



Jeanine B. Settlement Agreement Report of the Bureau of Milwaukee Child Welfare 2010

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Introduction

Background to Jeanine B. Settlement Agreement

This report provides information on the progress of the Bureau of Milwaukee Child Welfare (BMCW) in 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 approximately 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 Services¹ 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 BMCW to achieve specific outcomes regarding the permanency, safety and well-being of Milwaukee County children in out-of-home care.

Format of Report

This is the second semi-annual report for 2010 and includes outcomes of BMCW's performance from July 1 through December 31, 2010, and reports data from January 1 to December 31, 2010.

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

The second section includes the status of **provisions that are no longer subject to enforcement** because the defendants were in compliance with the provisions for two consecutive six-month periods as stipulated in the terms of the Settlement Agreement.

The third section includes the status of **process indicators and outcomes inclusive of safety, well-being and permanency objectives**. 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 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 was 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) occur in some instances.

¹ The Department was subsequently renamed the Department of Health and Family Services. Beginning in July 2008, responsibility for BMCW was transferred to the newly created Department of Children and Families.

Remaining Enforceable Provisions – At a Glance – Annual Performance CY 2003 – CY 2010

§I.B.6 Of all reunifications with parents/caregivers, at least the following percentages of children shall be reunified within 12 months of entry into care.

CURRENT PERFORMANCE	PAST PERFORMANCE						
CY 2010 Performance Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 – 2009 Standard				
>= 71%	Monitor Only	>=65%	>=71%				
2010 Result	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result
61%	45%	63%	72%	71%	69%	64%	57%

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

CURRENT PERFORMANCE	PAST PERFORMANCE						
CY 2010 Performance Standard	CY 2003 Standard	CY 2004 Standard	CY 2005 - 2009 Standard				
>= 90%	>=80%	>=82%	>=90%				
2010 Result	CY 2003 Result	CY 2004 Result	CY 2005 Result	CY 2006 Result	CY 2007 Result	CY 2008 Result	CY 2009 Result
80%	76%	72%	72%	73%	75%	77%	78%

Section I. Remaining Enforceable Provisions

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

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

BMCW did not meet the performance standard for the first or second six-month period of 2010.

CY 2010 Performance Standard	July – December 2010 Second Six-Month Period	CY 2010 Result
>= 71%	64%	61%

A. 2010 annual reunification performance is 61 percent whereas the standard is 71 percent.

The data in Table 1.1 show historical reunification performance.

1. CY 2010 performance improved compared to CY 2009. CY 2010 represents the first year of improvement since CY 2005.

Table 1.1: Semi-annual and annual reunification performance CY 2003 – CY 2010

	January - June	July - December	Annual Performance
CY 2010	57%	64%	61%
CY 2009	56%	58%	57%
CY 2008	66%	61%	64%
CY 2007	64%	74%	69%
CY 2006	70%	72%	71%
CY 2005	69%	75%	72%
CY 2004	59%	68%	63%
CY 2003	44%	47%	45%

B. 2010 annual performance across the three regions spans from 53 percent to 69 percent.

The data in Table 1.2 show the monthly and annual performance by each of the three Regions.

1. Region 3, administered by Integrated Family Services, Inc. (IFS), achieved the highest annual performance rate at 69 percent.
2. Regions 1 and 2, administered by Children’s Service Society of Wisconsin, Inc. (CSSW), achieved an annual performance rate of 53 percent and 61 percent, respectively.

Table 1.2: Reunifications January through December, 2010, by Region

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
CSSW – Region 1													
Number of reunifications	23	8	14	12	10	33	12	23	21	24	15	22	217
Number of children reunified within 12 or fewer months	10	6	8	9	5	17	6	13	11	11	8	11	115
Percentage reunified in 12 or fewer months	43%	75%	57%	75%	50%	52%	50%	57%	52%	46%	53%	50%	53%
CSSW – Region 2													
Number of reunifications	16	21	17	14	14	18	18	18	14	10	16	17	193
Number of children reunified within 12 or fewer months	4	10	10	11	11	8	10	10	11	5	14	14	118
Percentage reunified in 12 or fewer months	25%	48%	59%	79%	79%	44%	56%	56%	79%	50%	88%	82%	61%
IFS – Region 3													
Number of reunifications	16	19	17	17	10	20	20	34	17	15	11	20	216
Number of children reunified within 12 or fewer months	7	11	13	9	7	15	14	29	15	11	6	11	148
Percentage reunified in 12 or fewer months	44%	58%	76%	53%	70%	75%	70%	85%	88%	73%	55%	55%	69%
BMCW Totals													
BMCW Total reunifications	55	48	48	43	34	71	50	75	52	49	42	59	626
Number of children reunified within 12 or fewer months	21	27	31	29	23	40	30	52	37	27	28	36	381
Percentage reunified in 12 or fewer months	38%	56%	65%	67%	68%	56%	60%	69%	71%	55%	67%	61%	61%

Placement Stability

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

BMCW did not meet the performance standard for the first or second six-month period of 2010.

