



# **PERIOD VII MONITORING REPORT**

*Kenny A. v Perdue*

January 1 to June 30, 2009

**Accountability Agents:**

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## ACRONYMS USED IN THE REPORT

ACF	Administration for Children and Families (U.S. Department of Human Services)
AFCARS	Adoption and Foster Care Reporting System
BSW	Bachelor of Social Work
CAP	Curative Action Plan
CCFA	Comprehensive Child and Family Assessment
CCI	Child Caring Institution
CFSR	Child and Family Service Review
CMF	Centers for Medicare and Medicaid
CPA	Child Placement Agency
CPRS	Case Plan Reporting System
CPS	Child Protective Services
CRR	Case Record Review
DARE	DFCS Data, Analysis, Reporting, and Evaluation Division
DFCS	Department of Family and Children Services
DHR	Department of Human Resources
DHS	Department of Human Services
DOE	Department of Education
E & R	Evaluation and Reporting Section
EPSDT	Early Periodic Screening, Diagnostic and Treatment Program
ETS	Education and Training Services
FTM	Family Team Meeting
GED	Graduate Equivalency Diploma
GSU	Georgia State University
HIPAA	Health Information Portability and Accountability Act
ICPC	Interstate Compact for Placement Children
IDS	Internal Data System
IEP	Individualized Education Plans
ILP	Independent Living Program
JCRP	Juvenile Court Review Panel
MDT	Multi-Disciplinary Team
MSW	Master of Social Work
OFI	Office of Family Independence
OPUOM	Office of Provider Utilization and Outcomes Management
ORS	Office of Regulatory Services
PCM	Permanency Case Manager
PIP	Program Improvement Plan

PRU	Provider Relations Unit
PSDS	Protective Services Data System
QA	Quality Assurance
RBWO	Room Board Watchful Oversight
RRTF	Reimbursement Rate Task Force
RYDC	Regional Youth Detention Center
SAAG	Special Assistant Attorney General
SACWIS	Statewide Automated Child Welfare Information System (Georgia SHINES)
SAS	Statistical Analysis Software
SPSS	Statistical Package for Social Sciences
SSI	Supplemental Security Income
TPR	Termination of Parental Rights
WIG	Wildly Important Goal
WTLP	Written Transitional Living Plans

## **Part I INTRODUCTION**

### ***Background, Purpose, Scope, and Organization of Report***

This is the seventh report prepared by the Accountability Agents for the *Kenny A. v Perdue* Consent Decree. This report reviews the State Defendant's progress January 1 through June 30, 2009 in achieving improved child welfare outcomes and in meeting its other obligations under the Consent Decree. The *Kenny A. v Perdue* Consent Decree established James T. Dimas and Sarah A. Morrison as independent Accountability Agents with responsibility to produce public reports every six months. This introduction is intended to provide a brief overview of the *Kenny A.* Consent Decree and the Accountability Agent's methods of assessing the State's performance, as well as the scope and organization of this report.

#### ***A. The Kenny A. v Perdue Consent Decree***

Under the terms and conditions of the *Kenny A.* Consent Decree, the State is to achieve and sustain 31 outcomes as well as maintain certain practice standards with respect to the children in the custody of the DeKalb and Fulton County Departments of Family and Children Services (DFCS). These practice standards relate to needs assessment, service planning, placement experience, health care, investigation of maltreatment allegations concerning children in foster care, and court reviews and reporting. Some are new requirements for administrators and case managers and others are existing agency policy and practice requirements receiving heightened attention. In addition, the Consent Decree stipulates various infrastructure requirements for the State and counties. These stipulations relate to automation, caseload sizes, training, supervision of private providers, foster parent licensing and support, and financing.

For purposes of analysis and reporting, the outcomes have been organized into seven thematic groupings. Exhibit I-1 displays these groupings.

