

Co-Neutral Commentary Two

Issued April 2014

Compromise and Settlement Agreement

(D.G. vs. Yarborough, Case No. 08-CV-074)

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I. Introduction

Under the Compromise and Settlement Agreement (CSA) reached by the Oklahoma Department of Human Services (DHS) and Children's Rights in *D.G. vs. Yarborough*, Case No. 08-CV-074, DHS and Children's Rights identified a common desire for performance improvement in a range of areas selected to improve services and outcomes for children in the care and custody of Oklahoma's child welfare system. Under the CSA, the Co-Neutrals are required to provide commentary twice annually on DHS' overall progress in improving its child welfare system and on DHS' efforts to achieve substantial and sustained progress toward targeted outcomes in specific performance areas. With respect to commentaries, the Co-Neutrals are first charged, under the CSA, with determining if DHS' performance data is sufficient to accurately measure DHS' progress.

On October 23, 2013, the Co-Neutrals issued a report providing initial commentary on DHS' data sufficiency for four performance areas involving: foster homes; shelter use; caseworker visits with children in DHS custody; and maltreatment of children in DHS custody. In this report, the Co-Neutrals continue the data sufficiency assessment begun in the October 2013 report and discuss the status of the Co-Neutrals' efforts to determine the adequacy of DHS' data for the remaining three performance categories: caseloads, placement stability and permanency. Further, this report includes the Co-Neutrals' assessment of performance and progress, as well as judgments in certain areas as to whether DHS has made "good faith efforts to achieve substantial and sustained progress toward each Target Outcome" as stated in the CSA.

To prepare this report, the Co-Neutrals conducted a series of verification activities to further evaluate DHS' progress in implementing its commitments. These activities included regular meetings with DHS leadership, private agency leadership and child welfare stakeholders. The Co-Neutrals met with hundreds of DHS caseworkers and supervisors in 24 offices across 14 counties; conducted focus groups with foster parents; visited seven group homes across five counties and conducted more than a dozen announced and unannounced visits to children's shelters in Oklahoma, Tulsa and five other counties. The Co-Neutrals visited and discussed reform efforts with the leadership of the Office of Client Advocacy, the centralized hotline, the DHS Continuous Quality Improvement (DCQI) staff, and conducted extensive reviews of individual children's case records, children's maltreatment investigations, shelter census logs, foster home studies and other documentation. During office visits, the Co-Neutrals interviewed staff and supervisors and talked to public and private managers about the pace, progress, and challenges of the reform work. The Co-Neutrals also reviewed and analyzed a wide range of aggregate and detail data produced by DHS, and reviewed policies, memos, and other internal information relevant to DHS' work during the period. Throughout, the Co-Neutrals have been impressed by the commitment of DHS caseworkers and supervisors to strengthen the

Oklahoma child welfare system so that it works better for children and families, although the DHS staff bear an enormous burden trying to do so in the face of very high caseloads and a shortage of safe, family-like placements for children.

The remainder of this report includes:

- Background (Section II); and
- Seven Performance Categories: Data Sufficiency, Progress and Good Faith (Section III).

II. Background

On January 4, 2012, DHS and Children’s Rights reached an agreement in a long-standing federal class action lawsuit against the State of Oklahoma on behalf of children in the child welfare custody of DHS. That matter, *D.G. vs. Yarborough*, Case No. 08-CV-074, resulted in the CSA, which was approved by the United States District Court for the Northern District of Oklahoma on February 29, 2012. Under the CSA, the parties identified and the court approved Eileen Crummy, Kathleen Noonan and Kevin Ryan as “Co-Neutrals,” and charged them to evaluate and render judgment about the ongoing performance of DHS to strengthen its child welfare system to better meet the needs of vulnerable children, youth and families. The CSA gave DHS the opportunity to develop and present for the Co-Neutrals’ approval a comprehensive reform plan. DHS, with the assistance of state leaders, advocates and other stakeholders, developed the Pinnacle Plan, a five-year roadmap of significant commitments beginning in State Fiscal Year (SFY) 2013, also referred to as Year One. The Plan was approved by the Co-Neutrals on July 25, 2012. Further, the CSA charged DHS with identifying baselines and target outcomes to measure and report the state’s progress in core performance areas – henceforth referred to as the “seven performance categories” – which are:

- Maltreatment (abuse and neglect) of children in the state’s legal custody (MIC);
- Development of foster homes and therapeutic treatment foster homes (TFCs);
- Regular and consistent visitation of caseworkers with children in the state’s legal custody;
- Reduction in the number of children in shelters;
- Placement stability, reducing the number of moves a child experiences while in the state’s legal custody;
- Child permanency, through reunification, adoption or guardianship; and
- Manageable caseloads for child welfare staff.

As required by the CSA, the Co-Neutrals and DHS established the Metrics, Baselines and Targets plan (the “Metrics Plan”) on March 7, 2013. The CSA further requires the Co-Neutrals to provide

comments and to issue a determination as to whether DHS' data submissions provide sufficient information to accurately measure the Department's progress. Pursuant to the CSA, the Co-Neutrals may revise any determination of data sufficiency based on subsequent or ongoing data submissions as deemed appropriate.

For each of the seven performance categories, the Metrics Plan establishes: the methodology for the performance metrics and measuring progress; parameters for setting baselines; interim and final performance targets and outcomes; and the frequency by which DHS must report data and information to the Co-Neutrals and the public. The Metrics Plan identified a total of 35 metrics based on the seven performance areas. In July 2013, DHS began reporting data for four performance categories: maltreatment in care, foster homes and TFCs, shelters and caseworker-child visits. DHS began reporting data in January 2014 for the remaining three performance categories: caseloads, placement stability and permanency. Appendix A provides an update on DHS' data reporting schedule as well as the status of four metrics (of the 35 indicated above) in the Metrics Plan for which the Co-Neutrals and DHS are continuing to work to finalize a target and/or baseline. Appendix B provides a summary chart of all the baselines and targets established in the Metrics Plan.

In this period of reform, as the Co-Neutrals draw judgments about DHS' efforts to achieve substantial and sustained progress, much of the analysis centers on the activities of DHS leadership to improve the conditions that will make it possible for DHS caseworkers and supervisors to better care for children. The standard set forth in the CSA – “good faith efforts to achieve substantial and sustained progress” requires more than an assessment of DHS' intentions but necessarily requires a conclusion by the Co-Neutrals that is based on an analysis of the activities undertaken and decisions made by the state to accomplish a target or goal and the impact of those decisions and activities on achieving substantial and sustained progress as defined in the CSA, the Pinnacle Plan and the Metrics Plan.

III. Seven Performance Categories: Assessment of Data Sufficiency, Progress and Good Faith Efforts

In this section of the commentary, the Co-Neutrals review the seven performance categories under the CSA, commenting on: the sufficiency of data presented to the Co-Neutrals and DHS' efforts to achieve substantial and sustained progress toward targeted outcomes.

From the beginning of DHS' reform efforts, the Co-Neutrals have encouraged DHS to sequence its implementation of the Pinnacle Plan with an initial, intense focus on three areas – reducing caseloads so that staff have the time and capacity to care for children; increasing the supply of foster homes so that children who have been separated from their families have safe and

appropriate places to live; and reducing the use of shelter care, especially for young children and infants. To achieve substantial and sustained progress toward targeted outcomes in all performance categories, it is essential that DHS first achieve substantial and sustained progress in reducing caseloads and increasing its pool of safe, diverse and stable foster homes. All child welfare systems must have a solid foundation of manageable caseloads and a sufficient number of foster homes to meet the diverse needs of children and to promote their safety, permanency and well-being.

To fully assess DHS' reform progress, it is necessary to understand and consider the interconnected impact of each of the seven performance categories on one another and not review progress of any one area in a vacuum. As such, the Co-Neutrals again want to reiterate that the cross-metric impact of having a robust pool of foster homes and manageable caseloads cannot be underestimated. These areas in particular represent the two foundational pillars for reform, upon which all other areas of the CSA performance categories, as well as reforms identified in the Pinnacle Plan, will rest.

