of clarity and agreement on what "good" child welfare outcomes are, beyond such obvious "bad" outcomes as the abuse of children in care and frequent placement moves. In the instances in which a "good" outcome depends on the individual case, the best that a court order can do is to ensure a thoughtful decision-making process.

Several interviewees commented that it was important that the court order have some flexibility built into it, in order to be able to respond to changing conditions or new developments in best practices. As one advocate said, "The decree should be a living document that can be modified as new issues arise. I think there should have been built-in reviews of the court order every two years, to have these types of discussions."

Perhaps herein lies the "art" of class action litigation to reform child welfare systems: striking the balance between court orders that may be overly prescriptive and court orders that may not include enough interim or process measures (such as the implementation of critical workforce supports) to ensure a clear roadmap to ultimately improving outcomes for children.
BALANCING OUTCOME AND PROCESS MEASURES

• Don’t have 28 measurable conditions. Have 6-8 core requirements of good practice, then use other outcome measures like the CF3R. Focus on setting up the structure on that for improving workforce, and focusing and maintaining that workforce capacity, because if you’ve got that, you can do the rest of it. The consent had so many different requirements; workforce issues maybe got lost and didn’t shine because there was too many. Caseload was one or two paragraphs out of pages and pages. But the workforce always was for me the key to everything.

CHILD WELFARE AGENCY REPRESENTATIVE

• The first consent decree was too "prescriptive" and "unwieldy," fostering a "checklist attitude" that encouraged workers to focus on procedures and requirements to the exclusion of interpersonal and human factors. For example, a worker would need to record whether or not they had made a required home visit, but would not have to describe the conversation that took place.

CHILD WELFARE AGENCY REPRESENTATIVE

• The standards make a lot of sense. Some of them were hard to monitor, and onerous. Consent decrees should be a bit more flexible, and focus more on outcomes than process. How to determine compliance with certain provisions was difficult.

CHILD WELFARE AGENCY REPRESENTATIVE

• They were very prescriptive, the manuals, and I know that the department struggled a lot with what was in them, but given where they were at the time, that was probably the best way to do it. There has been some flexibility about trying different ways to go – with all the parties agreeing to it.

MONITOR

6. Recruitment and Retention

Approximately half of the interviewees (53%) highlighted longstanding problems with recruitment and retention of staff as one of the issues that precipitated the lawsuit and the resulting court order. An advocate in one jurisdiction said, "There was a disaster in [our state] – they weren't recruiting or retaining the right kinds of people, or making sure they were supported or supervised properly." Another interviewee (a monitor) said, "[The department] had trouble recruiting and retaining – it was a job ‘of last resort’ for well-qualified people. No one with a social work degree would want to work at the agency. It was seen as a way station until something better came along, if someone took a position at all."

All but two of the court orders in the cases reviewed included at least one specific provision regarding recruitment and retention. In the remaining two cases, interviewees said that these issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented.

Across the cases, more than half (55%) of the interviewees noted that there has been substantial improvement in the recruitment and retention of staff in their jurisdiction since the litigation. Forty percent (41%) of interviewees indicated that there has been moderate improvement regarding the recruitment and retention of staff since the court order. Four percent of interviewees said that there had not been any improvement in this area.

Analyzing the data by case, in nine of the 12 cases the majority of interviewees (51-80%) said that there has been substantial improvement in recruitment and retention.
PROGRESS ON RECRUITMENT AND RETENTION

• There will be a huge improvement in recruitment but they are just at the beginning of progress. Limited improvement, so far, in retention though. Morale is low and attitudes need to change. Caseloads are still a huge issue, we need changes in attitude, as it is a very cynical place right now.

MONITOR

• Recruitment and retention got better; we put restrictions on movement between departments, and also created opportunities for reduced caseloads.

CHILD WELFARE AGENCY REPRESENTATIVE

• They're at the national turnover level now. They are much better than they used to be. Their rate of losing people is down to about 20%, and it used to be at about 40%.

PLAINTIFFS' COUNSEL

• Before [the consent decree], retention was a problem, but recruitment and retention both increased post-settlement. The department does a better job of investing in staff now.

MEDIATOR

• There was limited improvement in workforce recruitment and retention. I think one reason was the disparity between the county and the rest of the state. We had no ability to pay the consent decree staff more than we paid the other workers in [other areas], so there was no salary differential, [even though] the consent decree did bring with it some onerous things that turned people off from working in the county.

CHILD WELFARE AGENCY REPRESENTATIVE

• They've improved recruitment and retention, using plans that are written annually. Although they are not quite able to fully implement them, they are doing a lot in this regard.

PLAINTIFFS' COUNSEL

Interviewees in most jurisdictions said that there has been increased attention to recruitment and retention issues and additional staff hired. However, interviewees noted problems with hiring unqualified staff in order to meet hiring targets. They said that retention issues have remained a problem in their jurisdictions. As one advocate put it, "Although the litigation was helpful in documenting retention problems, it did little to solve them. I would say our biggest problem is still caseworker turnover. However, without the settlement, we wouldn't even know we had a turnover problem." Some interviewees also indicated that recruitment and retention improvements have not been as substantial in the private sector.

Interviewees also commented on the importance of thoughtfully planning implementation of the various reforms. As one advocate put it, "We should have come up with an implementation plan, because the agency grew so fast. You can't get that large and not have growing pains. It happened so fast without a lot of thought, so that really needed to be looked at more carefully. People who had been there 12-18 months were made into supervisors, but they didn't really know what needed to be done. They were adolescents; they needed to grow into the department because they didn't have a clue what to do with all the major growth. They should have done a thoughtful phase in plan of adding new staff."
Interviewees identified several strategies that were utilized to improve recruitment and retention:

- Decreasing caseloads and workloads so that workers can begin to feel successful;
- Ensuring that workers are provided with adequate training and supervision so that they do not burnout and leave;
- Ensuring that workers have the resources necessary to do their jobs, e.g., desks, computers, cars and other supports;
- Developing incentives for new recruits and current staff with social work degrees and related experience;
- Creating employee appreciation activities;
- Changing salary and promotional structure to make positions more competitive and attractive;
- Reforming the human resources (HR) function, to make HR staff more connected to the agency mission and better aware of agency needs and goals;
- Streamlining the hiring process to ensure swifter decision-making regarding new recruits and filling of vacancies;
- Conducting studies of turnover to inform efforts to improve recruitment and retention;
- Developing specialized staffing departments, including overhire units designed to satisfy short-term, seasonal, or other workload challenges by maintaining a cadre of trained staff who can fill vacancies as they arise, or through the hiring of part-time or contract staff to fill vacancies caused by planned medical leaves or hiring freezes; and,
- Engaging in new hiring activities, such as Internet postings, recruitment at schools of social work, and targeted recruitment of minorities and individuals with "relevant life experience."^5

Interviewees identified the following challenges to improving recruitment and retention in their jurisdictions:

- Focusing on recruitment while overlooking retention challenges, e.g., mass hiring to comply with the caseload requirements of court orders, without regard to the qualifications or "fit" of new recruits;
- Lack of an understanding of factors driving turnover;
- Establishing social work degree requirements for staff without offering incentives for obtaining those degrees or having established relationships with local university social work programs that could provide a pipeline of degreed staff;
- In county-based lawsuits, lack of incentives for workers, who may initially perceive the lawsuit as resulting in additional documentation activities that workers in neighboring counties are not required to complete;
- A human resources function that is unconnected to agency mission and unaware of agency needs and goals;
- A cumbersome hiring process and state personnel system;
- Mass hiring without the infrastructure to support it within the agency, such as clerical support and opportunities for comprehensive training and quality supervision and mentoring;
- Unanticipated hiring freezes and economic challenges; and,
- Lack of attention to private agency turnover, particularly in systems that are more privatized.

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^5 Life–experienced workers include peers of consumers who provide services and supports; former consumers; residents of a common area or persons from the same culture who provide outreach and other linking services and supports; and human service workers with credentials who have earlier life experience in addition to their credentials. (Definition offered by Sid Gardner of Child and Family Futures in presentation at Cornerstones for Kids’ grantees meeting, September 7, 2006).
CHALLENGES TO IMPROVING RECRUITMENT AND RETENTION

• The current problem regarding workforce is retention in urban regions. Reasons for turnover have not been successfully addressed. Some energy was devoted to it, but nothing successfully.

  MONITOR

• The consent decree imposed heavy new demands on the workforce without giving them the support to step up performance and meet new requirements. There was a "compliance mentality" - workers were more concerned about being fired and more focused on technicalities like paperwork to the detriment of their relationships with clients. Turnover spiked.

  CHILD WELFARE AGENCY REPRESENTATIVE

• In terms of trying to professionalize the workforce, there was a narrowing of educational standards [to be hired or promoted], and it made recruitment virtually impossible in small markets; it made it so you can't get the workforce that you need.

  CHILD WELFARE AGENCY REPRESENTATIVE

• The settlement resulted in hiring 600 staff in two years, and some of them have left. The pace of hiring will affect retention. An easy way to show improvement is to hire more staff. The timetables in the consent decree are both friend and foe.

  CHILD WELFARE AGENCY REPRESENTATIVE

• The turnover rate vacillated – it would seem to dramatically improve, then slip a bit. I think this had to do with overall economic conditions in the state and county, and the lack of raises surely impacts staff willingness to stay.

  CHILD WELFARE AGENCY REPRESENTATIVE

• [Our county] has many complexities of its workforce: a privatized system where caseworker turnover is over 50%. But intake and assessment is not privatized; it's public and has 11% turnover.

  ADVOCATE

• There is tension between filling the vacancy with a "warm body" versus waiting to get quality candidates.

  CHILD WELFARE AGENCY REPRESENTATIVE

7. Staff Incentives
Slightly less than one-fifth of interviewees (18%) identified low salaries, poor benefits and lack of promotional opportunities as challenges that were among the issues precipitating the lawsuit and the resulting court order. As the monitor in one case said, "Some of the problems were very low pay, and the chance of getting into a pay scale that was higher through promotion and seniority was slim to none."

Only one court order specifically addressed staff incentives issues. Thirty-one out of 74 interviewees said that the issue of staff incentives did not arise during the litigation, even during the implementation phase.66 Of the remaining 43 interviewees who said that these issues did emerge, approximately half (54%) said that there has been substantial improvement in the incentives provided to staff, including improved salaries, better benefit packages, clearer career paths and greater promotional opportunities. However, approximately one-

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66 N = 43, as 31 of 74 interviewees said that this issue did not emerge during the litigation; additionally, 2.3% who said that this issue did arise said they did not have enough information to provide feedback on improvements in this area. It should be noted that some interviewees within the same case did deem it relevant to comment on this issue, and some did not.
third of these interviewees (37%) indicated that there had been only moderate improvement regarding incentives for staff and 7% said that there has not been any improvement in this area.

Analyzing the data by case, in seven of the 12 cases the majority of interviewees (67-100%) who said that these issues did emerge further noted that there has been substantial improvement in this area.

**Progress on Staff Incentives**

- There have been very significant gains in pay.
  
  **Child Welfare Agency Representative**

- They have a stipend program that helps pay off school. They should work with that more. They could try a loan forgiveness program. There needs to be a career ladder for good caseworkers.
  
  **Advocate**

- Salaries increased not just in real terms, but also in proportion with suburban county agencies.
  
  **Juvenile Court Judge**

- They now have very competitive salaries for workers, and with [legislative] support, they have an experimental program that is a loan forgiveness program for social workers that stay with them. They have very competitive salaries.
  
  **Monitor**

- Career paths were created, and folks felt more rooted in the agency over time.
  
  **Child Welfare Agency Representative**

- I think just within the last year, there were also substantial raises that were given to caseworkers as part of a process to attract a different type of worker.
  
  **Plaintiffs' Counsel**

- [Our state] still ranks either 48th or 49th in terms of salaries for staff in child welfare, which impacts retention. Too little value is placed on workers today.
  
  **Mediator**

- It is hard for folks to take into account that change is taking hold. We’re still not paying folks what they should be paid. Pay is good, but could be improved.
  
  **Private Provider**

- The salaries they pay are lower than everywhere else. With one exception, they haven't been successful in raising the pay scale of their staff to address retention issues. I guess the only thing I would wish for would be incentives around compensation to help maintain the workforce.
  
  **Monitor**
Interviewees identified a number of strategies that were implemented to improve staff incentives:

- Salary studies to inform the development of more competitive salary scales;
- Engaging the governor and legislative allies in promoting the issue of incentives and directing resources to address the issue;
- Creation of specialized, higher-pay positions to attract and retain specially-skilled workers;
- Stipends and incentives for obtaining social work degrees; and,
- Including private agencies in the problem-solving efforts.

Interviewees cited a number of different challenges to improving staff incentives:

- Lack of attention to the issue of salary and other benefits in the court order and resulting implementation plan;
- Lack of incentives for additional work required by the standards in the court order;
- A cumbersome state personnel system that fails to offer competitive salary scales and career tracks;
- Failure to address salary and benefit issues in the private sector; and,
- Lack of formal requests to the legislature regarding increasing the budget to accommodate salary or benefit increases for current or new staff.

**CHALLENGES TO IMPROVING STAFF INCENTIVES**

- One of the things we could have pushed is for them to sustain the increases in salary and benefits. Creating a better salary and benefit structure would help. The more people you retain the less money you have to spend training new staff.
  
  PLAINTIFFS’ COUNSEL

- If you have higher standards for workers, then give them incentives for doing that work. There was no compensation for the work employees did to try to meet those standards.
  
  CHILD WELFARE AGENCY REPRESENTATIVE

- The Department has advocated for higher salaries, but I don’t know if that's been translated into a formal budget request to the legislature.
  
  MONITOR

- I would also add a provision about salary considerations. I would try to negotiate some things like that. I think that it’s really important and it wasn’t addressed.
  
  PLAINTIFFS’ COUNSEL

**8. Supervision**

Nearly two-thirds (61%) of interviewees reported that high supervisory ratios, poor supervision, and lack of regular performance evaluations of caseworkers and supervisors were among the issues precipitating the lawsuit and the resulting court order.