#### ***B. Methodology***

The methodology and quality assurance protocols applied to data collection and analyses in Period VII are similar to those employed in all previous reporting periods. As in previous periods, several sources of information and data collection methods have been used to produce the analyses presented in this report. Appendix B has a full description of the methodology for Period VII. The Accountability Agents verified State and county reported data except where otherwise noted in the report. The methodology applied to the measurement of each outcome is noted at the beginning of each measurement discussion throughout this report.

A key component of the methodology continues to be the monthly meetings with State and County leadership and field staff that are referred to as "G2." These meetings employ a recursive learning process that uses operational data to support the development and testing of hypotheses about the potential causes of observed performance problems and the framing of strategies for improvement. This iterative process helps participants identify what works to

produce the desired outcomes, and to hold themselves and each other accountable for doing that which works. These meetings foster self-evaluation and have lead the counties to create systems to track, monitor, and share with one another useful information that previously was unavailable or difficult to access.

In all data collection efforts the State and the Counties have been very cooperative.

**EXHIBIT I-1:  
Thematic Grouping of Kenny A Outcomes**

**Safety**

**1. *Children in Foster Care are Safe from Maltreatment***

- Consent Decree Outcomes 1, 2, and 3 related to investigations of maltreatment in care.
- Consent Decree Outcomes 5 and 6 related to the incidents of substantiated maltreatment in care and corporal punishment.

**Permanency**

**2. *Children in Placements Maintain Family Connections***

- Consent Decree Outcomes 7, 16, and 19 related to keeping children connected to family and community at the time of placement.
- Consent Decree Outcomes 21 and 23 related to visitation among family members.

**3. *Children Achieve Permanency***

- Consent Decree Outcomes 4 and 14 related to re-entry into care.
- Consent Decree Outcomes 8a & b, 9, 10, 11, 12, 13, and 15 related to positive permanency exits.
- Consent Decree Outcomes 27 and 28 related to timely and complete court review of permanency efforts.

**Well Being**

**4. *Children Experience Stable Placements and Worker Continuity***

- Consent Decree Outcome 17 related to placement stability.
- Consent Decree Outcomes 18, 20, and 22 relate to worker continuity and contacts with children and caregivers.

**5. *Children and Youth Receive the Services they Need***

- Consent Decree Outcome 24 related to the educational achievement of youth who “age out” of foster care.
- Consent Decree Outcome 30 related to meeting children’s service needs.

**Strengthened Infrastructure**

**6. *Effective Oversight of Placement Settings***

- Consent Decree Outcomes 25 and 31 related to placement setting conditions.

**7. *Timely and Complete Court Orders***

- Consent Decree Outcomes 26 and 29 related to DFCS authority to assume and maintain custody.

### ***C. Report Scope and Organization***

This report describes the State's performance relative to the outcome measures that were to be achieved by the end of Period VII, and progress implementing required policies, practices, and infrastructure. Where the information was available, comparisons to previous reporting period performance are cited.

The remainder of the report is organized into the following parts:

***Part II, Conclusions and Recommendations*** summarizes the accomplishments and status of State and County actions taken during Period VII. It offers several recommendations believed important to the State and counties' continued progress.

***Part III, Safety of Children in Care*** includes an assessment of the State's Period VII performance related to Outcomes 1, 2, 3, 5, and 6, focused on keeping children in its care safe from maltreatment and responding to reports of alleged maltreatment.

***Part IV, Children Achieving Permanency*** includes an assessment of the State's Period VI performance related to Outcome 7 and the Period VII performance related to Outcomes 4, 8, 9, 10, 11, 14, 15, 16, 19, 21, 23, 27 and 28, focused on maintaining and achieving permanent family connections for children in State custody.

***Part V, Children's Well Being in Care*** includes an assessment of the State's Period VII performance related to Outcomes 17, 18, 20, 22, 24 and 30, focused on providing for the well-being of children in custody. This part also includes a summary of the Curative Action for Discharge services.