DHS has encountered a number of formidable challenges in implementing this reform effort. As has been widely reported, DHS has experienced a surge in the number of children placed in DHS' custody, a trend underway and noticeable at the time the Pinnacle Plan was submitted by DHS and approved.¹

The Co-Neutrals highlighted in the October 2013 report that DHS placed a great deal of its resources reorganizing the reporting structure of its child welfare system, which has been a wide-scale undertaking. In fact, the system and personnel changes were so significant that some of the instability in the system now is a result of these modifications, including the promotion of a large cohort of caseworkers into supervisor positions. These types of broad range system changes that occur at the start of serious child welfare reform efforts often take time to settle and allow managers and workers at all levels to experience the positive results intended for better outcomes.

A. Foster Care and Therapeutic Foster Care Homes

The CSA requires that DHS establish targets for the number of foster homes available for children, including children in need of therapeutic care (CSA Section 2.10). To make necessary progress and develop an adequate supply of homes for children, DHS identified and committed to a set of strategies in its Pinnacle Plan. By virtue of the parties' CSA, the Co-Neutrals are

¹ A recent expert report by Casey Family Programs highlights the various factors contributing to the increase in placements.

authorized to verify and confirm a baseline of available homes and establish performance targets for improvement.

Year Two (SFY14) Foster Home Baselines and Targets

In January 2014, at the Co-Neutrals' request, DHS submitted a point-in-time baseline of all foster homes, including kinship, tribal, traditional and non-traditional foster homes that were open and available for children on July 1, 2013. As the Co-Neutrals reviewed that data, DHS discovered a flaw in the January submission and re-submitted the data in March 2014.

The Co-Neutrals reviewed the most recent submission and focused analysis on foster homes as described in their first commentary: non-therapeutic traditional, contracted, shelter and emergency homes. The July 1, 2013 data shows that DHS had 1,704 homes available on that date. Of those 1,704 homes, the data indicates that less than three percent of the homes had been vacant for more than six months and one percent had been vacant for more than a year. Following the Co-Neutrals' review and analysis of DHS submissions and extensive interactions with DHS, the Co-Neutrals conclude that the data is sufficient to establish a baseline of 1,704 foster homes on July 1, 2013.

DHS acknowledged in its Pinnacle Plan that,

“Oklahoma needs new and innovative ways to recruit, retain and support resource families. Stable families provide children with experiences they need for healthy development in all aspects of life including social, physical and emotional well-being. Every child deserves to be with a family that meets his or her safety, permanency and well-being needs. Each child in out-of-home placement should be matched with a family that keeps him or her with siblings and close to home and community.”

Over the past two years, the Co-Neutrals have reviewed hundreds of pages of DHS information and data, and convened numerous meetings with DHS leadership and staff, Children's Rights, foster parents, private agencies and other system partners to understand the scope of the need for safe foster homes and therapeutic foster homes across Oklahoma.

Consistent themes that emerged include: DHS is struggling to keep up with the growing needs of children in care; foster parents often receive minimal or inaccurate information when children are placed, hampering the foster parent's ability to meet the child's needs; and many worker caseloads are excessive, having a negative impact on staff's ability to share ongoing information and respond to requests for assistance. Concerns were expressed about high worker turnover and lack of coordination between primary and secondary workers as it impacts

both the children and foster parents. Foster parents raised questions regarding the new public-private foster care system that requires communication between DHS and its public agency foster parents. Finally, foster parents shared that board rate increases are important to provide needed services for children, particularly for kinship families who are called upon to care for children at a moment's notice without the opportunity to plan for the responsibilities of caring for a child.

The perspective universally shared in these meetings, underscored by data and information from DHS, is that the number of foster homes and therapeutic foster homes is inadequate to meet the needs of children in Oklahoma's child welfare system. Consistently, the Co-Neutrals were informed in meetings with hundreds of caseworkers and supervisors that DHS caseworkers routinely experience great difficulty finding and accessing appropriate foster and therapeutic foster homes for children.

As noted in the Co-Neutrals' October 2013 report, DHS had been employing a practice of asking kinship families to care for non-kinship children on an emergency basis, with no prior approval as a traditional home, and often without adequate time to prepare for the placement of a non-kinship child. DHS responded to the Co-Neutrals' concerns about converting kinship homes to traditional homes and moved quickly to develop protocols that guide staff in assessing a kinship family's readiness and capacity to provide care for non-kinship children. DHS developed similar protocols to planfully convert adoptive homes to traditional foster homes. DHS recently implemented these protocols and the Co-Neutrals will continue to monitor DHS' process for transitioning kinship and adoptive homes to traditional foster homes.

Foster Home Development and Support

DHS reported early in the development of the Pinnacle Plan that public sector resources were strained due to the growing number of children in foster care. To develop and support more foster homes, DHS implemented a set of short-term strategies while it developed a longer-term reconceptualization of its business model for recruiting, assessing, supporting and certifying foster homes. In 2012 and continuing through 2013, DHS approved staff overtime, hired temporary staff, rehired retirees and contracted with vendors to complete foster care home studies. Additionally, DHS increased the availability of foster parent pre-service trainings in order to increase convenience and options for families. As articulated in its Pinnacle Plan, DHS' chief longer-term strategy involved the privatization of non-kin foster home development and support. DHS planned to continue to manage the pool of public agency foster homes that it had already developed and to utilize those homes for children's placements. Moving forward, DHS articulated that private agencies would develop and support new foster homes after contracts

were awarded, creating a bifurcated foster care system that would require close coordination between DHS and private agencies.

In order to select the private agencies authorized to undertake this work with foster homes, DHS committed in its Pinnacle Plan to administer a contract bidding process through the issuance of a Request for Proposals (RFP) with the bidding process to be completed by September 30, 2012. However, DHS did not post the RFP on the state's Central Purchasing website until October 29, 2012 with a proposal deadline of December 3, 2012, two months late. Throughout the RFP process, bidders expressed concerns to DHS leadership regarding what they believed to be a lack of bidder input concerning RFP outcomes, unrealistic performance metrics and fiscal penalties for agencies if certain performance targets were missed. One hundred twenty proposals were submitted in response to the RFP and DHS selected ten agencies to provide foster care services in 26 of its 29 child welfare districts.

On April 12, 2013, DHS leadership cancelled the ten contracts, believing its longer-term goals identified in the Pinnacle Plan would be compromised by the awards. In its notice of cancellation to the contracted agencies, DHS explained that its original RFP language was too prescriptive and worked against provider creativity, flexibility and capability. DHS further observed that the service regions of the state had been artificially defined and worked against the reality of how foster homes could be recruited and supported. DHS expressed concern that a number of high quality agencies had been eliminated in the process and that providers did not have an opportunity to provide input in the design and details of the contracts.

DHS then implemented another contracting process that allowed the Department to include input from providers, with performance outcomes negotiated with agencies and with the focus on strong public-private partnerships. In August 2013, contracts were awarded to four agencies to provide foster care services statewide, eleven months after the state's commitment to do so in the Pinnacle Plan. DHS charged its private partners to develop 1,197 homes between August 2013–July 2014 and the Co-Neutrals accepted and adopted this performance goal as the DHS target outcome for the development of new non-relative foster homes in SFY14.

Contracting with private agencies to provide foster care services impacts all child welfare system partners, including prospective foster parents, existing foster parents, and DHS staff. Due to the scale and importance of this system change, thoughtful transition planning was critical to execute effective implementation. The Co-Neutrals have reviewed the new contracts and meeting notes between the private agencies and DHS staff; met with leadership of each of the private agencies and with foster parents in focus groups in Tulsa and Oklahoma County; and inquired about the transition process in meetings with DHS staff. The Co-Neutrals have not found sufficient evidence that an adequate transition plan was developed and implemented. As an example, the new contracts did not include start-up time for private agencies to adequately

develop capacity to undertake the new work. Once the contracts were awarded, DHS quickly began sending new inquiries from prospective foster parents to the contracted private agencies, while the foster care agencies were just beginning to recruit, train and hire new staff and, in some cases, set up new office space. Not surprisingly, the transition period proved difficult, as evidenced by the very low number of homes (25) developed and approved by the contracted agencies from August-December 2013.

As of December 31, 2013, DHS reported developing 345 new homes, or 29 percent of the SFY14 target of 1,197 new homes. Twenty-five of these 345 new homes were developed under the new private contracts, as noted above, while DHS developed the other 320 homes in-house between July-December 2013. DHS completed the approval process for the 320 new homes as they were already well through the DHS approval process at the time the private agency contracts were finalized in August 2013.

