



Jeanine B. Settlement Agreement Report  
of the  
Division of Milwaukee Child Protective Services  
January - December 2017

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# **Introduction**

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## **Background to Jeanine B. Settlement Agreement**

This report provides information on the progress of the Division of Milwaukee Child Protective Services (DMCPS), formerly the Bureau of Milwaukee Child Welfare,<sup>1</sup> towards meeting the requirements of the Jeanine B. Settlement Agreement.

In 1993, the American Civil Liberties Union Children's Rights Project (now Children's Rights, Inc.) filed suit in the Federal District Court for the Eastern District of Wisconsin on behalf of an estimated class of 5,000 children who were receiving child welfare services in Milwaukee County. The Milwaukee County Executive, the Director of the Milwaukee County Human Services Division, the Governor and the Secretary of the Department of Health and Social Services<sup>2</sup> were named as defendants.

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

In response to the lawsuit and to improve the safety and well-being of children, the state of Wisconsin assumed direct responsibility for administering and funding Milwaukee County child welfare effective January 1, 1998. The lawsuit subsequently continued only against the state defendants. In 2002, the parties reached a settlement of the litigation. The Settlement Agreement requires DMCPS to achieve specific outcomes regarding the permanency, safety and well-being of Milwaukee County children in out-of-home care. Only one of the numerous outcomes required in the Settlement Agreement has not yet been accomplished.

## **Format of Report**

This is the annual report for 2017. It includes outcomes of DMCPS's performance from January 1, 2017 through December 31, 2017.

This report is divided into three sections. The first section describes the performance towards meeting the **remaining enforceable provision**. The second section includes the status of **provisions that are no longer subject to enforcement**. DMCPS has been released from enforcement of these provisions after meeting the required benchmarks for two consecutive six-month periods, as stipulated in the Settlement Agreement. The third section includes the status of **non-enforceable process indicators and outcomes** inclusive of safety, well-being and permanency objectives included in the Settlement Agreement. This information was identified in previous reports as "monitoring items." Provisions that are no longer operative are excluded from this report. For example, Section I.B.5 of the Settlement Agreement is inoperative because the Subsidized Guardianship waiver was not obtained before January 1, 2003; thus the controlling requirement is I.B.4.

## **Data**

Most of the data presented in this report were generated from the electronic Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). To create a more streamlined document for the reader, the rounding of performance percentages (past and present) occurs in most instances.

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<sup>1</sup> On October 4, 2015, the Bureau of Milwaukee Child Welfare (BMCW) was renamed the Division of Milwaukee Child Protective Services (DMCPS).

<sup>2</sup> The Department was subsequently renamed the Department of Health and Family Services. Beginning in July 2008, responsibility for DMCPS, at that time known as BMCW, was transferred to the newly created Department of Children and Families.

## Annual Performance of Placement Stability, Remaining Enforceable Provision, CY 2003 – CY 2017

§I.D.9 At least the following percentages of children in DMCPs custody within the period shall have had three or fewer placements during the previous 36 calendar months of their current episode in DMCPs custody. The number of placements will exclude time-limited respite care placements and returns to the same caregiver after an intervening placement during the same out-of-home care episode. Those children in DMCPs custody through the Wraparound Milwaukee program shall be excluded from this calculation. Initial assessment center placements also will be excluded from the calculation.

### Past Performance

### Current Performance

CY 2003 Standard ≥80%		CY 2004 Standard ≥82%		CY 2005 – CY 2017 Standard ≥90%										
CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result	CY 2010 Result	CY 2011 Result	CY 2012 <sup>3</sup> Result	CY 2013 Result	CY 2014 Result	CY 2015 Result	CY 2016 Result	CY 2017 Result
76%	72%	72%	73%	75%	77%	78%	80%	82%	84%	87%	87%	88%	87%	<b>87%</b>

<sup>3</sup> Note: The formula for this performance standard was modified effective July 1, 2012 pursuant to agreement among the parties and Court approval. The original formula was in effect for the first six months of 2012. The modified formula was used to calculate data in the second six months of 2012, forward.

## **Section I. Remaining Enforceable Provision**

### **Placement Stability**

I.D.9. At least the following percentages of children in DMCPs custody within the period shall have had three or fewer placements during the previous 36 calendar months of their current episode in DMCPs custody. The number of placements will exclude time-limited respite care placements and returns to the same caregiver after an intervening placement during the same out-of-home care episode. Those children in DMCPs custody through the Wraparound Milwaukee program shall be excluded from this calculation. Initial assessment center placements also will be excluded from the calculation.

DMCPs did not meet the performance standard for the period of 2017.