***Part VI, Strengthening the Infrastructure*** includes an assessment of the State's Period VII progress in achieving Outcomes 25, 26, 29, and 31 and implementing required infrastructure components related to providing services to families and children.

***Part VII, Miscellaneous Provisions*** provides verified data regarding the re-maltreatment rate of children in DeKalb and Fulton counties and the number and percentage of "diversion" cases in those counties in Period V that experienced substantiated maltreatment within the subsequent 12 months.

***Appendix A*** provides the full wording for all 31 outcomes and ***Appendix B*** has a detailed description of the data collection and analysis methods employed to produce this report. ***Appendix C*** provides selected information about all children in the custody of DeKalb and Fulton Counties on June 30, 2009.



## Part II CONCLUSIONS AND RECOMMENDATIONS

During the January 1 to June 30, 2009 period covered by this report, the State continued to make or maintain progress in a number of areas. The State sustained a high level of performance or made substantial progress over several periods on a number of outcomes and process requirements. This would appear to indicate that the State is succeeding in imbedding the required process and practice into daily operations. However, there was slippage on a critical outcome: the rate of maltreatment in care. Likewise, finding permanency for children who have been in care a long time remains an on-going challenge. Finally, continued efforts are needed to ensure data integrity in the State's information system, Georgia "SHINES".

The remainder of this chapter highlights the State's performance trends, major accomplishments, opportunities for improvement, and the Accountability Agents' recommendations. Table II-1 at the end of this chapter provides the performance standard for each outcome, summarizes the State's actual performance by outcome, and offers a comparison to Period VI performance.

### A. Positive Trends and Accomplishments

The State's overall performance in Period VII, for the most part, continues the trend of steady improvement observed over the last several periods. For most of the outcomes measured in Period VII (27 of 29), the State's performance was similar to or surpassed its best previous achievement. Although the State fell short of many of the Period VII outcome thresholds, significant improvements in performance were evident for two of the 29 outcomes measured. Several trends and positive accomplishments deserve recognition because they serve as the building blocks for future success. These trends and accomplishments are briefly discussed below.

#### Safety Performance

- *Maltreatment In Care Investigative Practice Has Achieved A High Degree Of Compliance With Required Elements. (Outcomes 1, 2, 3)*

The State commenced 97 percent of maltreatment in care investigations within 24 hours of report receipt (Outcome 1); completed 90 percent of maltreatment in care investigations within 30 days (Outcome 2); and 97 percent of all alleged victims were interviewed within 24 hours by trained CPS investigators (Outcome 3). Furthermore, 83 percent or more of the maltreatment in care investigations completed in Period VII had documented compliance with 12 of 13 essential policy requirements.

- ***Foster Parents are Not Using Corporal Punishment. (Outcome 6)***

For the sixth consecutive reporting period, the State met the Consent Decree standard related to the use of corporal punishment in foster homes (Outcome 6). Of the 156 foster homes sampled, 100 percent did not have a confirmed instance of the use of corporal punishment in the previous 12 months. The standard for Outcome 6 requires that 98 percent of foster homes be without an incident of corporal punishment within the previous 12 months.

## **Permanency Performance**

- ***A Majority of Children are Achieving Permanency with Their Families or New Families.***

Although the State fell short of the Consent Decree's performance thresholds for certain groups of children who had been in care a long time, by the end of Period VII, 65 percent of the children entering custody since the advent of the Consent Decree (October 27, 2005) had exited to reunification or to another family-connected permanency. This performance includes the achievement of permanence among children who entered care within the last year, as well as those who had been in state custody 12 months to 4 and one-half years.