As one child welfare agency representative said, "Every worker had a performance plan, but those plans lacked real metrics. Supervisors lacked data with which to analyze performance. Problem workers were difficult to fire, and even successful terminations would take months to complete. Often, supervisors would just avoid the hassle by leaving a problematic worker in place." Another child welfare agency representative noted, "Supervisors were promoted based on seniority but did not know how to supervise, nurture, etc. There were issues of competency and accountability of supervisory staff. There was no supervisory training."

*Improving the Child Welfare Workforce: Lessons Learned from Class Action Litigation*
A plaintiffs’ counsel said, "Supervision was chaotic and primitive. Simple annual evaluations weren’t given." A monitor commented, "Staff did not have personnel evaluations done. Supervisors managed form over substance – asking ‘do you dress well?’ versus ‘are sound child welfare performance outcomes being achieved?’"

Seven of the 12 court orders included at least one specific provision regarding supervision. In the remaining five cases, interviewees indicated that supervision issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented.

Across the 12 cases, approximately one-half (55%) of interviewees said that there has been substantial improvement in the supervision of casework staff in their jurisdiction since the litigation. However, one-third (33%) noted that there had been only moderate improvement in this area since the litigation, and 8% said that there had been no improvement in this area.

Analyzing the data by case, in six of the 12 cases the majority of interviewees (60-90%) said that there had been substantial improvement in this area. In four other cases, the majority of interviewees said improvement in this area was moderate or minimal.

**Progress on Supervision**

- Supervisory ratios are improved, and every case is reviewed by a supervisor at least one time per week. The consent decree standards pushed the standardization of this process, as previously supervision was done on the fly.  
  **Monitor**

- In the agreement, there is a requirement that to be promoted from caseworker 1 to 2, there is a performance evaluation that has to be completed. And for the supervisor-worker ratio, the typical ratio became 1 to 5.  
  **Plaintiffs’ Counsel**

- Without those improvements, we wouldn’t have supervision that is appropriate and accessible.  
  **Child Welfare Agency Representative**

- [There was] significant improvement in terms of having the people to do supervision. It was closely monitored, ratios went down and supervisor’s only job was to supervise now.  
  **Advocate**

Interviewees noted that compliance with the court order has resulted in an increase in the number of hours of supervision provided to caseworkers, and, in some cases, has improved the availability of supervision and the timeliness of performance evaluations. However, some interviewees noted that, while the quantity of supervision has improved, the quality of supervision remains a concern.
Interviewees identified a number of different approaches implemented to improve supervision:

- Placing supervisors in the field with caseworkers;
- Adding an additional supervisory layer, such that frontline supervisors are provided with accessible and ongoing supervision themselves;
- Reallocating supervisors within the agency (e.g., placing them directly in family or juvenile court to provide direct support to casework staff);
- Requiring supervisors to attend not only supervisory trainings, but also the same trainings required of caseworkers, to ensure transmission of learning to the field;
- Requiring and providing funding for all supervisors to obtain MSWs;
- Developing mentoring programs for new supervisors;
- Encouraging greater supervisory commitment to the reform through task forces, focus groups and supervisor-directed reform plans at the regional and unit levels; and,
- Taking broad-based disciplinary action, including the suspension or termination of supervisors unable or unwilling to meet job requirements and/or commit to the reform.

Interviewees also identified a number of challenges to improving supervision:

- Court orders that focused solely on improving supervisory ratios and paid limited attention to improving the quality of supervision;
- Lack of focus during implementation on improving supervisory competencies, including the development of training and mentoring opportunities designed to enhance supervisory skills;
- Lack of recruitment of adequate numbers of supervisory staff;
- Inappropriate promotions of inexperienced caseworkers to supervisory roles, in order to fulfill the supervisory ratios included in a court order;
- Lack of performance benchmarks and evaluation for supervisors;
- Lack of supervisor participation with and buy-in to reform efforts; and
- Lack of focus on supervisory structure and organization within the agency.

**Challenges to Improving Supervision**

- Supervisors and line workers were left in the dark; we just didn't see the standards. If caseworkers or supervisors don’t have that big picture, no one knows the reasons behind requirements, and they won’t fully commit and support them – they won’t see the point.
  CHILD WELFARE AGENCY REPRESENTATIVE

- We addressed numbers of supervisors, but we didn’t really address the quality of supervision. We had good requirements for education, training and experience for supervisors, but we didn’t do enough exploration of what makes a good supervisor. We couldn’t really come up with good benchmarks.
  MONITOR

- They took people who had been there 12-18 months and made them into supervisors, but they didn’t really know what needed to be done, so you had the blind leading the blind.
  ADVOCATE

- The consent decree doesn’t address some things that have greatly affected quality of work beyond caseloads. The consent decree has no direct method of assuring that, and the quality is largely varying.
  PLAINTIFFS’ COUNSEL
Improving the Child Welfare Workforce: Lessons Learned from Class Action Litigation

CHALLENGES TO IMPROVING SUPERVISION, cont.

- As with parenting classes for birth parents, the definition of success in supervision is attendance. They still promote caseworkers to supervisory positions because they are doing a horrible job as a caseworker.
  ADVOCATE

- Most of the new workers are the ones getting the training, and the "old school" folks in the agency are their supervisors, so there's really no transmission of the training into the field, as middle management has not been trained to act or think the same way.
  ADVOCATE

- Complaints regarding supervisors don't go anywhere.
  MONITOR

9. Training and Education

More than three-fourths (77%) of interviewees reported that lack of training and education requirements and opportunities for casework and supervisory staff were among the factors that precipitated the lawsuit and the resulting court order. One interviewee (who had previously been a direct service worker) said, "On the first day I walked in, I got 40 cases, which eventually went up to 156 cases. I didn't have any training when I started; I didn't even know what a foster home was"; another noted, "On my first day, I had 70 cases on my desk that hadn't been touched in eight months – they told me to get reading them and working on each of them – and I had had no training at all. You got little snippets of training or mentoring along the way, but basically back then you just developed your own style for doing things"; and a third interviewee explained, "I received three weeks of pre-service training, and was provided a full caseload. There were periodic in-service trainings, but they were hit and miss, and I could never really find the time to go anyway."

All but one court order included at least one specific provision regarding training and education. In the remaining case, interviewees said that although these issues were not explicitly addressed in court order provisions, they were identified during the litigation and strategies attempting to address them were implemented.

Across the 12 cases, the majority (80%) of the interviewees noted that there has been substantial improvement in the training and education of staff in their jurisdiction since the litigation. Less than one-fifth (18%) of the interviewees indicated that there has been moderate improvement regarding training and education for staff in their jurisdiction. Less than 3% indicated that there had been no improvement in this area.

Analyzing the data by case, in eleven of the 12 cases the majority of interviewees (60-100%) said that there had been substantial improvement in this area. Most interviewees noted that compliance with the court order has resulted in substantially increased training and education requirements and opportunities for staff in their jurisdiction.
**PROGRESS ON TRAINING AND EDUCATION**

- The educational background of workers has improved. The settlement agreement set standards in this regard, and this has initiated a partial subsidy for workers to get their MSW’s while retaining their jobs.
  
  **CHILDREN’S COURT JUDGE**

- Even on a statewide basis, when things have to be cut, you think of cutting training as if it is a frill. So the consent decree prevented that from happening here when that was happening in other areas of the state.
  
  **CHILD WELFARE AGENCY REPRESENTATIVE**

- The consent decree really focused on the professionalization of the workforce, and it awakened the need for the agency and its workers to be educated in both social work and child welfare. The educational background of staff improved markedly. The workforce unquestionably improved – the workers were more self-aware than they were when the lawsuit began.
  
  **PLAINTIFFS’ COUNSEL**

- The training unit had previously been out of [one county], and it was completely revamped. A new unit was put in place. Before the consent decree, training was haphazard. Now there is a training unit with a coordinator and two specialists. Pre-service, in-service and supervisory requirements are addressed. There was no pre-service training before [the consent decree]. Now training is 105 hours, and supervisors don’t simply rise up the ranks because their salary is increasing; they have to show improvement in skills.
  
  **MEDIATOR**

- As a pre-condition to systemic reform, the focus on proper training and a proper training curriculum is major. Again, it is too early in the process for training to have shifted the agency’s culture. But training is now focused on core competencies, and staff have been increasing their educational backgrounds.
  
  **MONITOR**

The majority of interviewees reported that staff are better educated, better trained and better qualified to do their jobs, and that, to some degree, their work in the field reflects greater skill levels and understanding of their roles and responsibilities. Specifically, these interviewees indicated that the quality of child protective investigations and case plans had improved because workers had better training and education. They also noted improvements in the following areas: permanency planning, client access to services, length of stay in out-of-home care, repeat maltreatment, abuse in care, placement stability and institutionalization.
IMPACT ON CHILDREN, YOUTH AND FAMILIES

• It's a completely different department now. Workers have a clearer sense of their role, and the system continues to evolve very positively. There are fewer kids in foster care – their stay is briefer and they leave for permanency. There has been an increase in adoptions – on a scale that years ago could not have even been considered realistic.
CHILD WELFARE AGENCY REPRESENTATIVE

• Workers are able to really keep an eye on the kids they supervise in foster care. The incidence of abuse and neglect has gone down, and the response time is much quicker. Time to adoption has decreased; it has been lowered by one year! And the overall length of stay in care has gone down significantly. There has been a dramatic reduction in the rate of maltreatment in care, as there is more emphasis on training and improving the education level for workers.
PLAINTIFFS' COUNSEL

• They conduct markedly improved assessments; they're not bouncing kids from placement to placement, or doing long term foster care placements. Workers now know what they are supposed to be doing. Children are out of residential placements they had been in for years.
ADVOCATE

• The consent decree changed the nature of the job, and made it much more of a social service function. More than that, it was much less piecemeal of a process – workers did more work with families, and would see some result that would be gratifying to them. It made it a much more rewarding job because they were doing something to solve problems.
CHILD WELFARE AGENCY REPRESENTATIVE

• Everyone involved in the system would say there's been a vast change in practice. We were able to develop a way of teaching workers to see children in different ways.
PLAINTIFFS' COUNSEL

However, a number of interviewees said that the improved training had yet to translate into substantial improvements in outcomes for children and families. As one advocate said, "I have seen improvement in training, but to see it actualized, that is another question. People don't have time to go to training. The training academy has done some good work in getting at supervisors, but I am not confident that it is ongoing. There's pre-employment training for six months but the problem is that [caseworkers] get good training but then it is hard to apply once they are in the field, as it is not re-enforced because they're told by their supervisors "do it this way, don't worry about what you learned." So office culture has not changed significantly as supervisors don't support it. The efforts of good workers still get sabotaged by their supervisors."

Interviewees identified a number of strategies that were utilized to improve training and education:

• Contracting out the training function, often through the development of a university-agency partnership, training consortium or training academy;
• Incentives for staff who pursue social work degrees and child welfare licensing credentials, including stipends and subsidies;
• Requiring all supervisors to obtain MSWs;
• Comprehensive on-the-job mentoring, including placing supervisors in the field with new caseworkers;
• Changing the location of training and educational opportunities, including moving trainings closer to workers’ job sites and developing an on-site MSW program at the department;
• Reforming the training curriculum, including a focus on meaningful competencies and consultation with national child welfare experts; and,
• Complete re-training of the entire workforce in a new policy and practice model.

Interviewees identified a number of challenges to improving training and education for staff in their jurisdiction:

• Limited monitoring of training needs and attendance, such that supervisors and managers frequently do not know if staff have signed up for or attended trainings that are offered, or are not aware of the types of training staff might need;
• Lack of data regarding training outcomes;
• Lack of planning to ensure caseworker and supervisor schedules can accommodate training hours;
• Lack of congruence between supervisors’ philosophies and the training model provided to workers;
• Lack of monitoring of private agency compliance with training requirements; and,
• Overemphasis on the quantity of hours, instead on the quality of the training curriculum and the competencies of workers who have participated in it.

### CHALLENGES TO IMPROVING TRAINING AND EDUCATION

- **Advocate**
  - Mid-level managers are the old-school people who are resistant to change. This impacts the ability to make systemic change. New workers believe in the training but their supervisors do not.

- **Monitor**
  - The training piece is based on hours of training and it could lead you to be counting hours as opposed to the content or quality of the curriculum.

- **Advocate**
  - We now have B.A level staff, whereas before we did not, but they still aren’t trained in social work, and are not really prepared. The department asks folks to go to trainings, but doesn’t give them the time to attend them! So there are continuing conflicts regarding job and training responsibilities. While training might be better and more available now, it is not being used to its fullest. New staff get training when they start, but in-service training is limited when they receive full caseloads.

- **Monitor**
  - We put a lot of emphasis on worker training, but it’s hard to get supervisors to buy-in.

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### 10. Caseloads and Workloads

The majority of interviewees (87%) reported that high caseloads, unmanageable workloads and lack of adequate administrative supports, including clerical and paraprofessional staff, were key factors precipitating the lawsuit and the resulting court order. As one child welfare agency representative noted, "It was really just common knowledge – there were caseloads of 50-60 kids, and there was no way that caseworkers could do their jobs. Everyone talked about it, all the time." Plaintiffs’ counsel in another case said, "In [one county], it was reported that caseloads were routinely in the 80-100 range. Caseloads were so high, workers couldn't function. They weren't able to show up at court, work with families, or follow a case plan. Caseloads were
used both as a cause and excuse for nearly everything that was wrong with the system." Another plaintiffs' counsel (in a different case) said, "It was routinely reported in [the] counties that individual worker caseloads ran well upwards of 50, 60, 70, 80. There was no statewide tracking system to determine caseloads. There was no infrastructure to the system. Even those caseload numbers that I provided are largely anecdotal. They were laid out in [a public] report, but there was not solid data. Workloads were oppressive."

All 12 court orders included at least one specific provision regarding caseloads and workloads.

Across the 12 cases, more than three-fourths (80%) of the interviewees noted that there has been substantial improvement in the caseloads and workloads of staff in their jurisdiction since the litigation. Interviewees noted that, since the litigation, caseload size has been defined and caseloads have been reduced. Slightly less than one-fifth (19%) of the interviewees indicated that there has been only moderate improvement regarding caseload and workload challenges in their jurisdiction.