In the October 2013 Commentary, the Co-Neutrals also established a net gain target of 615 foster homes for SFY14. The Co-Neutrals worked with DHS to establish a written methodology for calculating net gain/loss (see Appendix C). DHS' net gain/loss analysis indicates that the Department had 1,704 open foster homes on July 1, 2013 and 1,754 open foster homes on December 31, 2013, for a net gain of 50 foster homes, eight percent of the target for SFY14.²

The Co-Neutrals have evaluated the pace, quality and progress of DHS' efforts to achieve these target outcomes and conclude the Department's work does not represent good faith efforts to achieve substantial and sustained progress toward these target outcomes.

Foster Care Board Rate Increase

Monthly foster care reimbursement rates cover the cost of caring for a child, including food, clothing, shelter, daily supervision, school supplies and personal incidentals. In the Pinnacle Plan, DHS committed to increase foster care board payments incrementally to more closely align with national "Hitting the MARC"³ standards published in 2007 and to increase the number of available safe placements for children. The following table represents the board rate

²Of the homes open on July 1, 2013, 306 were closed as of December 31, 2013. Of the homes open on December 31, 2013, 356 opened after July 1, 2013.

³In October 2007 Children's Rights, The National Foster Parent Association and the University of Maryland School of Social Work released a state-by-state analysis of the cost of supporting children in foster care. The report, Hitting the MARC (Minimum Adequate Rates for Children), identified deficiencies and disparities amongst states and proposed a standard rate for each state to use in fulfilling the federal requirement to provide foster parents with payments to cover the basic needs of children in foster care, including food, shelter, clothing and school supplies.

increases to which DHS committed as a central strategy to achieve its targets in the above-referenced performance areas:

Table 1: Monthly Foster Care Reimbursement Rates

Age	SFY12	SFY13	SFY14	SFY15	SFY16	SFY17
0-5	\$365.00	\$403.48	\$441.97	\$480.45	\$518.94	\$557.42
6-12	\$430.00	\$471.78	\$513.57	\$555.35	\$597.14	\$638.92
13+	\$498.33	\$538.73	\$579.13	\$619.53	\$659.93	\$700.33

The first board rate increase was implemented in SFY13. However, the second annual increase had not been implemented as of March 31, 2014, which DHS attributes to an insufficient appropriation from the Legislature. DHS requested a supplemental budget appropriation from the Legislature that includes funding for the SFY14 increase, but the Legislature had not supported the request as of March 31, 2014. DHS has indicated it intends to implement a 6.25% resource home rate increase this spring, and then provide another 6.25% rate increase effective July 1, assuming its Pinnacle Plan appropriation request for SFY15 is supported by the Legislature. DHS believes the strategy is adequate to support its effort to achieve the target outcomes in this area.

Therapeutic Foster Care

The Co-Neutrals’ previously set a target of 150 new therapeutic foster care homes (TFC) in SFY14. The Co-Neutrals’ October 2013 commentary cited DHS data showing that by the end of SFY13, there were 586 TFC homes open as of June 30, 2013 and that almost 50 percent (282 homes) had no children placed in them.

The revised baseline data submitted by DHS in March 2014 indicates that 548 TFCs were open on July 1, 2013. Of these 548 TFCs, 102 homes were “joint approved,” meaning they were authorized to provide at least one type of regular foster care as well as therapeutic foster care. As such, 446 of the open TFCs were approved for TFC placements only. As of December 31, 2013, DHS has approved 56 new therapeutic foster homes, or 37 percent of the target.

Though DHS’ revised data for July 1, 2013 shows fewer TFCs as vacant – not fostering any children – than the data DHS supplied to the Co-Neutrals for the October 2013 commentary, vacancy rates are still high compared to regular foster care and relative to reports of demand from DHS staff. On July 1, 2013, DHS’ data indicates that of homes licensed as TFCs only (not joint approved), 28% had been vacant at least six months and 18% had been vacant for more

than a year. As of December 31, 2013, 26% of homes approved as TFCs only had been vacant at least six months and 20% of TFC-only homes had been vacant for more than one year.⁴

The Co-Neutrals did not set a target for TFC net gain/loss in SFY14, but have calculated this number to bring transparency to the continuum of available placements for children. DHS reports 548 approved TFCs on July 1, 2013 and 547 approved TFCs on December 31, 2013, for a net loss of one TFC home during the first half of SFY14.

The Co-Neutrals discussed the challenges around therapeutic foster care with DHS leadership, with the appropriate DHS management staff, with providers and with caseworkers and supervisors charged to find appropriate placements for children in care. In light of these discussions and the low number of therapeutic homes licensed through December 31, 2013, the Co-Neutrals are not convinced that DHS presently has in place an adequate process to meet the target outcome for additional TFCs, nor its Pinnacle Plan commitment to match children's individual needs with available and appropriate placements and to maximize the available supply of existing homes. On March 21, 2014, DHS submitted a plan to the Co-Neutrals, which is currently under review.

Based on a review of DHS' pace and progress to achieve the target outcome for developing new TFC homes, the Co-Neutrals do not conclude that the Department's work represents good faith efforts to achieve substantial and sustained progress toward the target outcomes.

B. Caseworker Caseloads and Supervisor Workloads

The CSA requires that DHS establish performance targets for caseworker caseloads and supervisor workloads (CSA Section 2.10). As noted in the October 2013 report, DHS' ability to achieve progress in the most critical areas of reform hinges on reducing worker caseloads. Under the Pinnacle Plan, DHS committed to the following caseload standards:

⁴ Vacancy rates for jointly approved TFC homes are far lower: of the 102 jointly approved homes on July 1, 2013, four percent had been vacant for at least six months, and two percent for at least one year. These homes may be occupied by children in regular foster care or in therapeutic foster care. Of the 115 jointly approved homes on December 31, 2013, six percent had been vacant for at least six months and one percent for at least one year.

Table 2: Pinnacle Plan Caseload and Workload Standard Commitments

Role	Standards	Weight Per Case
CPS	12 Open Investigations or Assessments	0.0833
OCA	12 Open Investigations	0.0833
Family Centered Services	8 Families	0.125
Permanency Planning	15 Children	0.0667
Resource	22 Families	0.0455
Adoption	8 Families & 8 Children	0.0625
Supervisors	1 Supervisor Dedicated to 5 Workers	0.2 per worker

Caseworker Caseloads and Data Sufficiency

The Pinnacle Plan identified a variety of activities to reduce caseworker turnover and improve the overall working conditions for the DHS workforce so they can better care for and meet the needs of children. These commitments include adopting a graduated workload assignment for new workers so that they would not receive a full caseload until nine months after completing CORE training and committing to “incrementally increase pay for child welfare staff so that salaries are more competitive with other states.” Finally, DHS committed to implement a 1:5 supervisor to caseworker workload ratio to ensure caseworkers receive the support and guidance they need, which is most critical for new workers.

The Metrics Plan codified targets for the caseload standards and for the supervisor ratio identified in the Pinnacle Plan. One of DHS’ first steps to achieve these targets was to develop an accurate way to count caseloads. Counting a caseload for staff who have a single role and who work full-time in that role is straightforward. Counting a caseload for staff with mixed caseloads and responsibilities other than casework is more difficult. As counting caseloads is complex, the Co-Neutrals have employed an iterative process in working with DHS to develop an appropriate methodology.

At the Co-Neutrals’ request, DHS submitted detailed caseworker caseload information for December 31, 2013. The point-in-time data submission for caseloads and workloads was well organized, and DHS quickly answered the Co-Neutrals’ questions and concerns. However, the methodology currently used by DHS does not account for graduated assignments for the many new staff at DHS, does not yet account for all appropriate secondary work and does not take into account non-titled supervisors who spend a portion of their time supervising caseworkers. As such, the Co-Neutrals will continue to work with DHS on these outstanding issues and will assess data sufficiency in this area in the next report.