For the longest staying children (those in foster care prior to October 27, 2005), 68 percent had exited to reunification or to another family-connected permanency by the end of June 2009. Twelve percent of the children in custody before the Consent Decree remained in custody. During Period VII, these children were the focus of an intensive intervention designed and agreed to by the State, Plaintiff's Counsel, and Casey Family Programs (a private foundation dedicated to improving and ultimately preventing the need for foster care).<sup>1</sup> With the Foundation's help and the approval of Plaintiff's Counsel, the State developed and executed a plan to provide case managers and supervisors with outside consultation on each child's case with the goal of identifying strategies for expediting permanency and ensuring children have life-long connections with caring adults. Although this process did not immediately move many children to permanency, it did re-invigorate activity on behalf of each child. The plans developed during the process continue to be tracked and modified as circumstances change.

- ***Half the Children Who Entered Foster Care Since the Consent Decree Achieved Permanency in 12 Months or Less. (Outcome 8a)***

For the sixth consecutive reporting period, the State's performance surpassed the Outcome 8a threshold. Outcome 8a establishes the expectation of permanency within 12 months for at least 40 percent of the children who enter foster care on or after October 27, 2005. As of the end of Period VII (June 30, 2009), 50 percent of the children who entered foster care since the Consent Decree achieved permanency within 12 months.

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<sup>1</sup> For more information about Casey Family Programs, go to [www.casey.org](http://www.casey.org).

- ***Fewer Children are Returning to Foster Care. (Outcomes 4 and 14)***

For the second consecutive period, the rate of re-entry into foster care within 12 months improved substantially. For 4.8 percent of the children who entered DFCS custody in period VII, it was their second entry into foster care within 12 months. By comparison, the foster care re-entry rate for Period VI was 6.6 percent.<sup>2</sup> In addition, it does not appear that any adoption disrupted in its first year after finalization (Outcome 14).

- ***A High Proportion Of Children Continue To Be Placed In Settings Close To Their Homes. (Outcome 19)***

For the fourth consecutive reporting period (since July 2007), the county placement process has met the placement proximity requirements for 95 percent or more of the children in foster care. Outcome 19 requires that 95 percent of the children in custody be placed within the county or within 50 miles of the home from which they were removed or meet certain exceptions to the proximity requirement. In Period VII, the State placed 99 percent of the children in the sample of foster care cases reviewed within the proximity guidelines.

- ***The State Continues to Place Together the Majority of Siblings in Foster Care. (Outcome 16)***

In Period VII, 288 children entered foster care with one or more siblings and the State placed together 81 percent of these children, surpassing the Outcome 16 threshold of 80 percent for the first time. State performance on this Outcome has never been below 69 percent of siblings placed together, indicating steady, incremental progress over the previous periods in which this outcome was measured.

- ***The Proportion of Children Having Regular Visits with Their Parents Reached 90 Percent. (Outcome 21)***

Outcome 21 seeks to facilitate the goal of reunification by requiring 85 percent of the children with a goal of reunification have appropriate visitation with their parents. For Period VII, the State surpassed the Outcome 21 threshold for the first time. Ninety percent of the children with the goal of reunification in the sample of foster care case records reviewed had visited appropriately with their parents.

- ***Half the Children Separated from Siblings in Placement Settings Visit with Their Siblings Every Month. (Outcome 23)***

About 20 percent of the children in care are not placed with all their siblings. Contact between separated siblings is important to maintain these children's connectedness and sense of well-

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<sup>2</sup> The Period VI performance is adjusted for additional re-entries identified during analysis of Period VII data.

being. Outcome 23 requires that at least 80 percent of siblings who are not placed together visit with each other, each and every month for 12 consecutive months prior to the end of the reporting period or date of their discharge. In Period VII, 50 percent of the children separated from siblings in the sample of foster care cases reviewed met the full visitation requirement. This performance compares favorably to the Period VI performance of 34 percent. While this performance falls short of the exacting standard, the continued improvement is encouraging.