Analyzing the data by case, in ten of the 12 cases the majority of interviewees (80-100%) said that there had been substantial improvement in this area.

PROGRESS ON CASELOADS AND WORKLOADS

- If the caseload standards hadn't been in the court order, there is no way the state would have spent the money on addressing caseloads.
  CHILD WELFARE AGENCY REPRESENTATIVE

- Caseloads were supposed to go from 45 to 20, and case managers felt like they had won when they finally did.
  CHILD WELFARE AGENCY REPRESENTATIVE

- The consent decree made life a little better for workers because they had caseloads which were more reasonable, so there was less stress and burnout.
  CHILD WELFARE AGENCY REPRESENTATIVE

- Caseloads have come down from horrific levels. They're not where they should be, but they have come way down. Our standards are higher than Child Welfare League standards. Now good workers can do their jobs.
  PLAINTIFFS' COUNSEL

- In the late 70s, my caseload was 30 kids. Under the consent decree, I would have had no more than 15. So clearly the consent decree had a positive impact on reducing caseloads for the workforce. Caseloads actually came down rapidly after the consent decree. As caseloads came down, there was a positive impact on the quality of services. We were able to institute good practice. Workers were able to take what they had learned, apply it to a smaller number of families, and sustain it over time.
  CHILD WELFARE AGENCY REPRESENTATIVE

However, interviewees noted that, while there have been caseload reductions "on paper," ongoing turnover issues have limited improvement in this area. These interviewees also noted that caseload reductions have not necessarily translated into decreased workloads for frontline staff, due to increased documentation requirements arising from the court order.

Interviewees offered a mix of comments regarding the provision of worker supports to decrease workload. Some mentioned that the implementation of the court order has given rise to increased worker supports, specifically the hiring of clerical staff to assist with filing and court report preparation, as well as
paraprofessionals to assist in client transportation and supervision of family visits. Others, however, noted that these types of administrative supports had not been provided and had been largely overlooked in the court order and implementation process.

In addition, although caseloads decreased substantially in most jurisdictions, there was a mixed view of the impact of these reductions on outcomes for children, youth and families. Many said that caseload reductions have resulted in workers having more time to meet with clients and assess and address their complex needs. These interviewees said that decreased caseloads have led to staff spending more time with and developing better knowledge of their clients and providing better services as a result. Interviewees said that improvements in this area have lead to better permanency planning, increased clients' access to services, improved timeliness of child protective investigations, decreased length of stay in out-of-home care, decreased repeat maltreatment and abuse in care, improved placement stability and decreased institutionalization. However, others said that the caseload reductions have not yet translated into better quality interventions and service delivery or improved the safety, permanency and well-being of children and youth.

**IMPACT ON CHILDREN, YOUTH AND FAMILIES**

- We were the leaders in the length of stay in foster care; we now lead the country in adoptions. As a result of the consent decree and improved casework, our foster care population has (decreased substantially). We do much better on safety. We have reduced the rate of re-abuse and neglect by more than half. The caseworkers praise the lower caseloads.
  **PLAINTIFFS' COUNSEL**

- Children are being visited more, caseworkers are having their monthly private conversations with the children – so caseworkers have more insight.
  **CHILD WELFARE AGENCY REPRESENTATIVE**

- It is such a different system – you can hardly recognize it. They are taking 80% fewer kids into the system because of improved investigations. The rate of adoption is five times higher than it was before the case.
  **CHILD WELFARE AGENCY REPRESENTATIVE**

- It's still too early to tell in terms of outcomes for children. There are many anecdotal reports that the reform is going to be great for kids. The evidence must be developed and assessed. There is a slight indication that "length of stay" is already moving in the right direction.
  **MONITOR**

- Caseloads are much lower, so workers can actually see kids. Child abuse and neglect in care have declined. There has been an increase in adoptions, decrease of time in care, better permanency.
  **MEDIATOR**

- Workers do know their cases. They know the kids and families a lot better with the caseload they have now than if they had 50 cases. That also leads to the court having better information and kids getting more time from their caseworker.
  **ADVOCATE**

- Reduction in caseload sizes has allowed workers to have contact with kids, face-to-face, every thirty days. Before the lawsuit, some kids never even met their caseworker and we know all the things that can flow from that.
  **ADVOCATE**
Interviewees identified a number of approaches that were implemented in an effort to decrease caseloads and workloads in their jurisdictions:

- Increased allocation of caseworker and supervisor positions;
- Large-scale recruitment of new staff;
- Use of differential standards based upon workload differences not only between service type, but also between urban and rural counties;
- Reorganization of caseworker and supervisor assignments (e.g., job-sharing, teaming on cases, and reallocating staff previously assigned to administrative duties into the field);
- Development of specialized staffing departments, including overhire units designed to satisfy short-term, seasonal or other workload challenges by maintaining a cadre of trained staff who can fill vacancies as they arise, or through the hiring of part-time or contract staff to fill vacancies caused by planned medical leaves or hiring freezes; and,
- Decentralization and creation of community districts to place staff in closer proximity to the children and families they serve.

Interviewees noted a number of challenges to improving caseloads and workloads:

- Ongoing turnover of both new and old workers that undermined agencies' efforts to address caseload and workload issues;
- Lack of consistent data and research regarding caseload size and needs;
- Unanticipated hiring freezes;
- Inappropriate hires as a result of mass recruitment activities in an effort to quickly comply with the caseloads standards included in a court order, leading to high turnover;
- Inability to recruit for and maintain active overhire units because the jobs were perceived as undesirable, or because the positions were offered as contract jobs, without benefits or incentives;
- Lack of funding allocated for clerical and paraprofessional support staff;
- Increased documentation requirements for caseworkers as a result of the court order;
- Failure to decentralize into community-based offices; and,
- Tension between counties when one county experienced caseload reductions due to court order requirements, and other counties were excluded from the reform.

**Challenges to Improving Caseloads and Workloads**

- They've had their intended effect with bringing caseloads down, but the high turnover rate has sort of jeopardized all of the benefits one might get from a low caseload in terms of quality caseload practice.
  
  **Plaintiffs' Counsel.**

- There are problems finding enough people who are capable of doing a good job. There can be a problem with requiring certain specific numbers for caseloads – that can lead to just hiring a warm body to fill the position to meet the standard.
  
  **Child Welfare Agency Representative.**

- I don't think there are specific enough requirements for documenting caseloads. We don't know the specific kind of breakdown of staff positions that are actually needed. It would have been a good thing to have a template for these needs.
  
  **Advocate.**

- The [over-hire unit] didn't work, ultimately. No one wanted to do that job; they couldn't keep people in that job. It ultimately disintegrated.
  
  **Plaintiffs' Counsel.**
CHALLENGES TO IMPROVING CASELOADS AND WORKLOADS, cont.

• They still don’t get enough clerical or support staff – there are really no secretaries, and no case aides to speak of. So caseworkers don’t get much direct support in their day-to-day responsibilities. We have gone forward in some ways and backward in others.
ADVOCATE

• Some workers prefer to work on cases that are not controlled by the consent decree because there is less paperwork. Workers are subject to much more scrutiny when they work on consent decree cases.
PLAINTIFFS’ COUNSEL

• The governor decided that all new staff would be contractual. These employees had no vacation, no health benefits, etc. This is tied up with recruitment issues, as it was a disaster. People who entered those positions only stayed for a little while, as they couldn’t afford to be without benefits for so long, so there continued to be turnover, and multiple workers handling the same case, so the kids still never saw any continuity, and caseloads never improved.
ADVOCATE

• It is hard to tell if what is being reported is accurate. We want to know: "how do failures occur?" and "If caseloads are better, but services are not, what is wrong?" There's been a dramatic decrease in caseload size - it used to be 30-70, now it’s 17-20. But there is still very high turnover.
ADVOCATE

• I would deal more strongly with clerical support. We didn't include mandatory clerical support. I think that we said they have to hire ten more people. They’ve had a very hard time filling clerical positions and I think that this has hurt them.
PLAINTIFFS’ COUNSEL

11. Working Conditions
Fourteen percent of interviewees identified poor working conditions, including lack of adequate office space, accommodations and on-the-job safety, as being among the issues that precipitated the lawsuit and the resulting court order. Interviewees highlighted a range of problems existing at the start of the litigation, including old, dirty and damaged offices; inadequate numbers of desks and telephones; lack of safety protocols for workers in the field; and lack of supports, such as cell phones and teaming on home visits.

As one child welfare agency representative said, "There were concerns about the buildings – they were terrible places. We had 275 people in a building for about 120. To show how bad it was, the newspaper took a picture of a worker having to climb over another desk to get to her desk." A monitor in another case said, "Workers had no phones when they were out in the field. They had minimal supports in the office as well. There were lots of complaints about office conditions." An advocate in another case said, "We didn't provide cell phones. We had caseworkers walk into meth homes and labs who didn't have cell phones for calling 911. We had one county that, in one week alone, had 40 kids come into care because of meth. They had no protocol for how to treat these kids. They took these kids from meth homes and put them in the back of their cars!"

None of the court orders in the 12 cases included provisions that specifically addressed working conditions. Two-thirds (66%) of interviewees said that these issues did not specifically arise during the course of the
The remaining interviewees (25) said that these issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented. Of these, approximately one-half (52%) noted that there has been substantial improvement in this area since the litigation. One-fifth (20%) said that there had been only moderate improvement in the working conditions of staff in their jurisdiction as a result of the court order. An additional one-fifth (20%) indicated that there has been no improvement in this area.

Analyzing the data by case, in four of the 12 cases the majority of interviewees (60-100%) said that there had been substantial improvement in this area. In five cases, interviewees were split as to their assessment of improvement in this area; in two cases, all interviewees said that the court order did not address this area; and in one case, all interviewees indicated that there had been no improvement.

Where there have been improvements, interviewees indicated that offices were cleaned and upgraded, desks and telephones became available for all workers, and safety protocols were instituted.

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**Progress on Working Conditions**

- *We got a new physical plant in one place because it was horrible to work in that office.*
  
  ADVOCATE

- *With the exception of some of the really rural areas, all of the offices are in good buildings now, with security glass or security people. Safety at the office has improved. It has improved in the field as well – workers have been issued cell phones.*
  
  CHILD WELFARE AGENCY REPRESENTATIVE

- *Safety is a challenge for child welfare systems across the country. The buildings are ok, but in terms of the dangerous environments they work in (e.g., meth lab busts, homes with guns, etc.), safety is just an issue nationally. What the state has done in terms of buildings and equipment has been great.*
  
  ADVOCATE

- *Caseworkers now have cell phones; that’s the biggest safety change.*
  
  PRIVATE PROVIDER

Interviewees noted a number of different approaches that were utilized to improve working conditions in their jurisdictions:

- Providing all caseworkers with cell phones;
- Decentralizing offices to ensure caseworkers are closer to necessary resources and supports;
- Conducting a comprehensive study of working conditions, including safety needs and physical plant issues, to inform improvements;
- Teaming on cases; and
- Stationing law enforcement personnel in agency buildings.

Interviewees mentioned two reasons why working conditions have not substantially improved since the lawsuit:

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68 In addition, 8% who said that this issue did arise said they did not have enough information to provide feedback on improvements in this area. It should be noted that some interviewees speaking about the same case did deem it appropriate to comment on this issue, while others did not.
• Lack of specific attention to these issues in the lawsuit and resulting court order; and
• Inappropriate or shortsighted solutions to safety problems, such as whistles for frontline staff.

CHALLENGES TO IMPROVING WORKING CONDITIONS

• There were concerns about safety. A workgroup from the office services department recommended that caseworkers be given whistles! This suggestion was met with the derision it deserved.
CHILD WELFARE AGENCY REPRESENTATIVE

• The original litigation did not address worker safety. During monitoring, issues regarding work conditions have arisen. We have been encouraging upgrades for work conditions and resources like automation, computers, voicemail.
PLAINTIFFS' COUNSEL

• We wrote our report because people are so furious over the working conditions. The department wasn't reporting on things that were illustrating the problems, they were reporting on things that are good about what they were doing. The solution is to own up to the difficulties and problems that we have.
ADVOCATE

12. Leadership and Organizational Environment
Slightly less than half of the interviewees (43%) highlighted organizational environment issues — including challenging agency structure, unclear mission and vision, chaotic culture, unstable leadership, low employee morale and cumbersome policies and regulations — as some of the issues that precipitated the lawsuit and resulting court order. As one training consultant noted, "There was no model for the employees — they had to make it up as they went along. The culture was passive-aggressive and highly resistant to change, as people were rewarded when they protected themselves." According to one child welfare agency representative, "There was a practice of firing staff for anything, which led to a culture of fear."

LEADERSHIP AND ORGANIZATIONAL ENVIRONMENT
ISSUES PRECIPITATING THE LAWSUIT

• There was no consistent mission statement that existed for the department to use as a guide. This led to uneven management and a leadership void. There were no well-defined expectations from leadership on what people were supposed to do. Although there were some fairly decent policies, they were never followed. If you had kidnapped the five highest paid people from the central office and interrogated them, they would not have been able to come up with a consistent mission and vision statement, but they could tell you about the hierarchy!
MONITOR

• The agency was viewed as being in a constant state of turmoil. There was constant turnover in leadership and at management levels. The system was unstable and the atmosphere was chaotic. There was uncertainty and conflict between the focus on keeping kids safe and family preservation. There were not a lot of specific things written into policies in terms of model practice.
ADVOCATE

• The county and state were failing to right a troubled system. There was no leadership.
CHILD WELFARE AGENCY REPRESENTATIVE
Five of the 12 court orders included at least one specific provision regarding the organizational environment. In the remaining seven cases, interviewees said that these issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented.

Across the 12 cases, more than one-half (58%) of the interviewees noted that there has been substantial improvement in the organizational environment of the child welfare agencies in their jurisdiction since the lawsuit. Approximately one-third (35%) said that there had been moderate improvement, and 6% said there had been no improvement in this area.

Analyzing the data by case, in six of the 12 cases the majority of interviewees (60-100%) said that there had been substantial improvement in this area.