<b>CY 2017 Performance Standard</b>	<b>First Six-Month (Jan-Jun)</b>	<b>Second Six-Month (Jul-Dec)</b>	<b>CY 2017 Annual Performance</b>
>= 90%	87%	87%	87%

**A. CY 2017 placement stability performance is 87 percent whereas the standard is 90 percent.**

Performance during CY 2017 (87 percent) has remained the same as the previous CY (87 percent) and remains below the standard of 90 percent. The data in Table 1.1 show historical performance since 2003.

*Table 1.1: Semi-annual and annual placement stability performance, CY 2003 – CY 2017*

	<b>January - June</b>	<b>July - December</b>	<b>Annual Performance</b>
CY 2017	87%	87%	87%
CY 2016	87%	86%	87%
CY 2015	88%	88%	88%
CY 2014	88%	87%	87%
CY 2013	87%	88%	87%
CY 2012 <sup>4</sup>	82%	86%	84%
CY 2011	81%	82%	82%
CY 2010	79%	81%	80%
CY 2009	78%	79%	78%
CY 2008	76%	78%	77%
CY 2007	74%	75%	75%
CY 2006	73%	73%	73%
CY 2005	71%	72%	72%
CY 2004	71%	73%	72%
CY 2003	75%	77%	76%

<sup>4</sup> Note: The formula for this performance standard was modified effective July 1, 2012 pursuant to agreement among the parties and Court approval. The original formula was in effect for the first six months of 2012. The modified formula was used to calculate data in the second six months, forward.

**B. 2017 performance for the partner agencies was 86 percent and 88 percent and DMCPs Initial Assessment was 100 percent.**

The data in Table 1.2 show the monthly and semi-annual performance by each agency for 2017.

- CHWCS (Children’s Hospital of Wisconsin Community Services) achieved a semi-annual performance rate of 86 percent.
- SaintA achieved a semi-annual performance rate of 88 percent.
- DMCPs Initial Assessment achieved a semi-annual performance rate of 100 percent.

*Table 1.2: Placement stability performance by agency and by month for 2017*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
<b>CHWCS</b>													
Percentage of children with three or fewer placements	85%	86%	86%	87%	87%	86%	86%	86%	86%	86%	86%	86%	<b>86%</b>
<b>SaintA</b>													
Percentage of children with three or fewer placements	87%	87%	87%	87%	87%	88%	89%	89%	89%	88%	87%	88%	<b>88%</b>
<b>Initial Assessment</b>													
Percentage of children with three or fewer placements	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	<b>100%</b>
<b>DMCPs Totals</b>													
Children with three or fewer placements	1,673	1,647	1,661	1,691	1,687	1,688	1,698	1,705	1,731	1,743	1,741	1,746	
Children in OHC	1,943	1,912	1,917	1,941	1,938	1,939	1,943	1,939	1,980	2,007	2,007	2,010	
Percentage of children with three or fewer placements (monthly)	86%	86%	87%	87%	87%	87%	87%	88%	87%	87%	87%	87%	
Percentage of children with three or fewer placements (cumulative)	86%	86%	86%	87%	87%	87%	87%	87%	87%	87%	87%	87%	<b>87%</b>
Children with four or more placements	270	265	256	250	251	251	245	234	249	264	266	264	

## Section II. Provisions No Longer Subject to Enforcement

Provisions No Longer Subject to Enforcement	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017
§I.B.2 Children reaching 15 of the last 22 months in out-of-home care ... Termination of Parental Rights (TPR) petition filed ..., or an allowable Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care. * final performance standard >= 90%	77%	88%	29%	79%	85%	<b>90%</b>	88%	90%	82%	87%	89%	91%	91%	88%	97%
§I.B.3 ... children in DMCPs custody for more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed ..., an exception documented ... * final performance standard >= 90%	88%	93%	<b>93%</b>	89%	90%	95%	95%	90%	91%	100%	100%	100%	100%	100%	100%
§I.B.4 ... percentage of children in DMCPs out-of-home care ... for more than 24 months ... calculated against a baseline of 5,533 children in DMCPs out-of-home care. * final performance standard <=25%	44%	30%	23%	<b>18%</b>	18%	18%	16%	14%	11%	12%	11%	11%	12%	14%	13%
§I.B.6 ... percentage of children who are reunified with parents or caretakers at the time of discharge... shall be reunified within 12 months of entry into out-of-home care. * final performance standard >= 71%	45%	63%	72%	71%	69%	64%	57%	61%	68%	<b>65%</b> <sup>5</sup>	70%	62%	58%	54%	58%
§I.B.7 ... adoption is finalized ... within 24 months of entry into care. * final performance standard >= 30%	14%	16%	22%	32%	<b>34%</b>	38%	33%	37%	32%	34%	35%	34%	32%	33%	26%
§I.C.1 ... children in DMCPs custody shall be free of substantiated abuse or neglect allegations within the period by a foster parent or staff of a facility required to be licensed. * final performance standard <=0.60%	0.57%	0.79%	0.81%	0.15%	0.93%	<b>0.39%</b>	0.40%	0.24%	0.22%	0.23%	0.15%	0.24%	0.15%	0.22%	0.18%