CY 2010 Performance Standard	July – December 2010 Second Six-Month Period	CY 2010 Result
>= 90%	81%	80%

A. 2010 annual placement stability performance is 80 percent whereas the standard is 90 percent.

The data in Table 1.3 show historical performance since 2003.

1. Although below the standard of 90 percent, performance during the second six-month period of CY 2010 reached the highest level (81 percent) of any six-month period since the start of the Settlement Agreement in CY 2003. Performance in CY 2010 followed the trend of steady improvement since CY 2005.

Table 1.3: Semi-annual and annual placement stability performance CY 2003 – CY 2010

	January - June	July - December	Annual Performance
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%

B. 2010 performance across the three regions was between 77 percent and 84 percent.

The data in Table 1.4 show the monthly and annual performance by each of the three Regions.

1. Region 3, administered by IFS, achieved the highest monthly performance at 86.3 percent as well as the highest annual average at 84.4 percent.
2. Annual performance averaged 79.9 percent among the three regions.
 - a. Region 1, administered by CSSW, performed (78.2 percent) slightly above their CY 2009 performance of 77.5 percent.
 - b. Region 2, administered by CSSW, performed (77.1 percent) at the same level as their CY 2009 performance of 77.0 percent.

- c. Region 3, administered by IFS, performed (84.4 percent) above their CY 2009 performance of 80.8 percent.

Table 1.4: Placement stability: performance January through December, 2010

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Performance
CSSW – Region 1													
Percentage of children with three or fewer placements	77.7%	77.9%	78.6%	78.9%	79.8%	78.5%	78.8%	79.4%	77.6%	77.7%	76.4%	76.7%	78.2%
CSSW – Region 2													
Percentage of children with three or fewer placements	74.6%	75.0%	74.3%	74.4%	75.4%	77.5%	78.0%	76.4%	77.9%	79.2%	80.8%	79.6%	77.1%
IFS – Region 3													
Percentage of children with three or fewer placements	82.4%	83.3%	83.8%	83.6%	83.0%	83.4%	84.2%	85.2%	85.4%	86.1%	86.3%	86.0%	84.4%
BMCW Totals													
Children with three or fewer placements	1,556	1,556	1,572	1,582	1,599	1,576	1,576	1,585	1,561	1,553	1,555	1,527	
Children in OHC	1,987	1,973	1,985	1,994	2,007	1,975	1,962	1,968	1,945	1,920	1,917	1,892	
Percentage of children with three or fewer placements (monthly)	78.3%	78.9%	79.2%	79.3%	79.7%	79.8%	80.3%	80.5%	80.3%	80.9%	81.1%	80.7%	
Percentage of children with three or fewer placements (cumulative)	78.3%	78.6%	78.8%	78.9%	79.1%	79.2%	79.4%	79.5%	79.6%	79.7%	79.8%	79.9%	79.9%
Children with four or more placements	431	417	413	412	408	399	386	383	384	367	362	365	

Section II. Provisions No Longer Subject to Enforcement January to December, 2010

Provisions No Longer Subject to Enforcement	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010
§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 available Adoption and Safe Families Act (ASFA) exception documented in their case, by the end of their fifteenth month in care. <i>* 2005 performance standard >= 90%</i>	77%	88%	29%	79%	85%	90%	88%	90%
§I.B.3 ... children in BMCW custody for more than 15 of the last 22 months in out-of-home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed ..., an exception documented ... <i>* 2005 performance standard >= 90%</i>	88%	93%	93%	89%	90%	95%	95%	90%
§I.B.4 ... percentage of children in BMCW out-of-home care ... for more than 24 months ... calculated against a baseline of 5,533 children in BMCW out-of-home care. <i>* 2005 performance standard <=25%</i>	44%	30%	23%	18%	18%	18%	16%	14%
§I.B.7 ... adoption is finalized ... within 24 months of entry into care. <i>* 2005 performance standard >= 30%</i>	14%	16%	22%	32%	34%	38%	33%	37%
§I.C.1 ... children in BMCW 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. <i>* 2005 performance standard <=0.60%</i>	0.57%	0.79%	0.81%	0.15%	0.93%	0.39%	0.40%	0.24%
§I.C.2 ... reports within the period alleging abuse or neglect of a child in BMCW custody shall be referred to the independent investigation agency for independent investigation within three business days. <i>* 2005 performance standard >= 90%</i>	99%	99%	99%	97%	98%	95%	99%	98%
§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 BMCW. <i>* 2005 performance standard >= 90%</i>	99%	99%	99%	96%	98%	100%	100%	100%
§I.C.4 Determination of the independent investigations within 60 days of receipt of the referral. <i>* 2005 performance standard >= 90%</i>	98%	98%	99%	98%	96%	100%	100%	100%
§I.D.1-2 BMCW shall ensure that Ongoing Case Managers have ... <i>caseloads not to exceed 11 families per case carrying manager per site ... (Average)</i>	10	10	10	10	12	11	11	10
§I.D.3 By January 1, 2003... meets <i>90% compliance with monthly face-to-face contact.</i>	90%	97%	97%	97%	96%	92%	94%	96%
§I.D.7 ... By December 31, 2003, BMCW developed special diagnostic/assessment centers for children ... Placement in such centers follows applicable state law.	NA	81%	82%	79%	76%	76%	78%	97%