Interviewees said that the court order was effective in bringing in strong leadership, fostering a positive workplace culture, improving employee morale, reforming the mission and vision of the agency and strengthening the application of policy to practice approaches in the field. However, interviewees also noted that the court order brought down morale at times, as staff viewed the litigation as a judgment and criticism of their work and effort.

**PROGRESS ON LEADERSHIP AND ORGANIZATIONAL ENVIRONMENT**

- Absent the consent decree, [our state] wouldn’t be this far along. It is also important to have strong leadership who are familiar with the child welfare field. But the consent decree also drives the choice of the leader, and [our state] wouldn’t have appointed a strong commissioner without the consent decree. A real accountability structure is in place with the consent decree now. Leadership with a vision is crucial. A consent decree without strong leadership won’t make a difference.
  CHILD WELFARE AGENCY REPRESENTATIVE

- The importance of the work itself is more visible; if there’s a problem, workers are not tried in the press as they used to be. The agency's mission is seen more by the legislature and public as something that's important to our society and quality of life.
  CHILD WELFARE AGENCY REPRESENTATIVE

- There has been a ton of work in this area, including focus groups, task forces, and the development of the practice model.
  ADVOCATE

- There has been a vast improvement in mission, culture, and expectations. Various policies became binding. We were blessed with good leadership at the beginning and for most of the first half of the reform.
  PLAINTIFFS’ COUNSEL

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N=71, as two interviewees said that this issue did not arise during the litigation; additionally, one interviewee who said that this issue did arise said he/she did not have enough information to provide feedback on improvements in this area.
A number of interviewees indicated that the litigation was effective in bringing in strong leadership. However, interviewees involved in shorter- and longer-term cases noted that, over the "life" of the case, gains were made during times of good leadership, and progress often slowed or stalled during times of bad leadership (i.e., leaders who lacked child welfare expertise and/or political savvy). Interviewees said that continued leadership turnover has negatively affected the pace and progress of the reform efforts, given the varying commitment to and understanding of the reform by different leaders.

Some noted that, while the lawsuit could not substitute for good leadership, it ensured continued pressure on the agency, the legislature and other key stakeholders as administrations and leaders changed over time. As one monitor said, "the consent decree provides the leverage for a real reform effort. It is key for continuity purposes as it survives changes in leadership. It bridges administrations."

Interviewees also noted special challenges in state/county-run systems where leadership varied substantially from county to county and was not beholden to the state-level commissioner. As one monitor indicated, "County directors don't serve at the pleasure of the commissioner, they are appointed by their county boards. The board's whole purpose is to hire and fire county directors. County directors' commitment has varied. I think there needs to be a report card system evaluating whether they're getting the job done or not. This might build in some public accountability. Management has to lay out expectations for the middle managers – this was not really done clearly. It was left laissez faire. One of the biggest challenges is finding management leadership who can deal with the difficult problems of these systems."

Interviewees identified the following strategies that were implemented to improve the organizational environment of the child welfare agency in their jurisdictions:

- Having leadership actively engage frontline staff (e.g., by soliciting their feedback, spending a day shadowing a worker, etc.);
- Rallying around good leaders to prevent them from being sacrificed when things go wrong (e.g., high-profile fatality investigations);
- Re-training the entire workforce, at all levels, in a new philosophy and model for their work;
- Bringing in expert consultants to help shape the new vision, mission and philosophy for the agency, including providing assistance directly to local offices where applicable;
- Conducting a national search for a new agency leader and management team;
- Recruiting a leader who is open, visionary, and non-defensive;
- Engaging regional leaders and management teams in the reform efforts, as well as caseworkers and supervisors, to encourage greater buy-in and comprehensive culture change;
- Removing staff who are unwilling to commit to reform and apply the new philosophy to their work; and
- Using privatization as a tool for reform, and ensuring the inclusion of private agencies in the change efforts.

Interviewees identified a number of reasons why organizational environment issues may not have substantially improved since the court order:

- Lack of leadership provisions in the court order, and little discussion of leadership needs during the creation of the implementation plan;
- Lack of strong leadership to implement the reforms ushered in by the court order;
- Lack of focus on locating or developing quality leadership, including conducting a national search;
- Lack of worker, supervisor and management commitment to the reform;
- Too much focus on developing a new mission and vision statement for the agency, with little attention paid to actually applying that philosophy to create comprehensive culture change; and
- The negative impact of litigation on staff morale.
CHALLENGES TO IMPROVING LEADERSHIP AND ORGANIZATIONAL ENVIRONMENT

• Cultures only change when the person at the top is on the same page as the people on the front lines. But there’s no buy-in here – the director sends out an email regarding the agency mission and vision, but there’s no discussion about what it really means.
  ADVOCATE

• There is a tendency in public agencies to get in line with what is happening in the moment and not to be really self-aware. As leaders, they have to be able to respond to changing patterns in the landscape.
  MONITOR

• It has been harder to bring supervisor and managers in line with the consent decree than it has the administration and line workers. There was a lot of frustration that the county signed the decree without staff input, because staff would have told them to do it differently. Managers were not actively involved in the process. There was a lot of anger and frustration and foot-dragging.
  CHILD WELFARE AGENCY REPRESENTATIVE

• Keeping regulations like fire code take precedence over culture change.
  JUVENILE COURT JUDGE

• They had some terrible people in leadership positions. The department has a culture of accepting things as bad and not advocating for itself. It’s a bunker mentality – "Don’t bring me any bad news." They have policies that are in place, but are not being followed or monitored.
  ADVOCATE

• There was a forever-changing commissioner. A lot of people were cycling through the agency, in different jobs – people would be in other agencies, then moved into child welfare, and have no background in the work at all.
  PLAINTIFFS’ COUNSEL

• You can order more money, better standards, and better outcome measures, but in order to make things work, to really get an agency to reform, you need leadership that is quality. A reform of this magnitude requires leadership that is extraordinary. [Our state] never did a national search for a new leader of the agency.
  ADVOCATE

13. Technology

Approximately one-quarter (28%) of interviewees reported that a lack of technological resources (such as telephones, cell phones, pagers, cameras, computers and PDAs) was among the factors that precipitated the lawsuit and the resulting court order. As plaintiff’s counsel in one case put it, "technology was incredibly primitive. Caseworkers used index cards for their families. There was not a way to even tell which cases were assigned to which workers."
TECHNOLOGY ISSUES PRECIPITATING THE LAWSUIT

• There was no system infrastructure, there were individual bright spots, but no connectivity. People couldn’t tell you who was where, or why. Some folks used hand-generated tallies, but there was no systemic infrastructure for technology to help workers help kids.
 MONITOR

• I have a story: a caseworker called her attorney friend outside the agency and asked him to tell her where a particular kid on her caseload was! Someone outside the system had more information regarding the kids in the system than the caseworker supposedly serving those kids!
 MONITOR

• Lots of complaints about office conditions. No typewriters, no computers.
 MONITOR

• There certainly was a concern that many of the workers did not know how to use the existing technology and that they did not also have access to the technology that would ease what they had to accomplish; they did not have cameras, laptops, cell phones.
 PLAINTIFFS’ COUNSEL

• They had some technology problems — the system was not well computerized, so different parts of the system didn’t know what each other were doing.
 PLAINTIFFS’ COUNSEL

• The computer system was a mess — information was missing on 800 kids.
 TRAINING DIRECTOR

None of the court orders included specific provisions regarding technology. About half of the interviewees said that these issues did not arise during the course of the case. The other half said that these issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented. Of these, nearly three-fourths of the interviewees noted that there has been substantial improvement in the technological resources available to staff since the litigation, including the provision of cell phones, laptop computers, and PDAs, as well as well-functioning automated information systems.

The majority of interviewees (60-100%) in eight of the 12 cases said that there had been substantial improvement in this area. In six of the cases, there was universal agreement that there had been substantial improvement in this area.

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70 N = 38, as 36 interviewees said that this issue did not arise during the litigation. It should be noted that some interviewees in the same case did deem it appropriate to comment on this issue and some did not.
PROGRESS ON TECHNOLOGY

• Workers got PDAs a year ago, but they didn’t get software that worked.
  Plaintiffs’ Counsel

• Investment in technology has created an internal capacity to use the case management system efficiently, i.e., to track cases, report data, etc.
  Monitor

• I was very conscious to build the new system around the frontline workers. I built the support system for them, their safety net if you will. They are the crucial element in our system, and you need to give them tools to do their jobs well – laptops, phones, etc.
  Private Provider

• Workers have audiotapes for interviews, and have the technology to download them, so when I’m reviewing the case I can listen to it. Nearly the whole system is high tech now.
  Child Welfare Agency Representative

• You’d have to rate our agency as excellent on technology. We are at the forefront. Our system is top-notch, and the workers are trained on it and can share information much more efficiently. Also, our GALs can get information straight from the system, so we don’t have to wait for the caseworkers. Workers also have cell phones.
  Advocate

• The consent decree brought a technological focus to the department – automated systems, case records that are computerized, computers available for each worker, phones, etc.
  Monitor

Nearly one-fifth (18%) said that there had been only moderate improvement in technology in their jurisdiction as a result of the court order, and 8% said there had been no improvement in this area. These interviewees said that staff in their jurisdictions still lacked cell phones, cars and working computers.

Interviewees noted that improvements in technology came about primarily through two strategies:

• Close monitoring of the provision of technological resources to staff, to ensure consistent implementation between offices and units; and
• Testing new technological supports with groups of staff to ensure usefulness and gain worker feedback regarding system development and needs before finalizing improvements.

Interviewees identified a number of challenges that have impacted improvement in this area:

• Although improving complex data systems within the department has been an important focus, the provision of basic technological resources for staff, including cars, cell phones, and computers, is often overlooked.
• In some cases, technological advances have been brought to the field, but are available only for a select group of staff.
CHALLENGES TO IMPROVING TECHNOLOGY

- About one-fourth of [the department’s] caseworkers bring SACWIS-connected portable computers with them into the field, with the others take notes on paper and do their data entry and case record reading in the office.
  CHILD WELFARE AGENCY REPRESENTATIVE

- They finally got 400 locked filing cabinets, but workers still don’t have cars or cell phones.
  MONITOR

- We don’t, today, provide cell phones. We have caseworkers that walk into meth homes and labs, but don’t have cell phones for calling 911.
  ADVOCATE

- Technology could be much better. Even in a modern environment, it’s amazing how bad people can be at using technology. One barrier is money, but mostly I think it’s the culture and inertia.
  PLAINTIFFS’ COUNSEL

- They still don’t have cell phones, or access to cars. They have really done some backsliding in terms of tools. For example – we asked [the department] to have the workers put the numbers of their supervisor and their cell phone on their voicemail message so we could contact someone when they are out of the office. [The department management] said fine, then management said “we can’t, because workers don’t actually have cell phones.” So the leadership has no idea what the workers have or don’t have in terms of tools!
  ADVOCATE

- Significant improvement in technology, though still a challenge, as the SACWIS is still far from perfect.
  MONITOR

14. Accountability and Oversight

Approximately half (49%) of the interviewees reported that issues regarding accountability and oversight, including lack of quality assurance (QA) and monitoring mechanisms, were among the issues that precipitated the lawsuit and the resulting court order.
ACCOUNTABILITY AND OVERSIGHT

ISSUES PRECIPITATING THE LAWSUIT

• There was no quality assurance system. They talked about it, but it wasn't functioning.
  PLAINTIFFS' COUNSEL

• There was no formal outside accreditation in place. Oversight was episodic and opportunistic and done on an ad hoc basis regarding what surfaced. They used band aids for problems, but no long-term solutions or well-developed strategies [to address issues].
  MONITOR

• Ten years ago I didn’t believe anything that came out of the QA office. I used to go through and count everything, because they would put things in the wrong category.
  PLAINTIFFS' COUNSEL

• Pre-litigation, there were concerns with quality assurance. QA was deemed insufficient. A state task force recommended QA reforms that were not implemented.
  PLAINTIFFS' COUNSEL

All but three court orders included at least one specific provision regarding accountability and oversight. In the remaining three cases, interviewees said that while these issues were not explicitly addressed in court order provisions, they were identified during the litigation and strategies attempting to address them were implemented.

Across the 12 cases, more than two-thirds (69%) of the interviewees noted that there has been substantial improvement in the accountability and oversight of the child welfare system in their jurisdiction since the litigation. Approximately one-fourth (27%) of the interviewees indicated that there has been moderate improvement, and 4% said that there had been no improvement in this area.

Analyzing the data by case, in eight of the 12 cases the majority of interviewees (71-100%) said that there has been substantial improvement in this area.

PROGRESS ON ACCOUNTABILITY AND OVERSIGHT

• There has been] statewide improvement because of the requirements of [the court order]. We now have a state-of-the-art QA unit. It is staffed adequately. There is also a community QA unit to provide outside community oversight as well.
  MEDIATOR

• I'm impressed with oversight. They have good people and they document things well.
  ADVOCATE
PROGRESS ON ACCOUNTABILITY AND OVERSIGHT, cont.

- We actually have a QA unit, with four workers, one supervisor, and one administrator and now it's statewide. We were the only ones in the state who had a QA unit in the beginning, with workers devoted to reviewing records, and talking about outcomes versus process. And now we're focusing on things that are not just consent decree related as well. We're able to make policy decisions that support better practice, and more timely improvement plans. It allows us to watch for trends and if we see a trend hopefully we can be driven by the data.

CHILD WELFARE AGENCY REPRESENTATIVE

- A direct outcome of the consent decree is case records reviews being required every six months. I think QA is one of the best things that happened in this case. There is good data coming out of this unit and good assessors.

PLAINTIFFS' COUNSEL

- The positive things that have been put in place as a result of the litigation are the Office of Child Protection Ombudsman, Child Fatality Review Teams, etc. The CQI and QSR processes have been good as well.

ADVOCATE

- The [department's] program evaluation unit -- their internal QA function -- report biannually (every six months) under the settlement agreement, and that heightened reporting on various child welfare outcomes and process measures has been forcing additional accountability.