KEY: **Bold** values in cells indicate that the performance met the standard for that period allowing for release from the provision

<sup>5</sup> DMCPs met the performance standard for two consecutive six-month periods (July – December 2011 and January – June 2012), as required for release from provision. Data point reflects 2012 annualized performance.

<b>Provisions No Longer Subject to Enforcement (cont.)</b>	<b>CY 2003</b>	<b>CY 2004</b>	<b>CY 2005</b>	<b>CY 2006</b>	<b>CY 2007</b>	<b>CY 2008</b>	<b>CY 2009</b>	<b>CY 2010</b>	<b>CY 2011</b>	<b>CY 2012</b>	<b>CY 2013</b>	<b>CY 2014</b>	<b>CY 2015</b>	<b>CY 2016</b>	<b>CY 2017</b>
§I.C.2 ... reports within the period alleging abuse or neglect of a child in DMCPs custody shall be referred to the independent investigation agency... within three business days. * final performance standard >= 90%	99%	99%	99%	<b>97%</b>	98%	95%	99%	98%	97%	99%	98%	98%	97%	97%	97%
§I.C.3 ... reports referred for independent investigation ... shall be assigned to an independent investigator within three business days of the independent investigation agency's receipt of the referral from DMCPs. * final performance standard >= 90%	99%	99%	99%	<b>96%</b>	98%	100%	100%	100%	100%	100%	100%	100%	98%	99%	98%
§I.C.4 Determination of the independent investigation within 60 days of receipt of the referral. * final performance standard >= 90%	98%	98%	99%	<b>98%</b>	96%	100%	100%	100%	99%	98%	100%	97%	97%	94%	99%
§I.D.1-2 DMCPs shall ensure that Ongoing Case Managers have caseloads not to exceed an average... of 11 families per case carrying manager per site ... (Average)	10	10	10	<b>10</b>	12	11	11	10	9	8	9	9	8	8	8
§I.D.3 By January 1, 2003...meets 90% compliance with monthly face-to-face contact.	90%	97%	97%	<b>97%</b>	96%	92%	94%	96%	97%	98%	99%	98%	98%	98%	98%
§I.D.7 ... By December 31, 2003, DMCPs developed special diagnostic/assessment centers for children ... Placement in such centers follows applicable state law.	NA	81%	82%	79%	76%	76%	78%	<b>97%</b>	100%	100%	100%	98%	98%	98%	99%

**KEY: Bold** values in cells indicate that the performance met the standard for that period allowing for release from the provision.



**Numbers Behind the Provisions No Longer Subject to Enforcement (January through December 2017)**

- §I.B.2 Of the 555 children reaching 15 of the last 22 months in out-of-home care, 537 (97 percent) children had a Termination of Parental Rights (TPR) petition filed or an allowable ASFA exception documented.
- §I.B.3 Of the 18 children in DMCPs custody for more than 15 of the last 22 months in out-of-home care without a TPR petition previously filed or an allowable exception indicated, 18 children (100 percent) belatedly had a TPR petition filed or an allowable exception documented.
- §I.B.4 On average each month, 714 (13 percent) children in DMCPs out-of-home care were in care for 24 or more months (measured against the baseline of 5,533 children).
- §I.B.6 Of the 558 children reunified with parents or caretakers, 321 (58 percent) were reunified within 12 months of entry into out-of-home care.
- §I.B.7 Of the 247 children with a finalized adoption, 64 (26 percent) of the finalizations occurred within 24 months of the child’s entry into care.
- §I.C.1 Of the 3,310 children in an out-of-home care placement, 6 children (0.18 percent) were the victims of Child Abuse or Neglect by staff of a facility required to be licensed (three children in a general foster home, one child with an unlicensed non-relative, one child with an unlicensed relative, and one child in court-ordered-kinship).
- §I.C.2 Of the 184 reports referred to the independent investigation agency, 179 (97 percent) were referred within three business days.
- §I.C.3 Of the 184 reports referred for independent investigation, 180 (98 percent) were assigned to an independent investigator within three business days of the referral from DMCPs.
- §I.C.4 Of the 187 investigations completed by the independent investigative agency, 185 (99 percent) of the determinations were completed within 60 days of receipt of the referral.
- §I.D.3 Of the 24,429 (cumulative total) expected monthly face-to-face contacts, 23,882 (98 percent) were achieved.
- §I.D.7 ... The Centers were developed prior to December 31, 2003. Of the 237 placement episodes, 236 (99.6 percent) were within the established timelines.
- §I.D.1-2 DMCPs shall ensure that Ongoing Case Managers have ... caseloads not to exceed 11 families per case carrying manager per site.... Compliance with this provision at any given point in time is measured by averaging the current monthly caseload average with the corresponding averages for the preceding two months. Performance was between 7.8 cases and 9.1 cases per Ongoing Case Manager.