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

Provisions No Longer Subject to Enforcement - Numbers behind the performance

Provisions No Longer Subject to Enforcement
§I.B.2 Of the 701 children reaching 15 of the last 22 months in out-of-home care, 628 (90 percent) children had a Termination of Parental Rights (TPR) petition filed or an allowable exception documented.
§I.B.3 Of the 52 children in BMCW 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, 47 children (90 percent) belatedly had a TPR petition filed or an allowable exception documented.
§I.B.4 On average each month, 762 (14 percent) children in BMCW out-of-home care were in care for 24 or more months (measured against the baseline of 5,533 children).
§I.B.7 Of the 238 children with a finalized adoption, 88 (37 percent) of the finalizations occurred within 24 months of the child's entry into care.
§I.C.1 Of the 3,335 children in an out-of-home care placement during CY 2010, eight children (0.24 percent) were the victim of Child Abuse or Neglect by a foster parent (two children), treatment foster parent (three children), staff of a facility required to be licensed (one child), or court ordered kinship provider (two children).
§I.C.2 Of the 160 reports referred to the independent investigation agency, 157 (98 percent) were referred within three business days.
§I.C.3 Of the 160 reports referred for independent investigation, 160 (100 percent) were assigned to an independent investigator within three business days of the referral from BMCW.
§I.C.4 Of the 147 investigations completed by the independent investigative agency, 147 (100 percent) of the determinations were completed within 60 days of receipt of the referral.
§I.D.3 Of the 27,092 (cumulative total) expected monthly face-to-face contacts for CY 2010, 26,112 (96 percent) were achieved.
§I.D.7 ... The Centers were developed prior to December 31, 2003. 228 of the 235 (97%) placement episodes were within the established timelines.

§I.D.1-2 BMCW 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 9.7 cases per Ongoing Case Manager and 10.2 cases per Ongoing Case Manager.

	May 2010	June 2010	July 2010	August 2010	September 2010	October 2010	November 2010	December 2010
Open Cases			1,540	1,539	1,529	1,516	1,488	1,477
Active Ongoing Case Managers at End of Month			155	151	146	155	152	156
Monthly Average	9.9	9.6	9.9	10.2	10.5	9.8	9.8	9.5
Performance			9.9	9.9	10.2	10.1	10.0	9.7

Section III. Process Indicators and Outcomes

Process Indicators (Previously - Monitor Only)	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	CY 2010
Family assessments completed within 90 days	96%	97%	95%	95%	88%	66%	96%	90%
Initial health screens – within five business days	58%	76%	67%	75%	61%	62%	69%	89%
Placement packets to foster parents	91%	85%	97%	73%	86%	88%	92%	97%
Annual medical exam	75%	74%	73%	85%	78%	80%	91%	91%
Annual dental exam	57%	65%	64%	78%	67%	68%	87%	87%
Initial Permanency Plans within 60 days	97%	97%	98%	95%	90%	82%	82%	85%
Annual and administrative Permanency Plan reviews	77%	77%	92%	91%	92%	85%	85%	95%
Re-entry within 12 months of a prior out-of-home care episode	9%	7%	7%	10%	11%	8%	8%	10%
BMCW turnover	30%	39%	33%	26%	34%	35%	30%	25%
Children per caseload (twelve month average)	19.5	18.5	17.0	18.4	21.9	20.9	20.2	17.1

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

Numbers Behind the Process Indicators (January to December, 2010)
Of the 555 required family assessments, 497 were completed within 90 days.
Of the 924 expected initial health screens, 818 were completed within five business days.
Of the 102 children in the sample who changed placements or experienced their first placement, 99 providers received and signed for a copy of the Information for Foster Parent's Face Sheet and Checklist.
Each month, an average of 2,021 of 2,214 children were current with their annual medical exams.
Each month, an average of 1,545 of 1,785 children were current with their annual dental exams.
Of the 776 Initial Permanency Plans, 662 were completed within 60 days.
Of the 3,253 annual and administrative permanency plan reviews, 3,095 were conducted timely.
Of the 1,151 children who entered out-of-home care, 114 of the children entered care within 12 months of a prior out-of-home care episode.
At the start of 2010, there were 197 Ongoing Case Managers. During the year 64 Ongoing Case Managers separated from their position and 61 were hired.
Each month, an average of 155 Ongoing Case Managers worked with an average of 2,657 children.