PLAINTIFFS' COUNSEL

Most interviewees noted that compliance with the court order has resulted in substantially improved transparency to stakeholders and the development of internal QA units and quality QA reporting. Interviewees identified the importance of institutionalizing reform, not simply to hit specified QA targets, but to build a system that can sustain reforms after court oversight ends. Many interviewees noted that the court order led to greater external oversight and monitoring that will exist after the lawsuit has ended, including the initiation of accreditation activities, ombudsman offices, child fatality review boards and other stakeholder review boards.

A few interviewees in jurisdictions where there was or is no independent monitor noted the need for a funded, independent monitoring function. These interviewees noted that the lack of an external entity dedicated to the monitoring function contributed to periods of time in the case during which little progress was made. In many of the jurisdictions with an independent monitoring function, the monitor has played a robust technical assistance role, not simply verifying data, but rather identifying key data needs; developing new methods for collecting and analyzing data; framing data analysis findings to inform policy and practice; and providing consultation to the parties around best practices and reform strategies. In this role, the monitoring function in many cases has helped to maintain a focus on the substance of the work and reduce some of the acrimony within the adversarial context of litigation.

Interviewees also emphasized the importance of establishing clear exit criteria. They said that a lack of exit criteria causes "court order fatigue"—a lack of energy, attention and focus—given there being no end in sight. Plaintiffs' counsel noted that exit criteria depended on the importance of the issue being negotiated, could be dependent on the overall functioning of the system and should not be addressed in a piecemeal fashion.

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71 When a case for which there is a court order also has an exit plan, either in the order itself or in a separate document, then the parties have reached agreement on a set of measures, or “exit criteria,” the occurrence of which would mean the state or county can exit from the court order, and the case would successfully conclude.
Interviewees identified several strategies that were used to improve accountability and oversight in their jurisdictions:

- Initially contracting out the QA function to an outside entity (frequently the independent monitor or a university-based research group), which would set up the data elements, reporting processes and unit structure that could be transferred to an in-house unit later on, to ensure objectivity for a period of time during the early phases of the reform;
- Local offices taking responsibility for change efforts, including QA reporting at the regional level;
- Formally linking the outside monitoring function to the internal QA capacity from the start of the court order, so that when the agency exits the court order, the QA function will continue to operate in the same way that the monitoring office previously had; and
- In some instances, court receivership, or a take-over of a county agency by the state, to ensure reform.

Interviewees noted a number of challenges to improving oversight and accountability in their jurisdictions:

- Reticence on the part of the child welfare agency to view and use QA reports as tools for supervision, issue-spotting and systemic change, and a tendency to perceive reports as simply negative reviews of their efforts that should be hidden from view of staff, attorneys and stakeholders;
- QA reports that do not rely on robust data, focusing almost exclusively on numbers and counts, and less on evaluating quality of and satisfaction with services and systemic factors that impact outcomes;
- Internal QA units that lack objectivity and are concerned about issuing reports that may appear critical of their colleagues;
- QA units that are situated at the state or central offices, resulting in lengthy delays for supervisors and managers at the regional or county levels to receive, review and disseminate reports;
- Difficulty recruiting staff with appropriate qualifications to fill newly developed QA units;
- Concerns on the part of the child welfare agency about sharing reports with stakeholders for fear of negative press and punitive responses;
- In some instances, lack of an independent and funded monitor to identify key data needs, develop new methods for collecting and analyzing data, frame QA reports to inform policy and practice, and provide consultation regarding best practices;
- In some instances, lack of an ombudsman's office or other oversight group to ensure compliance with standards in the court order and recommendations of outside groups following the child welfare agency's exit from the court order; and
- In the context of litigation specifically, lack of defined exit criteria and a plan for achieving those benchmarks, resulting in "court order fatigue."
CHALLENGES TO IMPROVING ACCOUNTABILITY AND OVERSIGHT

- True outcome performance measures are not just paperwork. [There must be an] ongoing mechanism for continuous quality improvements across the system, not to punish but to ask "Why? Why are some regions or areas doing well and others not?" The data must be used to drive the creation of a better system.
  CHILD WELFARE AGENCY REPRESENTATIVE

- The only flaw in the settlement was the lack of outside monitoring. In the court order, there are no requirements that corrective action plans be made public. Making corrective action plans public would be helpful. Plaintiffs' counsel gets monthly reports. Any reports the plaintiffs' attorneys get, the public should get. No outside monitor was built into the court order. There is no local entity that has any mandate.
  ADVOCATE

- The problem is that the QA people are not in the field; it's all organized in a central office, so people are constantly waiting for the central office to issue reports.
  CHILD WELFARE AGENCY REPRESENTATIVE

- The plaintiffs have also had to enforce (the case) but there is no funding mechanism to support monitoring. There needs to be funding for a decree of this magnitude to be monitored, and at one point, the team asked for some funding from the state. Someone is employed to monitor now, but we have needed someone who could enforce the decree and be able to get good data and do data tracking [for a long time]. So my criticism is that an outside monitoring panel should have been hired from the start.
  ADVOCATE

- One of the issues has been staffing up the QA dept and getting people with the right backgrounds in those positions.
  PLAINTIFFS' COUNSEL

- Without the ongoing threat of court oversight, things tend to slip. We don't have in place everything we need to monitor ourselves.
  ADVOCATE

- There is no feedback loop. Performance concerns shared from the field by stakeholders do not seem to get attention from a go-to person inside [the agency]. It is ad hoc in terms of who takes responsibility day-to-day.
  ADVOCATE

- Departmental QA was utterly useless because they did a slanted job in measuring data. Case records didn't exist — I went out and found empty folders. They were getting fooled by their own folks — you can't trust internal QA folks at all.
  PLAINTIFFS' COUNSEL

- There were no exit criteria — either you were the most perfect system or you would be there the rest of your life. When I walked in there, there were no exit criteria other than complete compliance. I think that any decree or litigation needs to start the discussion with "what is the outcome we want and the exit criteria when we know we've made that outcome?"
  CHILD WELFARE AGENCY REPRESENTATIVE

- My office is an oversight body, and I know there can be a concern that it's within [the department], that it's too close to [the agency]. We are enough separated that I'm not overly concerned, and anyone reviewing our work would conclude that there's no bias — we're not siding with them. But I do see the point that there is a need for an independent ombudsman office. One of my biggest concerns about oversight is that no office is given any authority over [the agency] — I give them recommendations, but they don't have to follow them.
  CHILD WELFARE AGENCY REPRESENTATIVE
15. Data

More than one-third (38%) of interviewees reported that poor or inaccessible data and information were among the issues that precipitated the lawsuit and the resulting court order. As one advocate said, "Data used to be kept on 3x5 index cards – I saw them." A monitor in another case noted, "Data tended to be descriptive and late; it told you where you had been, but there was no system for analyzing information, sharing it broadly, and helping local offices figure out where they should be. There was no formal system or structure for analyzing information or sharing data and developing strategies from that data." Another interviewee (plaintiffs’ counsel) said, "The data tracking was awful. You couldn't tell what was happening. There were just piles of physical files all over the floor. There was no use of modern data and management tools."

Only four court orders included at least one specific provision regarding data. In the remaining eight cases, interviewees said that data issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented.

Across the 12 cases, more than two-thirds of the interviewees (69%) indicated that there has been substantial improvement in the quality and availability of the child welfare agency’s data and information since the litigation. Approximately one-fourth of interviewees (27%) noted that there has been only moderate improvement in this area, and 35 said there had been no improvement in this area.

Analyzing the data by case, in nine of the 12 cases the majority of interviewees (60-100%) said that there had been substantial improvement in this area.

**PROGRESS ON DATA**

- *Now we’re able to collect data that is actually useful. Data and details about cases are management tools that can be used to learn what is actually going on, leading to better outcomes.*
  CHILD WELFARE AGENCY REPRESENTATIVES

- *There’s been an increased transparency in the department as a whole. They now have a set of reports that are regularly being disseminated to the monitoring staff and plaintiffs, and also to the regions, and are being used both for the purpose of monitoring the settlement agreement, and for the agency’s internal management.*
  PLAINTIFFS’ COUNSEL

- *Millions of dollars have been put into the computer database. I can get data on pretty much anything. You’d have to rate [our state] as top of the line on data and the database system.*
  ADVOCATE

- *The lawsuit has given us access to information. I live in fear of the day when we’re actually in compliance and [plaintiffs’ attorneys are] no longer involved because of the previous lack of attention to documentation.*
  ADVOCATE
PROGRESS ON DATA, cont.

- Management reports really began to focus on particular areas where improvements were needed. It was easily undertaken and doable, as we were able to target the outcomes we were looking for. The consent decree was critical in helping us understand the levels of information we needed – administrative, managerial, supervisory and frontline. The administration is much more attuned and aware of how information can be used. They are now able to see problem areas, and drill down to see the owner of the problem. The data system helps identify supervisors and caseworkers in need of improvement or more support.

CHILD WELFARE AGENCY REPRESENTATIVE

- The MIS system improved significantly, so accountability has begun to improve as well, because we finally have access to meaningful data.

PLAINTIFFS' COUNSEL

Most interviewees noted that compliance with the court order has resulted in substantially improved data collection, including the use of better data elements, improved data management, increased focus on data analysis and increased sharing of available data with stakeholders. As one advocate stated, "There is a lot of information out there now. Information is accessible and available and indicates what the problems are."

Some interviewees expressed that, while the data systems in their jurisdiction had improved, the use and application of the data to inform policy and planning decisions within their jurisdiction's child welfare agency had not. Another advocate explained, "We've improved on the data collection and analysis, but I'm not sure it's done as much good as far as making changes and using data for change."

Interviewees indicated that a few strategies have been utilized to encourage improvements in this area:

- Sustained focus on developing and enhancing automated information systems so that they are more user-friendly, and data can be accessed and analyzed with greater ease;
- Increased focus on data collection and reporting at the local levels, including data reporting specific to individual offices, supervisory units and caseworkers; and,
- Issuing regular regional and unit-level reports to provide information to staff and stakeholders and to allow for ongoing comparison and improvement.

Interviewees identified a number of challenges regarding data improvements in their jurisdictions:

- Caseworkers feeling that increased documentation requirements are foisted upon them without their input as a result of the requirements of the court order, resulting in frustration, burn-out and turnover;
- Failure to utilize data for concrete analysis and change;
- Lack of flexible data elements within the data management system and the court decree itself; and
- Lack of transparency on the part of the child welfare agency regarding data elements, methodology and reports, when data and information are collected and analyzed in-house.
CHALLENGES TO IMPROVING DATA

• There's a resistance to the transparency that data systems impose.
  PLAINTIFFS' COUNSEL

• The amount of work that went into documenting the work that staff were doing put tremendous strain on staff. Plus, the oversight they all had to deal with as a result of the consent decree that made folks want to explore other job opportunities in other counties. There was a lot of pressure to comply with all the process requirements. Caseworkers saw it as both busy work and as necessary pieces of a case file. It was difficult for caseworkers to buy in to the fact that if they did a referral in five days, they were fine, but if they did it in six days, they were in trouble.
  CHILD WELFARE AGENCY REPRESENTATIVE

• They spent a huge amount of money, but you still can't access data. Data capacity remains not up to par.
  ADVOCATE

• [The monitor] only focuses on specific sets of data, and that has been a straightjacket and a distraction in some ways. Every time I have asked questions regarding these issues, I was told that we are stuck with what we have, that the implementation plan had to be driven by the original complaint filing.
  PRIVATE PROVIDER

• There needs to be willingness by the agency to share their methodology in data collection. We needed more access to information from the department.
  ADVOCATE

• Data information is still not what we want. The SACWIS data system is not very effective – it's hard to pull out good data and information.
  PRIVATE PROVIDER

• It's always crisis management, no one looking at "what's next." They have nobody looking at data, somebody problem solving for the future.
  ADVOCATE

• Workforce information has never been calculated through a reliable automated means, such that you cannot pick a worker and get a list of their cases. The only way to verify that information is by hand. There's a lot of room for error. No other system does it this way.
  PLAINTIFFS' COUNSEL

16. Research and Evaluation
Fifteen percent of interviewees reported that issues regarding research and evaluation capacity in their jurisdiction were among the factors that precipitated the lawsuit and the resulting court order. As one monitor said, "There was a real void – the research we had based itself on inputs, not on outputs, and only measured what was done, e.g., how many visits, etc., and not the outcomes for children and families."

Only one of the court orders in the 12 cases reviewed included at least one specific provision regarding research and evaluation. In the remaining eleven cases, interviewees said that research issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented.
Among the 12 cases, more than half (56%) of the interviewees\(^\text{12}\) noted that there has been substantial improvement in the quality and availability of the child welfare agency's research and evaluation capacity since the litigation. However, more than one-third (39%) noted that there has been only moderate improvement in this area, and 3% said there had not been any improvement in this area.

Analyzing the data by case, in seven of the 12 cases the majority of interviewees (56-100%) said that there had been substantial improvement in this area.

### PROGRESS ON RESEARCH AND EVALUATION

- [There has been] improved research and evaluation, due to regulations that are in place and policies that require assessments of workers and supervisors.
  
  **ADVOCATE**

- A requirement of the agreement is that they do a study of compensation in southern states. And, though not as specific as it could have been, there was a recruitment study.
  
  **PLAINTIFFS' COUNSEL**

- Universities came in to help with research and data analysis, and the Office of Research started. Currently, [the department] fully funds [a research center] as the QA arm of the agency under [the consent decree]. It has also begun developing contracts with other universities for other types of research and analysis.
  
  **MONITOR**

- A needs assessment was built into the consent decree and has made a big impact in terms of delivering early resources and creating momentum for reform.
  
  **MONITOR**

- The agency is more attuned to self-assessment regarding potential needs and understanding patterns. There are lots of good measurable outcomes. There are processes in place to monitor and evaluate things.
  
  **MONITOR**

- They're doing quality service reviews – and from that, they've implemented family team meetings.
  
  **MONITOR**

- There is evaluation by the state system and the local system. We have many years of data about indicators and results of case reviews. The monitor develops annual reports that present the data. The monitor tries to perform some evaluation in the reports.
  
  **PLAINTIFFS' COUNSEL**

- They do tend to alter the elements that they use to evaluate outcomes, which leads to confusion and inability to measure improvements. But there is a lot of information out there.
  