- *The State Continues to Timely Evaluate the Permanency Options for a Substantial Proportion of the Children in Custody 15 Months out of the Last 22 Months. (Outcome 15)*

For the second consecutive reporting period, the State met the Outcome 15 threshold.<sup>3</sup> Among the 1165 children who, during Period VII, reached or surpassed their 15<sup>th</sup> month in custody out of the last 22 months and were not living with relatives, 95 percent were legally free to be adopted or the State had filed to terminate parental rights or documented compelling reasons why it had not taken such action. This level of performance matches that of Period VI.

- *A Substantial Proportion of Children had Timely Six-month Case Reviews. (Outcome 27)*

For the second consecutive reporting period, at least 80 percent of the children had timely six-month judicial or citizen panel reviews.<sup>4</sup> While this two-period performance level is a substantial improvement over earlier reporting periods, it falls below the Outcome 27 threshold of 95 percent.

- *The Proportion of Children Receiving Timely Annual Permanency Reviews Increased Substantially in Period VII. (Outcome 28)*

After three reporting periods during which approximately 80 percent of the sample of children in foster care had timely annual permanency hearings, 95 percent of the children had timely hearings in Period VII, meeting the Outcome 28 threshold. The Consent Decree requires that at least 95 percent of the children in custody 12 months or more have an annual permanency hearing held by the Juvenile Court.<sup>5</sup> This is the State's best performance to-date on Outcome 28.

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<sup>3</sup> Outcome 15 achievement requires at least 95% of all children in care who have been in state custody for 15 of the prior 22 months to have had either: (1) a petition for the termination of parental rights filed as to both parents or legal caregivers as applicable OR (2) documented compelling reasons in the child's case record why termination of parental rights should not be filed.

<sup>4</sup> Outcome 27 achievement requires at least 95% of foster children in custody for six months or more to have either: (1) a six-month case plan review completed by the Juvenile Court within six months of their prior case plan review, or (2) DFCS to have submitted the child's six-month case plan to the Juvenile Court and submitted the documents required to request a six-month case plan review within 45 days of the expiration of the six-month period following the last review.

<sup>5</sup> Outcome 28 achievement requires at least 95% of children in custody for 12 or more months to have had either: (1) a permanency hearing held by the Juvenile Court within 12 months of the time the child entered foster care or had his or her last permanency hearing, or (2) DFCS to have submitted the documents required to request a permanency hearing within 45 days of the expiration of the 12-month period following the time the child entered foster care or had his or her last permanency hearing.

## Well-being Performance

- *A High Proportion Of Children Continue To Experience Stability in Their Living Arrangements. (Outcome 17)*

Outcome 17 requires that 95 percent of the children in foster care experience no more than two moves among placements in 12 months. In the sample of foster care cases reviewed, 89 percent of the children experienced two or fewer placement moves in the 12 months preceding June 30, 2009 or their last date in custody. This is the fourth consecutive reporting period during which the performance has hovered around 90 percent.

- *Children Continue to Experience Case Manager Continuity. (Outcome 18)*

The State continues to maintain high performance in limiting the number of case managers a child experiences. Outcome 18 requires that at least 90 percent of the children in care experience no more than two case managers in a 12-month period. During Period VII, the State met the case manager continuity requirement for 91 percent of the children in custody on June 30, 2009. This was the fifth consecutive reporting period (since January 2007), in which 90 to 92 percent of the children have had two or fewer case managers handling their cases and providing services over a 12-month period.

- *Half of the Children in Foster Care Visit Twice Every Month with their Case Managers. (Outcome 20)*

Outcome 20 requires that 95 percent of the children visit with their case managers twice a month, each and every month for 12 consecutive months prior to the end of the reporting period or the date of discharge. In addition, at least one of these two monthly visits is to be in the child's placement and include an opportunity for the child to speak privately with the case manager. In Period VII, 51 percent of the children in the sample of foster care cases reviewed visited with their case managers according to this standard over the previous 12 months. This performance is about the same as the Period VI performance of 48 percent. As with Outcome 23, sibling visits, this performance still falls short of a rigorous standard.