The Co-Neutrals will reserve judgment until the October 2014 report on whether DHS has exhibited good faith efforts to achieve substantial and sustained progress toward its caseload target outcomes. At this juncture, relying only on the Department’s preliminary data, described in Table 3, the Co-Neutrals do not yet find evidence that workloads are improving in a substantial and sustained direction and DHS will need to demonstrate very significant movement over the next several months.

Table 3: Metrics Plan Caseload⁵ Baselines and Targets

Compliance Measure	Baseline	Interim Targets for 12/31/13	Caseloads Reported for 12/31/13
Meet (100% or below standard)	27%	45% Meet	35% Meet
Close (1-20% above standard)	8%	30% Close	9% Close
Over (20% or more above standard)	65%	25% Over	57% Over

Supervisor Workloads and Data Sufficiency

In January 2014, the Co-Neutrals approved a methodology for counting the workloads of caseload carrying supervisors (Appendix B). DHS presented the Co-Neutrals with data showing the compliance status of 260 supervisors as of December 31, 2013. In reviewing this supervisor workload data, the Co-Neutrals found that 78 supervisors carried 636 cases. As approved by the Co-Neutrals, DHS did not assign any case weight to the 40 supervisors who carried two or fewer cases.⁶ Thus, only 38 supervisors were counted as case-carrying in determining workload compliance. Of these 38 supervisors, 21 carried more than half of a caseload. Of those 21, six had a total workload that was twice the standard and of those six, three had a total workload four times the standard.

The Co-Neutrals identified and DHS confirmed that 16 units, comprised of 55 caseworkers, did not have a titled supervisor (a “CWS IV”) in place. Instead, the 16 units had managers serving as supervisors or had a senior caseworker fill that role. DHS did not include those staff in their

⁵ The caseloads referenced in the baseline, targets and performance data represent an aggregate of all caseload-carrying worker types (permanency, CPS, family centered services, foster care/Bridge and adoption) combined, calculating each worker’s compliance with his/her own caseload standard. The Co-Neutrals have concluded that not all required worker standards in the Pinnacle Plan (e.g., graduated assignments and 50% caseload standard for caseworker mentors) are reflected in the point in time performance data for December 31, 2013 and will need to be resolved and integrated into the methodology used prospectively for counting caseloads.

⁶ At any point in time, supervisors can have one or two new incoming cases assigned to them in the transition period of receiving the new case in their unit and prior to assigning the responsibility for the case to a caseworker.

compliance calculations and the Co-Neutrals have requested that DHS propose how best to reflect the supervisory work of these individuals.

DHS' preliminary and unverified data as of December 31, 2013 shows that 66.15% of supervisors met the workload standard, 15.38% were close and 18.46% were over the standard. DHS agreed to reach 90% of supervisors meeting the workload standard by June 30, 2014. The Co-Neutrals and DHS are still in the process of establishing a baseline for supervisor workloads.

DHS continues the process of working through all the necessary steps to ensure that its calculations are complete, such as accounting for unsupervised units of workers. As such, the Co-Neutrals will continue to work with DHS on these outstanding issues and will assess data sufficiency in this area in the next report.

C. Shelter Use

The CSA requires that DHS establish performance targets related to shelters (CSA Sec. 2.10). In the Pinnacle Plan, DHS committed that it would “ensure all children are cared for in family-like settings” and “stop its use of temporary placement in shelters for all children under 13 years of age.”

In addition, DHS made specific commitments to children of different age groups related to shelters including:

- By December 31, 2012, all children under two years of age will be placed in family-like settings;
- By June 30, 2013, all children under six years of age will be placed in family-like settings;
- By June 30, 2014, all children under 13 years of age will be placed in family-like settings; and
- By June 30, 2014, children ages 13 years of age and older may be placed in a shelter, only if a family-like setting is unavailable to meet their needs.

In the Metrics Plan, the number of “child-nights” spent in shelters was chosen as the metric to assess Oklahoma’s progress in eliminating shelter use. One “child-night” is defined as “one child in a shelter at midnight.” The total number of child-nights is calculated by summing the number of children in shelters at midnight for each night of the reporting period.

The Metrics Plan identified the baselines and targets for each of the above metrics except for children age 13 and older. The Co-Neutrals and DHS finalized a target for shelter placements and nights for children age 13 and older using a dual variable metric: the first variable is based on a percentage reduction in the total number of child-nights and the second variable is based on the rule established in the Pinnacle Plan Section 1.17, which states that,

“By June 30, 2014, children ages 13 years of age and older may be placed in a shelter, only if a family-like setting is unavailable to meet their needs. Children shall not be placed in a shelter more than one time within a 12-month period and for no more than 30 days in any 12-month period. Exceptions must be rare and must be approved by the deputy director for the respective region, documented in the child’s case file, reported to the division director no later than the following business day, and reported to the OKDHS Director and the Co-Neutrals monthly.”

This metric assumes that there will continue to be a need to place older children in congregate settings but the target ultimately focuses on reducing child-nights in a shelter for children ages 13 and older by more than 50% and ensuring Pinnacle Plan Section 1.17 is followed to limit the number of times and length of stay a child experiences in a shelter, when a family-like or other setting that best meets a child’s needs is not available.

Table 4: Baselines and Targets by Age, DHS Shelter Use

Age	Baseline	Interim Target and Date	Final Target	Final Target Date
0 to 1	2,923 child-nights	None set	0 nights	12/31/2012
2 to 5	8,853 child-nights	None set	0 nights	6/30/2013
6 to 12	20,147 child-nights	50% reduction by 12/31/2013	0 nights	6/30/2014
13 & Older	20,635 child-nights	1) 13,200 child-nights 2) 80% of children placed will meet Pinnacle Plan 1.17 by 6/30/2015	1) 8,850 child-nights 2) 90% of children placed meet Pinnacle Plan 1.17	6/30/2016

Shelter Utilization and Data Sufficiency

In the October 2013 commentary, the Co-Neutrals reported that after reviewing a number of data sources – the KIDS database, available shelter logs maintained by individual shelters, and DHS’ monthly shelter report – a small discrepancy was detected in the number of children experiencing shelter placement between the shelter data reported to the Co-Neutrals and the public, and the data sources noted above. DHS explained that the discrepancies existed because they needed more time to ensure all relevant data was entered into the KIDS system and verified. The Co-Neutrals and DHS subsequently agreed to additional “data lag time” as discussed in Appendix A. The Co-Neutrals thereafter conducted a comparison review of DHS

shelter data reports provided to the Co-Neutrals and shelter entry and exit logs maintained in the KIDS system and found that the data is consistent. Given this, the Co-Neutrals find that the shelter data produced by OKDHS is sufficient.

Substantial and Sustained Progress and Good Faith Efforts

The first shelter deadline per the Metrics Plan established that no children under the age of 2 would be placed in a shelter after December 31, 2012.⁷ At the time of this first shelter deadline for children under 2, an average of 35 children that age entered shelters each of the prior three months of October-December 2012.

For the first few months into 2013, DHS worked hard to meet this commitment. However, given the undersupply of foster homes, even for this small number of children, DHS was not able to sustain its progress and meet this target. The Co-Neutrals heard regularly through focus groups with hundreds of staff around the state about the lack of available placements for all children, a problem confounded by the delay in the RFP process. Moreover, the Co-Neutrals' own review of records in 2013 found that while a smaller number of children under the age of 2 were being placed in shelters, DHS was continuing its practice of removing children and placing them in some type of temporary arrangement before they could be moved to a permanent kinship or foster care home.

As of April 2013, DHS reported and the monthly data showed that OKDHS could not sustain its reduction in child-nights in the shelters. Over the following months, the number of children under the age of 2 in shelters increased as did the total shelter nights experienced (from a low of seven child-nights in March 2013 up to 117 child-nights in September 2013).

DHS leadership has instituted a pre-authorization process whereby caseworkers must work with their supervisors and local and regional managers to explore, exhaust and document all options available to place a child in a foster or kinship home. This process started on December 31, 2012 for children under 2, and started on March 1, 2013 for any child under 6. This information is documented on an authorization form that must be approved by the child welfare director before DHS places a child under the age of 2 in a shelter. DHS Regional Directors must approve the placement of children ages 2-5 years old in shelters. This additional process is meant to ensure family-like placement options are considered first before a child is sent to a shelter. However, given that DHS has not produced nearly as many new foster homes

⁷ A Note about Shelter Exceptions: The Pinnacle Plan allows DHS to place young children in shelters if they are part of a large sibling group. DHS had also been placing children in shelters as an exception if they had "complex medical needs." DHS informed the Co-Neutrals that it will no longer consider the latter an exception to shelter placement.

as planned, caseworkers are often still in the position of having to place children in a shelter because of a lack of available foster homes.