*Table 2: Caseload*

	Nov 2016	Dec 2016	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Open Cases			1,646	1,621	1,617	1,642	1,648	1,641	1,625	1,653	1,669	1,685	1,675	1,656
Active Ongoing Case Managers at End of Month			209	209	202	199	191	188	175	180	187	196	197	204
Monthly Average	8.1	7.8	7.9	7.8	8.0	8.3	8.6	8.7	9.3	9.2	8.9	8.6	8.5	8.1
Performance			7.9	7.8	7.9	8.0	8.3	8.5	8.9	9.1	9.1	8.9	8.7	8.4

### Section III. Process Indicators and Outcomes

<b>Process Indicators (Previously - Monitor Only)</b>	<b>CY 2003</b>	<b>CY 2004</b>	<b>CY 2005</b>	<b>CY 2006</b>	<b>CY 2007</b>	<b>CY 2008</b>	<b>CY 2009</b>	<b>CY 2010</b>	<b>CY 2011</b>	<b>CY 2012</b>	<b>CY 2013</b>	<b>CY 2014</b>	<b>CY 2015</b>	<b>CY 2016</b>	<b>CY 2017</b>
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%	96%	90%	95%	91%	98%	85%	82%	89%	85%
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%	69%	89%	86%	88%	75%	71%	83%	88%	87%
Placement packets to foster parents	91%	85%	97%	73%	86%	88%	92%	97%	73%	77%	92%	92%	94%	94%	<b>97%</b>
Annual medical exam	75%	74%	73%	85%	78%	80%	91%	91%	95%	94%	94%	91%	89%	91%	<b>93%</b>
Annual dental exam	57%	65%	64%	78%	67%	68%	87%	87%	92%	86%	84%	76%	74%	79%	<b>81%</b>
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%	82%	85%	87%	80%	84%	70%	76%	86%	85%
Annual and Administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%	85%	95%	93%	93%	94%	93%	92%	92%	<b>96%</b>
Re-entry within 12 months of a prior out-of-home care episode	9%	7%	7%	10%	11%	8%	8%	10%	8%	9%	6%	6%	9%	7%	7%
Ongoing Case Manager turnover	30%	39%	33%	26%	34%	35%	30%	25%	34%	25%	39%	34%	32%	29%	<b>28%</b>
Children per caseload (twelve month average)	19.5	18.5	17.0	18.4	21.9	20.9	20.2	17.1	15.7	14.2	13.6	15.5	13.6	13.2	13.3

**KEY:** Cells where the font is in **BOLD** indicate that performance has improved compared to the previous review period.

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#### **Numbers Behind the Process Indicators (January through December 2017)**

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Of the 631 required family assessments, 536 (85 percent) were completed within 90 days.

Of the 923 expected initial health screens, 806 (87 percent) were completed within five business days.

Of the 100 children in the sample who changed placements or experienced their first placement, 97 providers (97 percent) received and signed for a copy of the Information for Foster Parent's Face Sheet and Checklist.

On average each month, 2,033 of 2,194 children (93 percent) were current with their annual medical exams.

On average each month, 1,435 of 1,781 children (81 percent) were current with their annual dental exams.

Of the 960 Initial Permanency Plans, 815 (85 percent) were completed within 60 days.

Of the 4,509 annual and administrative permanency plan reviews, 4,322 (96 percent) were conducted timely.

Of the 1,159 children who entered out-of-home care, 81 children (7 percent) entered care within 12 months of a prior out-of-home care episode.

At the start of 2017, there were 212 Ongoing Case Managers. During the year, 82 Ongoing Case Managers separated from their position and 81 were hired.

On average each month, 195 Ongoing Case Managers worked with an average of 2,601 children.

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