- *Three-quarters of the Substitute Caregivers Visit Once Every Month with Case Managers. (Outcome 22)*

Outcome 22 expects at least 90 percent of the substitute care givers to receive a monthly visit from the child's case managers each and every month of the previous 12 months or the date of the child's discharge. In Period VII, 75 percent of the substitute care givers received the required visits from case managers over the previous 12 months. This is the State's best performance to-date for this outcome.

- *Improved Performance in Meeting Children's Individualized Service Needs was Sustained (Outcome 30)*

Reversing a trend identified in Periods IV and V, the file documentation reflects substantial improvement in the extent to which children's service needs are met. Outcome 30 requires that at least 85 percent of the children have *all* the needs identified in their case plans met. In the sample of foster care cases reviewed, 72 percent of the children had *all* their case plan-identified needs met. Although this performance is a decline from the 75 percent achieved in Period VI, the decline is within the margin of statistical error for the sample.

## **Infrastructure Strengthening**

- *Nearly All Children are in Approved Placements. (Outcome 25)*

Outcome 25 requires that 98 percent of children in out-of-home care be in placements that are in "full approval and/or licensure status." The State met or exceeded this standard for the first time during Period VII, when 99 percent of children in out-of-home care were in placements that were in "full approval and/or licensure status." This was the third consecutive period that the State's performance has been at 96 percent or better.

- *Foster Homes are Not Overcrowded. (Outcome 31)*

For the sixth consecutive reporting period, the State exceeded the Outcome 31 threshold and Period VII represents the State's best performance to-date. Outcome 31 specifies foster home capacity standards that apply to all DFCS-supervised and provider-supervised foster homes. The Outcome 31 standard stipulates that less than 10 percent of the children in foster homes shall be placed in homes where their placement in the homes will result in more than three foster children, or six total children in the home, unless they are part of a sibling group and there are no other children in the home. Only three percent of the children in the Period VII sample of children in foster care were placed in homes that exceeded these standards.

- *Court Order Documentation for Supporting Federal Reimbursement Eligibility. (Outcome 26)*

The performance levels for Outcome 26 have remained virtually the same for several periods. Over the last four reporting periods, approximately 65 percent to 71 percent of the sample of children in foster care had all the necessary court orders with all the language required to support claiming federal financial reimbursement.<sup>6</sup> Until Period VII, however, the only time Outcome 26 had exceeded 65 percent was when a special effort was made by DHR legal staff to

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<sup>6</sup> Outcome 26 achievement requires at least 95% of foster children in custody at a point in time during the reporting period to have all applicable language in court orders necessary to assess qualification for federal funding under Title IV-E of the Social Security Act.

locate the necessary court documentation. No such intensive effort was made in Period VII and the performance was the best to-date with 71 percent meeting the outcome requirements.

- *The State Continues to Maintain Legal Custodial Authority with a Minimal Proportion of Lapses. (Outcome 29)*

For the fourth consecutive reporting period, the State exceeded the Outcome 29 threshold. Outcome 29 stipulates that no more than 5 percent of all children in custody of DHR/DFCS for 12 months or more shall have a lapse of legal custody within the prior 13 months. In Period VII, 4 percent of the children in the foster care sample of 181 children appear to have had a lapse of legal custody within the prior 13 months.

- *A High Proportion of Case Managers Had Caseloads At or Below the “Caps.”*

On June 30, 2009, 89 percent of the case managers in DeKalb and Fulton Counties had caseloads that were at or under designated caps. This is a substantial improvement over the end of Period VI (December 2008) when 72 percent of the case managers had caseloads at or under the designated caps. Furthermore, this is the State’s best performance in this area since Period II (December 2006).