The Co-Neutrals reviewed 88 shelter pre-authorization forms submitted for children under the age of 6 between October 2013 and February 2014. The 88 forms covered many more children than this, since many had two or more siblings. Of the 88 pre-authorizations submitted, 58 were for new placements and 30 were for placement disruptions. There were many cases in which reasonable efforts were made to consider kinship placements before removal. However, in 21 of the 88 cases reviewed, including 7 cases that involved either a joint response with the police or an independent police removal, kinship resources were either not considered or were identified but not pursued to avoid shelter placement. The Co-Neutrals noticed that kin were automatically ruled out in some of these cases if there was anyone alleged to be undocumented in the house, if one of the parents had child welfare involvement as a child or if the relative had some income limitations. In these cases, reasonable efforts to place with kin seemed to stop. In 15 of the 30 cases that involved a placement disruption, the foster or kinship parent's inability to handle a behavior problem and/or lack of availability of a TFC was noted in the shelter form.

DHS conducted its own qualitative review on shelter usage for children under 6 between October and December 2013 and generated a similar set of findings, including the need for better planning related to placement disruptions and the importance of looking into all available family-setting options before a decision is made to use a shelter. For each of these recommendations, a key conclusion is the need for DHS to think more proactively about placement resources before a child is removed or once removal occurs.

The second shelter deadline per the Metrics Plan established that no children under the age of 6 would be placed in a shelter after June 30, 2013. DHS reported and the data showed the same pattern for children in this age group as experienced with younger children: the first few months after the deadline saw a steady decline in the number of children and shelter nights through March 2013 before an upward trend through September 2013 (from a low of 493 child-nights in March 2013 to 777 child-nights in September).

Still, for both age groups, DHS has demonstrated a decline in the number of child nights from the baseline established in the Metrics Plan as shown in Table 5.

Table 5: DHS Shelter Use April-Sept. 2013 and Change from Baseline

DHS Shelter Use by Age	Baseline (Jan 2012-June2013)	Performance (Apr 2013-Sept 2013)	Change (n)	Change (%)
0 to 1	2,923	784	-2,139	-73.0%
2 to 5	8,853	4,679	-4,174	-47.0%
6 to 12	20,147	22,337	2,190	11.0%
13 & Older	20,635	24,486	3,851	19.0%
TOTAL	52,558	52,286	-272	-0.5%

Although DHS has not achieved the targets set in the Pinnacle Plan of no child-nights for either children under the age of 2, or for children under the age of 6, the use of shelter placements for young children has declined substantially to date under this reform effort.

DHS re-committed to the Co-Neutrals that there would be no young children under the age of 2 in shelters by March 31, 2014, and no young children under the age of 6 in shelters by June 30, 2014. DHS' preliminary data suggests that shelter placement for children under the age of 2 is very low (6 children in March 2014 – 4 of whom met the exception for placement with a sibling group of 4 or more children). DHS believes that this new effort can be sustained because they are recruiting new resource homes with a priority of using them first to place young children.

The deadline for eliminating shelter placements of children aged 6 through 12 is June 30, 2014. In an effort to track and work towards a phased decrease in the number of children ages 6 through 12 entering shelters, DHS and the Co-Neutrals set an interim target for this group in the Metrics Plan. This interim target was set for December 31, 2013 with DHS reducing by 50% the total number of child-nights experienced in the six-month baseline period from January-June 2013. The established baseline is 20,147 shelter nights. Unfortunately, DHS did not reach a 50% reduction in the interim target of 10,073 shelter nights but, in fact, saw a marked increase for this age group to 23,384 shelter nights during the period of July-December 2013.

Further, DHS does not appear to be on track to meet the final target and deadline set for June 30, 2014, as the number of children (ages 6 to 12) being placed in shelters is still rising. There is a similar upward trend for children 13 years of age and older.

The Co-Neutrals remain very concerned about the growing number of shelter placements for children ages 6 and older, especially because the use of shelters seems based not only on a lack of resource homes, but – as noted above – on a practice norm of only looking for resources after a decision for removal has been made. This practice will have to evolve in order for DHS to fulfill its Pinnacle Plan commitment of “matching” children to appropriate placements from the time of a first placement.

Despite concerns regarding shelter placements of older children, the Co-Neutrals find that DHS has made good faith efforts to achieve substantial progress toward the target outcome of eliminating shelter placement for children under the age of 2 years. This finding is based on the Co-Neutrals' review of DHS activities and performance data as well as interviews with staff in offices across Oklahoma and on-site interviews and observations at the shelters. The Co-Neutrals cannot yet conclude if this progress has been "sustained" and will continue to monitor this issue and include an update in the next report. The Co-Neutrals will reserve judgment until their next report on whether DHS has made good faith efforts to achieve substantial and sustained progress toward the target outcome of eliminating shelter placements for children between 2 and 5 years of age, and will also continue to monitor shelter utilization for older children.

D. Child Maltreatment in Care (MIC)

The CSA requires that DHS establish performance targets to reduce abuse and neglect of children in DHS' custody (CSA Section 2.10). As the Co-Neutrals previously reported, DHS has initiated a number of meaningful reforms to align its investigative response to alleged abuse and neglect for children in DHS' custody, regardless of placement type. To assess the safety of children in DHS' custody, Oklahoma is tracking and reporting the number of children abused or neglected in two categories based on the type of perpetrator. The first are alternative caregivers: a foster parent, therapeutic foster parent, kinship parent, or institutional staff person (all referred to as resource caregivers). The second is abuse or neglect by a parent while the child is in DHS' custody.

With regard to the first, DHS and the Co-Neutrals agreed DHS would improve safety for children in care using two indicators. First, DHS now tracks and reports publicly the number of children abused or neglected by an alternative caregiver, on a monthly basis. Second, DHS and the Co-Neutrals use the federal metric "Absence of Child Abuse and/or Neglect in Foster Care," which includes the percent of all children in foster care during a 12-month period who were not victims of substantiated abuse or maltreatment by a foster parent or facility staff. The 12-month period coincides with the federal fiscal year, October 1 to September 30.

MIC and Data Sufficiency

DHS, along with all other state child welfare systems, annually submits (in January) a Child Maltreatment Report to the federal government, which is aggregated with other states' data in the National Child Abuse and Neglect Data System (NCANDS). In the Pinnacle Plan, DHS committed to include in its Federal Fiscal Year 2013 (FFY13) report to the federal government maltreatment of all children in custody substantiated by the DHS Office of Client Advocacy (OCA). The Co-Neutrals are in the process of verifying that commitment and will disclose their

findings in the next report.

During the Co-Neutrals' verification, some questions about the data emerged, which led DHS to conclude that it had over-reported to the Co-Neutrals and the public instances of child abuse and neglect in institutional settings, including some children who were not in DHS' legal custody at the time they suffered maltreatment. That discovery raised doubts for the Co-Neutrals about the integrity of the historical data previously supplied by DHS in 2013, which the Co-Neutrals relied upon to establish both the performance baselines and the target outcomes in this performance area. DHS and the Co-Neutrals concluded that the historical data submitted by DHS and used by the Co-Neutrals to establish the baseline had not been subject to any internal verification by DHS over the years, and that the detailed information supporting the baseline was not available for review. As a result, the Co-Neutrals are formally withdrawing the previously published baselines and targets in this performance category, and will be working with DHS over the next several months to establish new baselines and targets based on validated data. The Co-Neutrals will publish these new standards in the next report.

E. Caseworker Visitation

The CSA requires that DHS establish performance targets for two measures on caseworker visits (CSA Section 2.10): the frequency of caseworker visits, which is defined as the number of required monthly visits completed with children in care; and, continuity of visits by the same caseworker. At this time, DHS is only required to report on the frequency of caseworker visits. For frequency of visits, the Metrics Plan establishes that DHS will report the following:

“3.1 The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between caseworkers and children in foster care for at least 1 calendar month during the reporting period.”