  **ADVOCATE**

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\(^\text{12}\) N=66, as eight interviewees said that this issue did not arise during the litigation; additionally, one interviewee who said that this issue did arise said he/she did not have enough information to provide feedback on improvements in this area.
Interviewees noted that compliance with the court order has resulted in substantially improved research and evaluation, including better analysis of trends and application of best practices at the frontline. They said that the litigation ushered in collaborations with state and local universities to facilitate comprehensive research studies. Interviewees noted that research has been used to address recruitment and retention issues such as salaries and turnover.

Interviewees said that two primary approaches were utilized to improve research and evaluation capacity, specifically:

- Contracting with outside research institutions to provide evaluation and analysis of agency programs and outcomes; and
- Using research capacity to inform performance contracting with private providers.

However, interviewees explained that, in many instances, research and evaluation took a back seat to other priorities that were deemed more pressing by the parties in the litigation. In addition, interviewees noted that child welfare research and the use of evidence-based practices have only recently begun to be addressed in the child welfare field and, hence, were largely lacking in the context of litigation initiated from 1970 through the early 2000s.

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**CHALLENGES TO IMPROVING RESEARCH AND EVALUATION**

- "Outcomes" and "evidence based practice" did not exist [at the time of the lawsuit]. Agencies were oriented towards following procedures.
  
  PLAINTIFFS' COUNSEL

- The needs assessment was only effective at certain levels, and was too theoretical, and time consuming.
  
  MONITOR

- (Research) improved in terms of what to measure and how to measure it, but there is work to be done in understanding what to do with the information. [We are] much better at assessing data today — the solutions side requires more work. They are still unclear regarding what to pay attention to, and what trends mean. It is important that they continue to learn to set targets, and watch the information to see what happens, rather than setting targets based on the data you already have.
  
  MONITOR

- Research and evaluation just has not been a focus. There is no particular barrier other than the agency not making that a priority.
  
  MONITOR

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**17. Funding, Legislative Support and Incorporating Reform Lessons into Law and Policy**

More than one-fourth of interviewees (27%) highlighted lack of financial and legislative support for the child welfare system as issues that precipitated the lawsuit and the resulting court order. Only one court order in the 12 cases reviewed included at least one specific provision regarding funding and legislative supports. In the remaining eleven cases, interviewees indicated that these issues were not explicitly addressed in court order provisions, but were identified during the litigation and strategies attempting to address them were implemented.
Funding and Legislative Issues

Precipitating the Lawsuit

- Legislators felt that if we couldn’t have a good [child welfare agency], we might as well have a cheap one. It was hard to justify putting money into an agency that was functioning as poorly as [our department] was; they didn’t see it as a good use of taxpayer dollars.

Child Welfare Agency Representative

- Legislators at the state level, who don’t represent our county, hated us. They thought we were too big and too expensive.

Advocate

- A blue ribbon commission was headed by high-profile juvenile attorneys and judges. They produced a 100-page report, which, in typical state fashion, was ignored by both the governor and the legislature.

Plaintiff’s Counsel

- The legislature never really cared about caseloads or workloads at [the department]. There was never much legislative interest in this issue.

Child Welfare Agency Representative

- Funding continued diminishing – less was being appropriated to children’s services. Providers were being paid not nearly the cost of care, and places were going out of business.

Advocate

Across the 12 cases, more than three-fourths (77%) of the interviewees noted that there has been increased child welfare funding and legislative support since the litigation, and improved visibility of child welfare issues within state and local legislatures. Approximately one-fifth (22%) indicated that there has been only moderate improvement regarding funding and legislative support for child welfare in their jurisdiction since the court order. There were no interviewees (0%) who indicated that there had been no improvement in this area.

Analyzing the data by case, in eleven of the 12 cases the majority of interviewees (60-100%) said that there had been substantial improvement in this area.

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N=68, as six interviewees said that this issue did not arise during the litigation; additionally, one interviewee who said that this issue did arise said that he/she did not have enough information to provide feedback on improvements in this area.
PROGRESS ON FUNDING AND LEGISLATIVE ISSUES

• There was a time that if you were a legislator, you didn’t worry about dead babies, but then the public attention of the lawsuit put pressure for funding for child welfare.
CHILD WELFARE AGENCY REPRESENTATIVE

• It’s been a tool the agency has been able to use with the legislature. They can say that they are going to be held in contempt if they don’t meet certain standards.
ADVOCATE

• I saw the consent decree as an “insurance policy” to leverage funding to make changes.
CHILD WELFARE AGENCY REPRESENTATIVE

• The training budget went from $300,000 to over $2 million per year. The lawsuit increased funding for the system, and a greater focus on the importance of the agency.
TRAINING DIRECTOR

• It was the first time there was any external pressure for funding to get workloads within the realm of remote possibility. The key was the consent decree – it provided a lever for us to get the funding in order to fill positions.
CHILD WELFARE AGENCY REPRESENTATIVE

• The funding has greatly improved. A needs assessment was built into the consent decree, and we wouldn’t be where we are without it. The consent decree has given the department a higher level of attention from the governor.
MONITOR

• Because social services have never been such a great focus in [our state], I don’t think we could have gotten what we did without the consent decree.
CHILD WELFARE AGENCY REPRESENTATIVE

• The state put all the court order provisions into regulations, which was good.
MONITOR

As one training consultant noted, "the consent decree was an instrumental tool because we would not have been able to have gotten resources from the legislature." Interviewees noted that the litigation frequently served to engage county managers, governors and legislators in a dialogue about child welfare and the resources that would be needed to reform the system. One advocate said, "The structure of a decree gives more than just an agency working to implement changes, because it brings in the mayor, governor, etc., because the political cost is too high to have failures publicized. People have an incentive to be involved."

Other interviewees said that even though the litigation often brought increased funding, legislative support and public focus on the child welfare system, these improvements were not always sustained following the end of the lawsuit. As one monitor noted, "You can't count on the legislature or the governor to do the right things."

Interviewees also commented that it is important to institutionalize key provisions from the court order into legislation and/or regulations, so that requirements live on after the end of the lawsuit. Interviewees said that there are lessons learned coming from these lawsuits that should be brought to bear on national child welfare policy, in terms of, for example, national caseload standards, the kinds of training and resources that are
required for a high quality child welfare workforce, and effective quality assurance processes that focus on the quality of case practice.

Interviewees also noted that there are learnings from the litigation that can inform the kinds of outcomes that should be established and measured through the federal Child and Family Service Reviews (CFSRs).

Interviewees identified several strategies that were used to increase funding, legislative support and the visibility of the lessons learned:

- Collaboration between parties to more actively engage legislators and educate them on child welfare issues as well as ongoing reform activities and needs;
- Using the power of the court in the class action case to enforce certain levels of funding for the system;
- Innovative financing strategies, specifically waivers and the development of a children's taxing district to independently fund children's services (a county where taxes are raised to help children and their families by levying local property taxes purely to help provide children with services and supports);
- Incorporating the tenets of the court order into legislation that will affect the jurisdiction post-court order; and
- Utilizing the lessons learned in litigation and other reform efforts to advocate for new resources and effective policy at the federal level.

Interviewees identified a number of challenges to improving funding, legislative support and the visibility of the lessons learned:

- The inability of child welfare leadership, the governor or legislative allies to sustain improvements over time, specifically after the jurisdiction exited the court order;
- Lack of attention paid to institutionalizing the key provisions from the court order into legislation and/or regulations, so that requirements live on after the end of the lawsuit;
- Lack of priority afforded the child welfare system;
- Lack of key legislative champions; and
- Where the court order affected only a specific county or a few counties, funding and legislative attention increased substantially in their jurisdiction, but not in the other areas of the state.
CHALLENGES TO IMPROVING FUNDING AND LEGISLATIVE ISSUES

• This needs to have a higher priority in society in general, which would then bring more resources.  
  JUVENILE COURT JUDGE

• One of the barriers to improvement has been the failure of the governor’s office to sustain the legislation over time. 
  It’s become less of a priority. Child welfare is not high on the list. There has been a loss in the legislature in terms of champions in this area. There are very few people left to carry the banner on this issue. 
  PLAINTIFFS’ COUNSEL

• The legislature has such antipathy for social services.  
  PLAINTIFFS’ COUNSEL

• [Child welfare officials] complain but at the same time they aren’t out there fighting to get what they need from the legislature. 
  ADVOCATE

• I would like to see how lessons learned from the lawsuit can be translated throughout the rest of the state. There needs to be a way to get the legislators and the governor to realize it’s their responsibility to care for kids in the system. 
  MONITOR

• In our county, we were provided with opportunities that other counties were not. Our ability to use the decree to write for more funding was a real benefit. It was quite helpful at the administrative level. We got additional money because of the consent decree, but often at the expense of other counties, so it was a double-edged sword. 
  CHILD WELFARE AGENCY REPRESENTATIVE

• The lawsuit brought $90 million through the (county). In the last budget, the legislature took $8 million out of the (county) budget. All things improved don’t stay improved. 
  ADVOCATE

• Lawsuits have brought best practices. We no longer make it up as we go along. Why don’t the CFSRs use lessons learned from lawsuits? 
  ADVOCATE

• What we hear is that there has been some drift back to old practice habits since the earlier years of reform. 
  CHILD WELFARE AGENCY REPRESENTATIVE

• Getting caseload standards into law, not just a court order, is critical for sustainability. 
  MONITOR
VII. CONCLUSION AND RECOMMENDATIONS

This report provides the findings from a qualitative review of efforts to strengthen the child welfare workforce through class action litigation and summarizes the lessons learned. This assessment indicates that improvements have been made in the child welfare workforce in jurisdictions that have been the subject of child welfare class action reform litigation, including increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection.

However, work remains to be done to improve staff turnover, staff incentives, the quality of supervision, leadership and agency culture and the use of data and research, and to ensure that workforce improvements translate into improved case practice and better outcomes for children and families.

Reflecting on their experiences, interviewees made a number of suggestions for improving the process of child welfare workforce reform (i.e., the way reforms are designed and implemented, who is or is not involved in decisions, etc.), as well as recommendations for effective substantive reform strategies. Although this project studied workforce reforms taking place in the context of class action litigation, many, if not all, of the recommendations offered below are applicable to reform efforts in or outside of litigation. These recommendations should be considered whether reforms are being made administratively, legislatively or pursuant to a court order.

Interviewees made clear that specific strategies related to improving the workforce need to be front and center of any systemic effort to reform a child welfare system, whether court-ordered or not. When pursuing workforce reform in the context of litigation, the parties should seriously consider codifying some of the substantive recommendations below in the court order itself and/or in implementation plans developed as a result of the court order.

Interviewees said that it is critical to consider and understand the agency culture and to identify the underlying causes of problems in the child welfare system. They noted the need to focus intensively on improving the quality of frontline practice through attention to the background and experience of staff hired, the content of training, the supervisory relationship and quality assurance and data feedback mechanisms. The focus cannot be exclusively on, for example, how many staff have been hired, how many hours of training staff are offered and how many case plans have a current date on them.

The recommendations listed below address ways to enhance the process of reforming the child welfare workforce (#’s 1-5), as well as substantive reform strategies (#’s 6-17).

1. Increase Outreach to Stakeholders
A primary recommendation from interviewees was to increase outreach to and the involvement of key stakeholders—line staff, the union, foster parents, community service providers, local advocates, judges, etc—to obtain input and ensure broad-based support of workforce reform efforts.

2. Reduce Acrimony Through Regular Communication
Interviewees noted the need to take steps to reduce the acrimony that can occur between the parties in the course of litigation. Recognizing that litigation is an inherently adversarial context, interviewees identified the need to provide opportunities for regular interaction and communication among the stakeholders in order to facilitate productive working relationships as workforce reforms are being implemented.

3. Draw Significantly Upon Policy and Practice Expertise in Designing Reforms
Interviewees noted the importance of drawing significantly upon policy and practice expertise in the design and monitoring of negotiated court orders and reform plans, rather than having this as the sole province of
defendants' and plaintiffs' attorneys. Interviewees noted that the involvement of policy/practice experts can help ensure that requirements and implementation plans to improve the workforce are based on best practices and are feasible and practicable. Their involvement can also ensure the use of appropriate quantitative and qualitative methods to measure progress, identify trends and guide future reform efforts. In addition, interviewees said that the involvement of policy/practice experts may have the added benefit of reducing acrimony between the parties.

4. Broaden the Focus of Reforms
Interviewees said that it was important to construct workforce reform efforts broadly, both in terms of the functional areas within the child welfare system and geographically. Court orders have in fact sometimes been limited to certain functional areas within a child welfare system or to certain geographic areas, due to logistical and/or legal limitations. However, this does not necessarily preclude systems from attempting to implement reforms more broadly. A child welfare agency may be able to leverage the lawsuit as an opportunity to advocate for appropriate workforce reforms in other "sectors" of the agency and statewide.

5. Balance Outcome and Process Measures
A number of interviewees suggested that it was important to pay more explicit attention in court orders to workforce issues. They advocated for moving beyond the standard provisions that have been included in court orders—such as maximum worker caseloads and supervisor/worker ratios—and including provisions that address, for example, training competencies, salaries and other staff incentives, quality of supervision, etc. Other interviewees said that court orders should be less prescriptive and process-oriented and more focused on outcomes. Herein may lie the "art" of class action litigation to improve the child welfare workforce: striking the balance between negotiated court orders that may be overly prescriptive and court orders that do not include enough interim or process measures to ensure a clear roadmap—and the necessary supports for the workforce—to ultimately improve outcomes for children.