The second indicator is the same, but includes only visits made by primary caseworkers:

“3.2 The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between primary caseworkers and children in foster care for at least 1 calendar month during the reporting period.”

DHS and the Co-Neutrals agreed that DHS would not begin recording data on continuity of visits until January 2014, with reporting to begin in July 2014.

As reflected in the Metrics Plan, DHS and the Co-Neutrals agreed that it would not be reasonable to establish a baseline and measurable targets for continuity of visits while the state was phasing out the use of secondary workers whose responsibilities include conducting the required monthly child visits. DHS committed to end the use of secondary workers across the state by January 2014; however, the Co-Neutrals approved DHS' request to postpone this target date until July 1, 2014. This delay may affect the Co-Neutrals' ability to provide a final assessment of DHS' efforts to achieve progress in providing children in care continuity of visits with the same primary caseworker.

Caseworker Visits and Data Sufficiency

In the October 2013 Commentary, the Co-Neutrals deemed DHS' data to be sufficient to assess DHS' progress for the frequency of caseworker visits. At the Co-Neutrals' request, DHS submitted caseworker visitation data for FFY13 in March 2014. The Co-Neutrals are currently engaged in a set of verification activities on this data and will reserve judgment on DHS' efforts to achieve substantial and sustained progress until the next report.

F. Placement Stability

The CSA requires that DHS establish performance targets to provide stability of placements for children in DHS' custody (CSA Sec. 2.10) as DHS and Children's Rights agree that children should have as few placement changes as possible during their time in foster care. Placement instability causes trauma for children and is associated with increased behavioral challenges and poor educational and health outcomes.

The Co-Neutrals and DHS agreed to use the federal Adoption and Foster Care Reporting System (AFCARS) files and definitions for placement moves in calculating placement stability metrics. DHS presented the Co-Neutrals with its FFY13 AFCARS files, which draw data from DHS' KIDS system and contain information on children who spent time in foster care from October 2012 through September 2013.

To verify the accuracy of children's placement moves in the AFCARS files, the Co-Neutrals reviewed the records in the KIDS child welfare database for 78 children who entered DHS foster care in the month of October 2012 and who experienced two placements during FFY13 according to the AFCARS files. The Co-Neutrals are currently engaged in a set of verification activities on this data and will reserve judgment on DHS' efforts to achieve substantial and sustained progress until the next report. The Co-Neutrals' ongoing review seeks to determine if placement moves were accurately recorded in the KIDS fields that are used to count placement moves in AFCARS. Children with two placement moves were selected for the review because

one unrecorded placement would change their status from compliant to noncompliant with metric 4.1, which measures, in part:

4.1: Percent of children in the legal custody of OKDHS that experience two or fewer placement settings:

- a. Of all children served in foster care during the year who were in care for at least 8 days but less than 12 months, the percentage that had two or fewer placement settings. (4.1 (b) and (c) are outlined below in Table 5.)

In December 2013, DHS and the Co-Neutrals finalized a baseline and target for Metric 4.2 in the Metrics Plan, which measures:

4.2: Of those children in foster care for more than 12 months, the percent of children who experienced two or fewer placements settings *after* their first 12 months in care.

The following table includes the full listing of the baselines, targets and current performance reported for 4.1 and 4.2:⁸

Table 6: Placement Stability Baselines, Targets and Current Performance

Metric	Baseline Oct 2011-Sept 2012	Target June 30, 2016	Performance Oct 2012-Sept 2013
4.1(a): % of children in custody with 2 or fewer placements: in care less than 12 months	70.0%	88.0%	72.9%
4.1(b): percent of children in custody with 2 or fewer placements who are in care more than 12 months but less than 24 months	50.0%	68.0%	50.8%
4.1(c): percent of children in custody with 2 or fewer placements who are in care at least 24 months	23.0%	42.0%	24.8%
4.2: percent of children in care more than 12 months, with 2 or fewer placements after their 12 months in care	74.0% (Apr.'12–Mar.'13)	88.0%	74.6%

⁸ The Metrics Plan includes a third metric for placement stability (4.3) that would measure placement changes that represent moves toward permanency. DHS and the Co-Neutrals worked to develop DHS' capacity to produce this measure. Due to the range of placement types in KIDS and the complexity of defining a "move to permanency" with existing data, developing the metric required significant time from DHS analytic staff. To allow DHS to focus on the three priority areas identified by the Co-Neutrals (caseloads, foster homes and shelters), the Co-Neutrals suspended reporting requirements on metric 4.3 and may revisit working with DHS to establish this measure at a later date.

Placement Stability and Data Sufficiency

As of the time of the preparation of this report, the Co-Neutrals were still in the process of assessing the sufficiency of DHS' placement stability data. The Co-Neutrals will continue this review in conjunction with DHS and provide further comment on the data for this performance area in the October 2014 report.

G. Permanency

The CSA requires that DHS establish performance targets for achieving permanency for children and to do so in a timely manner (CSA Section 2.10). DHS and the Co-Neutrals agreed that permanency for children will be defined as reunification, adoption or guardianship and established a suite of metrics to assess DHS' progress in moving children to permanency. These metrics are listed in the following table.

Table 7: Permanency Metrics, Baselines, Targets and Performance Reported by DHS

Metric	Baseline	Target June 30, 2016	Performance
6.1: Of children who are legally free not living in an adoptive placement as of Jan. 10, 2014 ⁹ , the percent to achieve permanency.	Jan 10, 2014 Cohort 292 children	TBD	TBD
6.2(a): children who entered care 12-18 months prior to end of report period, the % to reach permanency within 1 year of removal – by type of permanency	Data due: 9/30/13 Total – 35.0% Reunification - 31.4% Adoption - 1.6% Guardianship – 2.0%	Total – 55.0%	Total – 31.8%
6.2(b): children who entered 12 th month in care 12-18 months prior to end of report period - % to reach permanency within 2 years of removal, by type of permanency	Data due: 9/30/13 Total - 43.9% Reunification - 22.3% Adoption - 18.9% Guardianship - 2.7%	Total – 75.0%	Total – 41.0%
6.2(c): children who entered 24 th month in care 12-18 months prior to end of report period - % to reach permanency within 3 years of removal, by type of permanency	48.5% a) Reunification - 13.0% b) Adoption - 32.7% c) Guardianship - 2.9%	Total – 70.0%	Total – 46.9%

⁹ The Metrics Plan established the point-in-time date of March 7, 2013 as when the cohort for this metric would be established. DHS required additional time to work through how best to define and capture this cohort given some complexities with DHS' data system and ongoing work to ensure accuracy of the data maintained in the KIDS system.

Metric	Baseline	Target June 30, 2016	Performance
6.2(d): children who entered 36 th month in care 12-18 months prior to end of report period - % to reach permanency within 4 years of removal, by type of permanency	46.6% a) Reunification - 8.8% b) Adoption - 37.3% c) Guardianship - .4%	Total – 55.0%	Total – 48.5%
6.3: of children discharged in 12 month period prior to report period, % who re-enter care during with 12 months after discharge	Total-10.3%	8.2%	10.0%
6.4: of legally free foster children who turn 16 during 24-36 month prior to report period, (a)% to exit to permanency by age 18, (b) % to stay in care after age 18 and (c) % to exit without permanency by 18 Baseline Period: 7/1/09 to 6/30/10	30.0% a) Exit to perm = 30.43% b) Stayed in care = 2.72% c) Exit w/o perm = 66.85%	50.0% by 12/31/14 75% by 12/31/15 80% by 6/30/16	31.4%
6.5: of children who become legally free for adoption in the 12 months prior to the year of reporting period, % discharged to finalized adoption in less than 12 months from date of becoming legally free	54.3% (AFCARS for FFY12)	75.0% 6/30/16	60.9%
6.6: % of adoptions to not disrupt over a 12 month period, of all trial adopt placements during previous 12 months	97.1%	97.3%	96.7%
6.7: % of children with finalized adoption over a 24 month period whose adoption did not dissolve with 24 months of finalization	99.0%	99.0%	99.5%

DHS made progress toward reaching data sufficiency for several permanency metrics, particularly metrics 6.1 and 6.7.

Metric 6.1 Achieving Permanency for Legally Free Children

The Metrics Plan requires DHS to identify a cohort of children in foster care who were legally free for adoption but for whom no adoptive placement had been identified. The cohort was to be identified as of March 7, 2013, the day the Metrics Plan was approved. At that time, KIDS did not have a reliable indicator for legally free children in this status. DHS field and analytic staff worked to improve data quality in this area throughout the fall of 2013 and the Co-Neutrals directed DHS to draw the cohort as of January 10, 2014. DHS then submitted a cohort of 292 legally free children with no identified adoptive placement. The Co-Neutrals deem the data submitted sufficient to calculate metric 6.1 and approve the cohort of 292 children.

Metric 6.7 Adoption Dissolution

DHS submitted calculations and detailed data for this metric in January 2014. After analyzing this information, the Co-Neutrals clarified the calculation methodology for the metric. DHS

resubmitted their calculations and supporting data. After analyzing this information, the Co-Neutrals deem the data submitted sufficient to calculate metric 6.7.

As of the time of the preparation of this report, the Co-Neutrals continued to work with DHS on data sufficiency for the permanency metrics beyond 6.1 and 6.7, for which the Co-Neutrals have determined data sufficiency, and will render a judgment on the remaining permanency metrics in the next commentary.

Appendix A: Performance Metrics and Reporting Schedule

At the time the Metrics Plan was finalized in March 2013, a number of baselines and targets remained outstanding. DHS and the Co-Neutrals have since worked through an iterative process to finalize many more of the unresolved baselines and targets as DHS continues to refine and ensure accuracy and consistency in its data collection and reporting.

Only four out of 35 metrics included in the Metrics Plan still require a target and/or baseline: supervisor workloads require a baseline (data submitted in February 2014 is currently under review); continuity of caseworker visits for six consecutive months requires a baseline and target, which are due to be set by December 31, 2014 (Metric 3.3(b)); MIC requires a new baseline and target (see Section III, D of this April 2014 Commentary); and a target will be set for permanency for children legally free as of January 10, 2014 (Metric 6.1).

Appendix B is a summary table of the baselines and targets embedded in the Metrics Plan.

DHS requested additional time to report data for the four performance areas it reports every month. The Co-Neutrals have reinforced with DHS that taking the necessary time to ensure accuracy in DHS' data reporting is essential to allow the Co-Neutrals, the public, and most importantly, DHS to assess the progress of its work and reform efforts.

DHS requested additional time to account for the period between when workers are scheduled to input information into the data systems and when the central data team extracts the information and prepares it for reporting to the Co-Neutrals and the public. With respect to foster homes, TFCs, shelter utilization and caseworker child visits, the Co-Neutrals considered it a reasonable request to allow DHS 60 days in its effort to develop data accuracy and provide DHS staff more time to enter, verify and prepare the data for public reporting and DHS' own analysis.

For maltreatment of children in care (MIC), DHS originally requested in April 2013 to have 90 days to report final determinations of substantiated abuse/neglect of children in DHS custody on a monthly basis. DHS subsequently requested an additional time lag of 180 days, which the Co-Neutrals declined.

Data Reporting Frequency

DHS will continue to produce data reports every month during the life of the CSA. Under the Metrics Plan, DHS will include data on maltreatment in care, foster homes and TFCs, shelters and caseworker-child visits in every monthly report. Every three months (quarterly: January, April, July and October), DHS will include caseload data in the monthly report and, semi-

annually (January and July), DHS will include data for placement stability and permanency in its monthly reports.

Appendix B: Metric Plan Baselines and Targets

**Oklahoma Department of Human Services
Compromise and Settlement Agreement in D.G. v. Henry**

1. MALTREATMENT IN CARE (MIC)			
Metric	Reporting Frequency	Baseline	Target
1.A: Of all children in foster care during the reporting period, what percent were not victims of substantiated or indicated maltreatment by a foster parent or facility staff member in a 12 month period.	Semi-Annually, in the January and July monthly reports	The Co-neutrals and DHS agreed to withdraw the baseline set in the Metrics Plan and re-establish a new baseline based upon FFY 2013.	A new target will be established based upon the new FFY2013 baseline in process.
1.A (2): Number of children in the legal custody of OKDHS, found to have been maltreated by a resource caregiver over the 12 month period.	Monthly	N/A	N/A
1.B: Of all children in legal custody of OKDHS during the reporting period, what number and percent were not victims of substantiated or indicated maltreatment by a parent and what number were victims.	Semi-Annually, in the January and July monthly reports	98.56% (Oct 2012 – Sept 2013)	99.00%
1.B (2): Number of children in the legal custody of OKDHS, found to have been maltreated by a parent over the 12 month period.	Monthly	N/A	N/A

2. FOSTER AND THERAPEUTIC FOSTER CARE (TFC) HOMES			
Metric	Reporting Frequency	Baseline – July 1, 2013	Target SFY 14*
2.A: Number of new foster homes (non-therapeutic, non-kinship) approved for the reporting period.**	Monthly	1704	1197
Net gain/loss in foster homes (non-therapeutic, non-kinship) for the reporting period***	Semi-Annually, in the January and July monthly reports	N/A	615
2.B: New TFCs Number of new therapeutic foster homes (TFC) reported by OKDHS as licensed in FFY 2011	Monthly	548 (under review)	150

* By May 30 of each year, DHS shall conduct annual trend analysis to set annual targets for foster and TFC homes needed to meet the needs children in and entering care.

** DHS and the Co-Neutrals established criteria for counting new non-kin foster and TFC homes toward the annual targets set under 2.A and 2.B.

*** DHS and the Co-Neutrals established a methodology for counting net gains/losses of non-kin foster and TFC homes.

3. CASEWORKER VISITS			
Metric	Reporting Frequency	Baseline	Target
3.1: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between caseworkers and children in foster care for at least 1 calendar month during the reporting period.	Monthly	95.5% (July 2011-June 2012)	95%
3.2: The percentage of the total minimum number of required monthly face-to-face contacts that took place during the reporting period between primary caseworkers and children in foster care for at least 1 calendar month during the reporting period.	Monthly	51.2% (July 2011-June 2012)	Final: 90% Interim – Last reported month of: FFY 2013 - 65% FFY 2014 - 70% FFY 2015 - 80% FFY 2016 – 90%
3.3(a): The percentage of children in care for at least three consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent three months, or for those children discharged from OKDHS legal custody during the reporting period, the three months prior to discharge. Phase One: for period Jan – Dec 2012	Semi-Annually, in the January and July monthly reports	Of 9,583 children in care more than 3 months, 5070 had 3 consecutive monthly visits by their primary worker = 53% (January - June 2013)	75%
3.3(b): Percentage of children in care for at least six consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent six months, or for those children discharged from OKDHS legal custody during the reporting period, the six months prior to discharge. Phase Two: for period Jan 2015 until the end of the Compromise and Settlement Agreement (CSA)	Semi-Annually, in the January and July monthly reports	Baseline data due by September 30, 2014 for period 1/1/13 – 6/30/14	Co-Neutrals will set target by 12/31/14 75%

4. PLACEMENT STABILITY			
Metric	Report Frequency	Baseline	Target – by June 30, 2016
4.1 (a): Percent of children in legal custody of OKDHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 8 days but less than 12 months, the percentage that had two or fewer placement settings.	Semi-Annually, in the January and July monthly report -same for all placement stability metrics	70% (Oct 2011 – Sept 2012)	88%
4.1(b): Percent of children in legal custody of OKDHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 12 months but less than 24 months, the percentage that had two or fewer placements.	Same	50% (Oct 2011 – Sept 2012)	68%
4.1(c): Percent of children in legal custody of OKDHS that experience two or fewer placement settings: Of all children served in foster care during the year who were in care for at least 24 months, the percentage that had two or fewer placement settings.	Same	23% (Oct 2011 – Sept 2012)	42%
4.2: Of those children served in foster care for more than 12 months, the percent of children who experienced two or fewer placement settings <i>after</i> their first 12 months in care.	Same	74% (Apr 2012 – Mar 2013)	88%
4.3: Of all moves from one placement to another in the reporting period, the percent in which the new placement constitutes progression toward permanency. (Note: the Co-Neutrals have suspended this metric.)	N/A	N/A	N/A