6. Focus on Retention First, Then Recruitment
- Thoughtfully plan and sequence the implementation of reforms, i.e., you cannot add 150 new staff without considering and planning for the various implications of a large-scale hiring (such as the training, supervision, administrative supports and technological resources that the newly hired staff will need in order to be effective);
- Provide a realistic job preview to prospective staff and focus on recruiting/hiring the "right" staff, not just hiring any potential candidate to meet hiring numbers;
- Conduct studies of turnover to better understand the factors driving turnover and inform efforts to improve retention;
- Ensure that workers are provided with adequate training and supervision so that they do not burnout and leave;
- Establish appropriate caseloads and workloads so that workers can be successful;
- Ensure that workers have the practical resources necessary to do their jobs, e.g., desks, computers, cars and other supports;
- Establish social work degree requirements for staff, develop incentives for obtaining these degrees and establish relationships with local university social work programs that can provide a pipeline of degreed staff;
- Create meaningful employee appreciation activities;
- Address salary and promotional structures to make positions more competitive and attractive;
- Take necessary steps to ensure that the human resources (HR) function is connected to the agency mission and better aware of agency needs and goals;
- Streamline the hiring process to ensure swifter decision-making and correct challenges posed by state/county personnel systems, such as delayed response time to requests for filling vacancies and lengthy hiring processes;
- Develop specialized staffing departments, including overhire units designed to satisfy short-term, seasonal, or other workload challenges by maintaining a cadre of trained staff who can fill vacancies.
as they arise, or through the hiring of part-time or contract staff to fill vacancies caused by planned leaves or hiring freezes;
• Expand the pool of potential applications by utilizing Internet postings, recruiting staff at schools of social work, and conducting targeted recruitment of minorities; and,
• Recruit individuals with relevant life experience.74

7. Improve Staff Incentives
• Conduct studies to compare agency salaries to those in other states or counties to make the case to the executive branch and legislature for pay increases and the development of more competitive pay scales;
• Offer stipends and incentives to workers for obtaining social work degrees;
• Create specialized, higher-pay positions to attract and retain specially-skilled staff (such as the creation of a sexual abuse unit staffed by staff with advanced degrees and experience in the assessment and treatment of children with sexual abuse histories); and
• Include private community service provider agencies in the problem-solving efforts and consider the impact on the system of salary differentials between the public and private sectors.

8. Develop and Measure Supervisory Competencies
• Develop supervisory competencies and use them to inform decisions regarding promotion of caseworkers and as benchmarks to monitor supervisor performance;
• Place supervisors directly in the field with caseworkers to enhance the supervisory relationship and the timeliness of decision-making;
• Require supervisors to attend the same trainings as caseworkers to ensure transmission of classroom-based knowledge to the field;
• Develop comprehensive mentoring programs for supervisors;
• Create a managerial level dedicated solely to providing supervision to field supervisors;
• Require and provide funding for supervisors to obtain advanced social work degrees; and
• Facilitate the robust involvement of supervisors in the reform efforts through their inclusion in task forces and focus groups and the development of supervisor-directed reform plans at the local level.

9. Address the Content and Quality of Training
• Ensure that the training curriculum focuses on meaningful competencies and is based on the best information available about best practices;
• Retrain the entire workforce (not only newly hired staff) when implementing a new policy or practice model;
• Draw upon the resources of local universities to help develop and implement training;
• Ensure that social work programs are effectively preparing students for careers in child welfare;
• Develop supervisory training models that are compatible with the training provided to caseworkers to ensure greater congruence between caseworker and supervisor philosophy and practice;
• Provide stipends or subsidies for staff who pursue social work degrees and child welfare licensing credentials;
• Require all supervisors to obtain advanced social work degrees;
• Provide comprehensive on-the-job mentoring, including placing supervisors in the field with new caseworkers;
• Plan training schedules so that staff can attend, and monitor and track staff attendance at trainings;
• Monitor staff performance in relation to training competencies;

74 Life–experienced workers include peers of consumers who provide services and supports; former consumers; residents of a common area or persons from the same culture who provide outreach and other linking services and supports; and human service workers with credentials who have earlier life experience in addition to their credentials. (Definition offered by Sid Gardner of Child and Family Futures in presentation at Cornerstones for Kids’ grantees meeting, September 7, 2006).
• Ensure that trainings and educational opportunities are held in locations that are convenient for staff to attend;
• Develop an on-site MSW program at the agency; and
• Monitor private community service provider compliance with training requirements.

10. Establish Caseload Standards That Reflect a Real Analysis of Workload
• Increase the allocation of caseworker and supervisor positions;
• Initiate large-scale recruitment of new, qualified staff;
• Assess workloads so that caseload limits can more appropriately be set;
• Assess and allocate funding for clerical and paraprofessional support staff;
• Reorganize staff assignments to allow for job sharing and teaming on cases;
• Locate offices in the neighborhoods where staff are working so that workers are closer to the children and families they serve; and
• Create specialized staffing units to ensure the maintenance of trained staff to fill vacancies when they arise.

11. Improve Working Conditions
• Conduct a comprehensive study of working conditions, including safety needs and physical plant issues;
• Involve staff in developing solutions, to avoid inappropriate or shortsighted responses to safety or physical plant issues;
• Provide all caseworkers with cell phones;
• Station law enforcement personnel in agency buildings;
• Allow for teaming on difficult cases; and
• Decentralize agency offices to ensure that workers are closer to necessary resources and supports in emergencies.

12. Improve Leadership and Organizational Culture
• In the context of litigation, specifically, include provisions in the court order that specify the required skills and experience for child welfare agency leaders, and discuss leadership needs during the creation of reform plans to implement the court order;
• Place the highest priority on identifying and retaining a strong leadership team within the child welfare agency by conducting a national search for agency leaders and managers to ensure the best possible candidates;
• Draw upon national child welfare expertise to help shape the vision, mission and philosophy of the agency;
• Ensure that agency leaders actively engage frontline staff by soliciting their feedback and periodically shadowing their work activities to gain a realistic perspective regarding the complex challenges they face and address every day;
• Retrain the entire workforce, not simply newly hired staff, when implementing a new policy and practice model;
• Engage local area office leaders and management teams in the reform efforts (not just headquarters), as well as caseworkers and supervisors, to encourage greater buy-in and comprehensive culture change; and
• Include private community service providers working with the child welfare agency in workforce reform efforts.

13. Provide Necessary Technological Supports
• Provide all staff with access to transportation, cell phones and computers; and,
• Solicit worker feedback when developing new or refining existing technology to ensure usefulness.
14. Create Internal and External Accountability and Oversight Structures

- Staff agency QA units with qualified individuals who have backgrounds in research and evaluation;
- Ensure that QA units rely on comprehensive data reflecting the quality of services, client satisfaction with services and systemic factors that impact outcomes;
- View and use QA reports as tools for supervision and reform;
- Share QA reports with stakeholders and monitoring groups;
- To ensure objectivity for a period of time during the early phases of reform, consider initially contracting out the QA function to a university, that would set up the data elements, reporting processes and unit structure, before transferring it in-house later on;
- Encourage local offices of the child welfare agency (i.e., not just the agency headquarters) to become directly involved in QA activities, and develop QA capacity in local offices to ensure responsibility for and buy-in to oversight activities and reforms.
- In the context of litigation in particular, take steps to establish and fund an independent monitoring function to ensure the identification of key data needs; development of new methods for collecting and analyzing data; framing of QA reporting to inform policy and practice; and consultation to the parties regarding best practices and reform strategies; and
- In the context of litigation in particular, develop and define clear exit criteria and a plan achieving those benchmarks to prevent reform fatigue, or a lack of energy, attention and focus resulting from there being no end in sight.

15. Expand Data Collection and Analysis

- Create staff focus groups to ensure buy-in to changes in data collection processes and the use of data to influence training, supervision and policy and practice decisions;
- Develop and enhance automated information systems to ensure that relevant data can be accessed and analyzed in a timely fashion;
- Improve the availability of data reporting by office, supervisory unit and individual caseworker;
- Issue regular regional and unit-level reports to provide information to staff and stakeholders and to allow for ongoing comparison and improvement; and
- Increase transparency on the part of the agency regarding data elements, methodology and reporting.

16. Develop and Make Use of Research and Evaluation Capacity

- Collaborate with state and local universities to facilitate comprehensive analysis of agency programs and outcomes;
- Conduct workforce research focused on recruitment and retention issues such as salaries and reasons for turnover; and
- Use research capacity to implement performance-based contracting with private providers.

17. Cultivate Legislative Allies and Child Welfare Champions and Ensure Lessons Learned from Litigation and Other Reform Efforts Are Incorporated into State and National Law and Policy

- Increase collaboration between the parties to more actively engage legislators and educate them about child welfare issues and needed resources;
- Make use of the power of the court in the class action case to attempt to leverage certain levels of funding for the system;
- Explore innovative financing strategies, including waivers or the development of a children's taxing district\textsuperscript{75};
- As appropriate, incorporate the tenets of the court order or reform effort into state and local child welfare legislation and policy; and,

\textsuperscript{75} A county where taxes are raised to help children and their families by levying local property taxes purely to help provide children with services and supports.
• Utilize the lessons learned in litigation and other reform efforts to advocate for new resources and effective policy at the federal level.

Interviewees' recommendations for moving forward provide a useful framework for strengthening the child welfare workforce both in and outside the context of litigation. The graphic on pages 94-97 provide a brief summary of these recommended strategies.

Additional attention to and supports for the workforce must be provided in order to improve outcomes for children and families involved with the child welfare system across the nation.
# 17 Strategies for Improving the Child Welfare Workforce

## Improving the Process of Child Welfare Workforce Reform

### 1. Increase Outreach To Stakeholders
   Reach out & substantially involve key stakeholders - line staff, the union, community service providers, local advocates, judges, legislators, etc. - in the process of identifying problems/solutions & tracking/monitoring progress

### 2. Reduce Acrimony Through Regular Communication
   Establish & maintain ongoing interaction & communication between groups (litigants; management & staff; public & private sectors) to build relationships & increase trust

### 3. Draw Significantly Upon Policy/Practice Expertise In Designing Reforms
   Involve policy & practice experts in the design & monitoring of reform plans to ensure they reflect best practices & are reasonable & doable

### 4. Broaden The Focus Of Reforms
   Expand reform efforts beyond the workforce serving a particular population, e.g., foster care, to include all child welfare agency staff & focus reform on a broader geographic area, i.e., statewide rather than county-based

### 5. Balance Outcome & Process Measures
   Strike a balance between outcome measures—those track the ultimate indicators of safety, permanency and well-being—and process measures—that specify a clear roadmap for reaching desired outcomes

## Substantive Child Welfare Workforce Reform Strategies

### 6. Focus On Retention First, Then Recruitment
   - Plan & sequence the addition of new staff
   - Provide realistic job preview to ensure recruitment of the "right" staff
   - Conduct turnover studies & use findings to inform retention activities
   - Ensure adequate training & supervision for workers to prevent burn-out
   - Establish appropriate caseloads/workloads
   - Ensure workers have the resources they need (e.g., desks, computers, cars, etc.)
   - Establish degree requirements for staff, develop incentives for obtaining degrees & establish relationships with universities to create a pipeline of degreed staff
   - Create meaningful employee appreciation activities
   - Address salary & promotional structures to make positions more competitive & attractive
   - Ensure the HR function is connected to agency mission & aware of needs & goals
   - Streamline hiring process to ensure swifter decision-making & filling of vacancies
   - Develop specialized staffing units or contract or part-time positions to fill vacancies
   - Engage in recruitment activities outside traditional scope of state hiring system
   - Conduct targeted recruitment of minorities & individuals with relevant life experience
7. Improve Staff Incentives
   • Conduct salary studies to better make the case for pay increases & more competitive pay scales
   • Offer stipends & incentives to workers for obtaining social work degrees
   • Create specialized, higher-pay positions to attract & retain specially-skilled staff
   • Include private sector in problem-solving efforts & consider the impact on the system of salary differentials between public & private sectors

8. Develop & Measure Supervisory Competencies
   • Develop supervisory competencies to inform promotional decisions & performance evaluation
   • Place supervisors directly in the field or at court with caseworkers
   • Require supervisors to attend the same trainings as caseworkers
   • Develop comprehensive supervisory mentoring programs
   • Create managerial level to provide ongoing supervision to field supervisors
   • Require & provide funding for supervisors to obtain advanced social work degrees
   • Facilitate supervisor involvement in reform efforts through focus groups & supervisor-directed reform plans at the local level

9. Address The Content & Quality Of Training
   • Ensure training curriculum focuses on competencies & best practices
   • Retrain entire workforce when implementing new policy/practice model
   • Draw upon resources of universities to develop/implement training
   • Ensure social work programs prepare students for careers in child welfare
   • Develop supervisory training models that are compatible with caseworker training
   • Provide incentives for staff who pursue social work degrees or child welfare licensing credentials
   • Require all supervisors to obtain advanced social work degrees
   • Provide comprehensive on-the-job mentoring
   • Plan training schedules so staff can attend, & monitor & track staff training attendance
   • Monitor staff performance in relation to training competencies
   • Ensure trainings/educational opportunities are held in convenient locations
   • Develop an on-site MSW program at agency
   • Monitor private agency compliance with training requirements

10. Establish Caseload Standards That Reflect A Real Analysis Of Workload
    • Increase allocation of caseworker and supervisory positions
    • Initiate large-scale recruitment of new, qualified staff
    • Assess workloads so that appropriate caseload limits are set
    • Assess & address clerical support needs
    • Reorganize staff assignments to allow for job sharing & teaming on cases
    • Locate office in neighborhoods where staff work so that they are closer to the children and families they serve
    • Create specialized staffing units to ensure availability of trained staff to fill vacancies
11. Improve Working Conditions
- Conduct studies of working conditions
- Involve staff in developing solutions
- Provide caseworkers with cell phones
- Station law enforcement in agency buildings
- Allow for teaming on difficult cases
- Decentralize agency offices so that workers are closer to necessary resources & supports in emergencies

12. Improve Leadership & Organizational Culture
- In the context of litigation, include provisions in the court order that specify required skills and experience for child welfare agency leaders
- Discuss leadership needs during the creation of a reform plan
- Place high priority on identifying & retaining a strong leadership team by conducting a national search for agency leaders & managers to ensure best possible candidates
- Ensure leaders actively engage frontline staff by soliciting their feedback & shadowing their work activities to better understand the complex challenges workers face every day
- Re-train the entire workforce when implementing a new policy/practice model
- Use expert consultants to help shape vision, mission & philosophy of the agency, & provide consultation directly to counties
- Engage local area office leaders and management teams in the reform efforts (not just headquarters), as well as caseworkers and supervisors, to encourage greater buy-in and comprehensive culture change
- Include private community service providers in reform efforts