5. SHELTER USE			
Metric	Report Frequency	Baseline (January-June 2012)	Target
5.1: The number of child-nights during the past six months involving children under age 2 years.	Monthly Analysis of usage every 6 months – same for all shelter metrics	2,923 child-nights	0 by 12/31/12
5.2: The number of child-nights during the past six months involving children age 2 years to 5 years.	Same	8,853 child-nights	0 by 6/30/13
5.3: The number of child-nights during the past six months involving children age 6 years to 12 years.	Same	20,147 child-nights	0 by 6/30/14 Interim Target of 10,000 by six-month period ending December 31, 2013
5.4: The number of child-nights during the past six months involving children age children 13 years or older.	Same	20,635 child-nights	Interim Target by 6/30/15 # child-nights: 13,200 80% of children 13+ in shelters will meet Pinnacle Plan (PP) Point 1.17 rules* Final Target by 6/30/16 # child-nights: 8,850 90% of children 13+ in shelters will meet PP Point 1.17 rules

* Pinnacle Plan Point 1.17: “By June 30, 2014, children ages 13 years of age and older may be placed in a shelter, only if a family-like setting is unavailable to meet their needs. Children shall not be placed in a shelter more than one time within a 12-month period and for no more than 30 days in any 12-month period. Exceptions must be rare and must be approved by the deputy director for the respective region, documented in the child’s case file, reported to the division director no later than the following business day, and reported to the OKDHS Director and the Co-Neutrals monthly.

6. PERMANENCY			
Metric	Report Frequency	Baseline	Target
6.1: Of all children who were legally free but not living in an adoptive placement as of January 10, 2014, the number of children who have achieved permanency.	Semi-Annually, in the January and July monthly reports - same for all permanency metrics	Jan 10, 2014 Cohort 292 children	TBD
6.2(a): The number and percent of children who entered foster care 12-18 months prior to the end of the reporting period who reach permanency within one year of removal, by type of permanency.	Same	Total = 35% Reunification = 31.4% Adoption = 1.6% Guardianship = 2%	Total = 55%
6.2(b): The number and percent of children who entered their 12 th month in foster care between 12-18 months prior to the end of the reporting period who reach permanency within two years of removal, by type of permanency.	Same	Total = 43.9% Reunification = 22.3% Adoption = 18.9% Guardianship = 2.7%	Total = 75%
6.2(c): The number and percent of children who entered their 24 th month in foster care between 12-18 months prior to end of reporting period who reach permanency within three years of removal, by type of permanency.	Same	Data due: 9/30/13 Total = 48.5% Reunification = 13.0% Adoption = 32.7% Guardianship = 2.9%	Total = 70%
6.2(d): The number and percent of children who entered their 36 th month in foster care between 12-18 months, prior to the end of the reporting period who reach permanency within four years of removal.	Same	Total = 46.6% Reunification = 8.8% Adoption = 37.3% Guardianship = .4%	Total = 55%
6.3: Of all children discharged from foster care in the 12 month period prior to the reporting period, the percentage of children who re-enter foster care during the 12 months following discharge.	Same	10.3% Discharged year ending 9/30/11 re-entered as of 9/30/12	8.2%

6. PERMANENCY			
Metric	Report Frequency	Baseline	Target
6.4: Among legally free foster youth who turned 16 in the period 24 to 36 months prior to the report date, the percent that exited to permanency by age 18; stayed in foster care after age 18, and exited without permanency by age 18.	Same	30.43% (July 2009-June 2010)	50% by 12/31/14 75% by 12/31/15 80% by 6/30/16
6.5: Of all children who became legally free for adoption in the 12 month period prior to the year of the reporting period, the percentage who were discharged from foster care to a finalized adoption in less than 12 months from the date of becoming legally free.	Same	54.3% (Oct 2011-Sept 2012)	75% by June 30, 2016
6.6: The percent of adoptions that did not disrupt over a 12 month period, of all trial adoptive placements during the previous 12 month period.	Same	97.1% (Apr 2008-Mar 2010)	97.3%
6.7: The percent of children whose adoption was finalized over a 24 month period who did not experience dissolution within 24 months of finalization.	Same	99%	99%

7. CASELOADS				
Metric	Report Frequency	Standard	Baseline	Target
Supervisors	Quarterly, every Jan, April, July and Oct – same for all caseloads	1:5 ratio	Data submitted – baseline data under review	90% meet standard by June 30, 2014
Child Protective Services (CPS)	Same	12 open investigations or assessments	Same Baseline for All Case Carrying Workers: <i>27% - meet standard</i> <i>8% - 1-20% above standard</i> <i>65% - 21%+ above standard</i>	Same Interim Target for All Case Carrying Workers – by Dec 31, 2013: <i>45% - meet standard</i> <i>30% - 1-20% above standard</i> <i>25% - 21%+ above standard</i> Final Target: 90% of all workers meet their standard by June 30, 2014
OCA (Office of Client Advocacy)	Same	12 open investigations		
Family Centered Services (FCS)	Same	8 families		
Permanency	Same	15 children		
Foster Care	Same	22 families		
Adoption	Same	8 families & 8 children		

Appendix C: Net Gain/Loss Methodology for Foster Homes

Definitions:

1. Resource Family – A unique family unit at a single location as identified by the lowest common resource ID in KIDS.
2. Lowest Common Resource ID – The lowest ID in the resource table found by cross checking every possible combination of the social security numbers of both heads of households in one resource with both heads of households in every other resource. Any match designates that the resources are the same family.
 - a. Rarely, a social security number may be missing or have a data entry error. The data will be reviewed to identify matches by combinations of name, phone number, and addresses that may indicate a duplicate entry.

Note: The lowest common resource ID may not match any of the active resource IDs. Many resource families, for example, received their first resource ID as day care homes.

3. Countable Resource Family – A non-therapeutic, non-kin foster home that has at least one resource type or home contained in one of the agreed upon “countable categories” as defined in the measurement plan. The countable categories are state and contracted foster homes, emergency foster care homes and shelter host homes.¹⁰ Foster homes developed under the new private contracts, noted as “supported homes,” are now within the countable categories. A resource family only counts once even if they have approvals in multiple “countable categories”.
4. Open Resource Family – Any resource family that has at least one resource type contained in one of the agreed upon “countable categories” as defined in the measurement plan.
 - a. The date on which a resource family is considered open depends on the type of home:
 - i. When approved by OKDHS staff, resource families are open as of the family assessment “supervisor approval” date in KIDS.
 - ii. When approved by contracted agencies, resource families are open as of the “open date” in KIDS as a DHS supervisor does not approve these homes.

¹⁰ Per the Approved Baselines, Metrics and Targets plan, the Co-Neutrals will determine if emergency foster care and shelter host homes will be counted in future baselines and targets.

Note: A resource family is considered “open” even if a resource type is closed during the period under review as long as at least one resource type remains open in a countable category.

5. Closed Resource Family – Any resource family in which all countable resource types have a close date during the period under review. The resource family is considered closed even if the resource family is licensed in non-countable categories.

Method of counting net change in resource families:

1. Baseline count of resource families: On the first day of the period under review, the number of resource families with at least one open resource type in a “countable category”.
2. Current count of resource families: On the last day of the period under review, the number of resource families with at least one open resource type in a “countable category”.
3. The net change is the baseline count of resource families subtracted from the current count of resource families.
4. In reporting the net change in resource families, the Department will provide the baseline count, the current count, the number of closures, and the number of openings.
 - a. Closures are defined as resource families included in the baseline count but not included in the current count.
Note: the number of closures in this section is *not* the number of times a resource family opens and closes during the reporting period.
 - b. Openings are defined as resource families included in the current count but not included in the baseline count.
Note: the number of closures in this section is *not* the number of new resource families recruited for foster care as previously defined by the Co-Neutrals.
5. The Department will provide in separate spreadsheets detailed information on resource families that were part of the baseline count and current count, as has been provided in prior submissions.
 - a. The baseline detail will include an indicator for resource families that were closed as of the current count. The current count detail will include an indicator for resource families that were open as of the current count but not as of the baseline count. Of the latter group, a separate indicator will identify homes counted under the criteria toward the target of new homes developed.