13. Provide Necessary Technological Supports
- Provide all staff with access to transportation, cell phones & computers
- Solicit worker feedback when developing new or refining existing technology to ensure usefulness

14. Create Internal & External Accountability & Oversight Structures
- Staff agency Quality Assurance (QA) units with qualified individuals who have backgrounds in research & evaluation
- Ensure QA units rely on comprehensive data focusing on quality indicators, client satisfaction with services and systemic factors that impact outcomes
- View & use QA reports as tools for supervision and reform
- Share QA reports with stakeholders and monitoring groups
- Consider initially contracting out the QA or oversight function to a university to set up data elements, reporting processes and unit structure
- Encourage local offices (not just headquarters) to become directly involved in QA activities, and develop QA capacity in local offices to ensure responsibility for and buy-in to oversight activities and reforms
- In the context of litigation, take steps to establish and fund an independent monitoring function to ensure identification of key data needs; development of new methods for collecting & analyzing data; framing of QA reporting to inform policy/practice; & consultation to the parties regarding best practices and reform strategies
- In the context of litigation, develop and define clear exit criteria and a plan for achieving those benchmarks to prevent reform fatigue
15. Expand Data Collection & Analysis
   • Create worker focus groups to ensure buy-in to changes in data collection and the use of data to inform training, supervision, & policy & practice decisions
   • Develop & enhance automated information systems to ensure access to & timely analysis of relevant data
   • Improve availability of data reporting by office, supervisory unit & individual caseworker
   • Issue regular regional & unit-level reports to provide information to staff & stakeholders, & to allow for ongoing comparison & improvement
   • Increase agency transparency regarding data elements, methodology & reporting

16. Develop & Make Use Of Research & Evaluation Capacity
   • Collaborate with state & local universities to facilitate comprehensive analysis of agency programs and outcomes
   • Conduct workforce research focused on recruitment & retention issues such as salaries and reasons for turnover
   • Use research capacity to implement performance-based contracting

   • Increase collaboration between parties to actively engage legislators & educate them about child welfare issues/needed resources
   • Make use of the court in the class action case to leverage certain levels of funding
   • Explore innovative financing strategies, including waivers, etc.
   • As appropriate, incorporate the tenets of the court order or reform effort into state/local child welfare legislation & policy
   • Utilize the lessons learned from litigation & other reform efforts to advocate for new resources & effective policy at the federal level
## APPENDIX 1:
### EXAMPLES OF WORKFORCE PROVISIONS IN COURT ORDERS

<table>
<thead>
<tr>
<th>Type of Provision</th>
<th>Example of Provision</th>
<th>Case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recruitment &amp; Retention</td>
<td>In any region where the turnover rate exceeds 10% and in which cases are being left uncovered or reassigned to workers already at the caseload cap, the agency shall hire and maintain a pool of trained workers on stand by. The child welfare agency shall establish a recruitment/retention team consisting of six full-time members who report to one supervisor. The agency shall develop a management plan that addresses the needs, goals and timetables for recruitment and retention issues. (1) Standardized exit interviews shall be conducted using a protocol to determine patterns or issues identified by departing staff, (2) an across agency survey shall be conducted on existing staff to identify recruitment and retention issues, (3) a targeted recruitment drive for more experienced workers shall be implemented, (4) the Child Welfare League of America shall be consulted for longer term workforce development support, (5) specific strategies for strengthening the professional development and skill of supervisors shall be implemented. Defendants shall establish within DSS a Specialized Support Unit to assist caseworkers and supervisors to manage effectively cases that require specialized experience and/or knowledge in areas such as assisting children or parents who need services for drug and alcohol abuse; special educational needs; developmental disabilities; mental health or other specialized health care needs; or the development of independent living skills. Will assist workers in identifying, locating, and obtaining resources or services for drug and alcohol abuse; special educational needs; developmental disabilities; mental health or other specialized health care needs; or the development of independent living skills. Will not have direct case responsibility or provide direct services.</td>
<td>Tennessee</td>
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<td>Jackson County, Missouri</td>
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<td>Staff Incentives</td>
<td>DHS shall enhance DCFS's ability to attract qualified applicants through its educational stipend program for undergraduate and graduate social work students, its request for salary upgrades for direct service staff, the capacity to allow direct service staff to work &quot;flex time,&quot; and the expansion of acceptable degrees for the family service worker positions. The Department will work with the State Personnel Department to provide extra [incentive] points to applicants with the BSW and/or MSW for promotional positions in child welfare.</td>
<td>Arkansas</td>
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<td>Utah</td>
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<tr>
<td>Supervision</td>
<td>Supervisors may supervise maximum of 6 caseworkers. Minimum supervisory qualifications: master's degree in social work or related behavioral field with a child/family focus (or additional 2 years of experience</td>
<td>New Mexico</td>
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<td>as caseworker); 3 years experience as a caseworker in child welfare. Supervisors must complete training and pass a skills-based competency test geared specifically to child welfare supervision before assuming supervisory responsibilities. If a supervisor identifies a problem based on review of a caseworker's compliance with various requirements and standards, he/she may take corrective action, including additional training, assigning a mentor, and/or having a supervisor accompany the worker during investigations. Workers who fail to improve their performance shall be subject to disciplinary action.</td>
<td>Utah</td>
</tr>
<tr>
<td>Training &amp; Education</td>
<td>The child welfare agency shall establish a Training Academy to administer pre-service and in-service training and to develop training plans and training curricula for workers and supervisors. Training units are to be established within each region or within two geographically contiguous regions to contribute to pre-service training and to provide a locus for supervised casework experience during pre-service training. The Academy shall have a Director with a master's degree and at least five years experience in providing services to a human resources agency. Each caseworker shall receive a minimum of 24 hours of in-service training annually. This training shall implement an individual training needs assessment and plan which shall be updated annually. Once all DCFS staff members have been trained to the model, a training and support group will be established in each region for front-line supervisors. The groups will be facilitated by a variety of people. The purpose of the support group is to discuss Practice Model implementation and recommended improvements. The group will also receive ongoing training with the expectation that the supervisor is to train his/her staff in the months between trainings. This continuous learning process will begin with training the supervisors in solution-based practice, with movement to other significant skills training each year. Ongoing monthly group for supervisors and mentors on how to coach staff on obtaining skills in direct practice and how to test for skill level attainment and retention. At least once per year, all social services caseworkers having responsibility for foster care cases are to attend a 3 1/2 day workshop on permanency. Minimum of 105 hours of multi-faceted, state-of-the-art orientation training for all new social workers and supervisors who shall provide services to class members. Minimum of 30 hours of annual in-service training to all staff providing services to class members, including supervisors.</td>
<td>Connecticut, Arkansas, Utah, New Mexico, Jackson County, Missouri</td>
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<td>Type of Provision</td>
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<td>Caseloads &amp; Workloads</td>
<td>For each case management site: maximum average of 11 families per case-carrying manager (measured by averaging each site's current monthly caseload average with the corresponding site averages for the preceding 2 months). Foster care contracts for FY05 with purchase of service providers have been restructured to ensure that caseloads of foster care workers are no higher than 15 cases per worker. When a worker who serves children placed with relatives leaves DSS, is on extended leave (exceeds 30 days), or transfers to a new unit, the supervisor shall assign that worker's cases to other workers within 5 working days. The supervisor may, based on the needs of the unit, retain a priority case or reassign it. There shall be a conference between the supervisor and the new worker within 10 working days of reassignment. All caseworkers must be provided with adequate office and clerical support.</td>
<td>Milwaukee, Wisconsin</td>
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<td>Organizational Environment</td>
<td>Services are provided by competent staff and providers who are adequately trained and who have workloads at a level that permit practice consistent with these principles. The DCFS Director shall immediately appoint a staff person as an ombudsman to:  • Receive and resolve issues and concerns raised by foster parents;  • Identify systematic barriers which need resolution;  • Work with local DCFS staff and local foster parent associations in order to improve working relationships; and  • Work with executive staff to resolve systemic barriers. The Child Welfare Consultant's function is to support the county around developing and stabilizing an infrastructure and maintaining a child welfare system that supports best practice. It also includes monitoring the system for best outcomes and identifying trends in an effort to proactively sustain the system of care.</td>
<td>Utah</td>
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<td>Accountability &amp; Oversight</td>
<td>QA unit must complete an annual review and evaluation of hotline records and case records of social workers. Quality Assurance Unit – administratively independent of operations. Will evaluate the services and care provided by private agencies, foster parents and caretakers, case managers, and DCFS staff to children and their families. Will investigate reports of violations of state and federal law and DCFS rules and procedures. Also will review cases in which the child is placed 3 times within 6 months and will prepare a quarterly report of these reviews for the Director. Other responsibilities:</td>
<td>Connecticut</td>
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<td>Type of Provision</td>
<td>Example of Provision</td>
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| Review            | • Review selected and randomly chosen individual service plans and their implementation to test compliance with state and federal law and the terms of the Decree.  
                    • Conduct reviews of all private agency and DCFS operations sufficient to evaluate the quality of those operations.  
                    • Conduct mortality reviews.  
                    • Monitor the disposition of unusual incident reports.  
                    Information from Quality Assurance Reviews must be reflected in Department training:  
                    • Workers or supervisors for whom a quality review identifies problems must be referred for specialized training and supports.  
                    • The Training Unit should keep data on those workers and supervisors referred for specialized training and follow-up to ensure that the requisite training has been provided and completed within three months of referral.  
                    • Aggregate information from quality reviews must be transmitted on a quarterly basis to the Training Unit for the development of training initiatives to remedy problems identified through quality reviews. | Jackson County, Missouri  |
| Data              | At least once every 6 months, the director of the QA unit must submit to Monitor and Chief of CFSD a complete report summarizing the results of the QA process and the steps that have been/need to be taken to remedy problems. The report should not contain individually identifiable information and shall be public information.  
                    Each county shall report 3 months of caseload data by worker and a quarterly average on the quality assurance reports.                                                                 | Washington, DC            |
| Research & Evaluation | The role of the newly created Mission Support and Planning Team (MSPT) will be to integrated planning; evaluation; data analysis; performance based budgeting; quality improvement; and the facilitation of the departmental transition to community based care.  
                    The Department must formally assess (and, if necessary, modify) its placement support service programs at least once every 2 years.                                                                 | Broward County, Florida   |
| Funding & Legislative Support | The Secretary has acted to reallocate the base-operating budget and new funds appropriated to better achieve staff equity among the 15 Districts.                                                                 | Broward County, Florida   |
APPENDIX 2:  
CONFIDENTIALITY/CONSENT FORM

CONSENT TO THE INTERVIEW OF A PARTY REPRESENTED IN LITIGATION FOR PURPOSES OF THE CHILDREN'S RIGHTS/NCYL "STRENGTHENING THE CHILD WELFARE WORKFORCE PROJECT"

WHEREAS, the undersigned parties understand that Children's Rights ("CR") and the National Center for Youth Law ("NCYL") are collaboratively conducting a policy research project known as the "Strengthening the Child Welfare Workforce Project" ("the Project") and funded by Cornerstone for Kids;

The undersigned parties understand that the purpose of the Project is to study and assess the experience of class action litigation in stimulating or achieving child welfare workforce improvements through the implementation of workforce related provisions contained in certain consent decrees resulting from the class action litigation;

The undersigned parties understand that CR and NYCL wish to interview the officers, employees and agents of the child welfare agencies made subject to the consent decrees for purposes of generating a complete information database for the Project;

The undersigned parties understand that the child welfare agencies, along with their officers, employees and agents, made subject to the consent decrees, and specifically the consent decree entered in [FILL IN ACTUAL CASE HERE], have been or continue to be represented by counsel as part of the underlying litigation and the implementation and enforcement of the consent decree;

CR and NCYL have approached [FILL IN SPECIFIC PARTY HERE] for purposes of the Project by contacting [him or her] through counsel, [IDENTIFY COUNSEL HERE];

IT IS HEREBY AGREED:

[IDENTIFY INTERVIEWEE BY NAME], upon consultation with [his or her] counsel and the express consent and approval by counsel, voluntarily agrees to participate in an interview to be conducted by CR or NCYL as part of the Project based upon the assurances and representations in Paragraphs (1) through (5) below:

1. The parties understand and agree that all statements, information and data obtained in the interview process shall not be used or useable in any pending litigation or future enforcement action arising from the consent decree entered in the pending litigation for any purpose whatsoever including, but not limited to, as impeachment by prior inconsistent statement, as an admission by a party opponent, or as an exception to the hearsay rule as defined in the Federal Rules of Evidence;

2. The parties understand and agree that CR and NCYL shall use any and all statements, information and data obtained in the interview process solely for purposes of the Project;

3. The parties understand and agree that, during the course of the Project, all notes, electronic, handwritten or otherwise, reflecting all or a portion of the content of the interview shall be stored in a secure, physically locked location at the offices of Children's Rights (404 Park Ave. South, 11th Floor, New York, New York 10016) and subject to access only by Sara Munson, principal investigator for the Project, or her authorized agents until the Project is completed, at which time all such notes shall be destroyed as set forth in Paragraph 4 below.

4. The parties understand and agree that, upon completion of the Project, all notes, electronic, typed, handwritten or otherwise, reflecting all or a portion of the content of the interview shall be destroyed, including the original and any copies of said original;  

5. In any and all published reports for the Project, no findings will be attributed by name to any participating jurisdiction or interviewee.

SIGNED THIS ___ DAY of _____, 200__:  
INTERVIEWEE: CHILDREN'S RIGHTS  
COUNSEL FOR INTERVIEWEE: NCYL
APPENDIX 3: REFERENCE LIST


Folaron, G., Hostetter, C., & Decker, V. (2003). Determining educational needs: Final report, Indiana Division of Family and
Children. Indianapolis, IN: Indiana University, School of Social Work.


McMurty, S. L., Rose, S. J., Reitz, A. L., & Mayer, S. (2005). Workforce recruitment and retention in the Bureau of Milwaukee Child Welfare: Results from staff surveys and focus groups. Milwaukee, WI; Washington, DC; Chicago, IL: University of Wisconsin-Milwaukee; CWLA; Chapin Hall Center for Children at the University of Chicago.