## **B. Setbacks and Continued Challenges**

- *The Rate of Maltreatment in Care Increased. (Outcome 5)*

The State’s overall Period VII performance in keeping children in care safe was mixed. While the maltreatment in care rate was the highest yet measured (1.06%), the State’s performance on the measures related to the investigative process improved, with the State maintaining or establishing new performance “high water marks” for each of Outcomes 1, 2, and 3. This is suggestive of one of the great challenges in child welfare reform efforts. Large systems are relatively adept at implementing prescribed processes and procedures; given sufficient time and incentive, such processes and procedures are readily internalized and the desired result can dependably be delivered. However, delivering system-level outcomes, such as the absence of maltreatment in care (or permanency), is a more difficult proposition.

Delivering system-level outcomes is not merely a matter of institutionalizing a new expectation for a routine process (e.g., initiating all maltreatment in care investigations within 24 hours of report receipt or visiting children in care twice each month). Successfully producing such outcomes typically involves influencing the behaviors and decisions of individuals beyond the direct control of the child welfare agency (e.g., service providers) as well as those within the agency. To transform system-level outcomes, typically a number of conditions must be met. First, a shared understanding must be established of which processes and interventions actually work to deliver the desired outcome. Next, those processes and interventions must be embedded in the system’s daily practice. Then, leadership and supervision must be exercised

throughout the system to hold actors and processes within and outside the direct control of the child welfare agency accountable for doing their parts to achieve the desired system-level outcomes. Finally the resources necessary to support the foregoing must be available. The State clearly continues to have important work to do to sufficiently satisfy these conditions to meet the Consent Decree's standard for maltreatment in care.

- *Performance on Diligent Search for Relatives and Others Declined. (Outcome 7)*

The file documentation indicated that, in Period VI,<sup>7</sup> a diligent search was undertaken and documented for 108 children (80%) in a sample of 135. The Consent Decree requires at least 95 percent of children entering care in the reporting period to have a diligent search undertaken and documented within 60 days. This is a decline from the Period IV performance of 93 percent and the change exceeds the sample's statistical margin of error.

The Accountability Agents believe there are three factors that undermined the State's efforts to meet the Consent Decree standard:

- Some children were not being interviewed specifically about who loves them and with whom they have spent time and with whom they could live. This may be both a documentation issue and practice issue for the State.
  - Efforts to obtain contact information for identified individuals were hampered by what information families could, or were willing to provide; and limited search tools available during Period VI. The State has invested in a comprehensive and powerful contact information search technology (known as Accurint), but this new technology was not fully implemented during Period VI. This technology became more widely used in Period VII and may help improve future diligent search efforts.
  - Search activities are not consistently or sufficiently documented.
- *Permanency for Children in Foster Care More than 12 months Remains Challenging. (Outcomes 8b 9, 10, 11)*

Although permanency has been achieved for nearly two-thirds of the children who have been in the State's custody since the Consent Decree started, permanency was a long-time in the making for many children and it continues to be elusive for some. Children that remain in care longer than 12 months face a number of barriers to permanency. These barriers include untreated parental substance abuse and/or mental illness, substance abuse relapse, incarceration, homelessness and joblessness, and the special needs and behaviors of the children themselves. Casework activities such as initial and on-going diligent search for relatives and others, timely case planning and decision making, and maintaining a sense of urgency about finding permanency for *every* child may contribute to success for children that have been in care

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<sup>7</sup> Due to the sampling methodology required to measure Outcome 7, the most current performance measurement is for Period VI.



a long time. Casework efforts to engage foster parents and family members around the need for a child to have permanency in addition to a stable living arrangement and State willingness to “bust policy barriers” on behalf of individual children who have been in custody for two years or more have demonstrated that permanency for these children is possible.

- *User Inexperience Affects SHINES Data Integrity.*

Although the State continued to enhance SHINES during Period VII and offer on-going training, a serious data integrity challenge that needs to be addressed is the ability of intake workers inadvertently to assign an individual more than one “unique” Person Identification Number (or “person ID”). DFCS standard operating procedure at intake is for the intake worker to perform a search on the name of all alleged victims associated with a new report to determine if they have any previous DFCS history. If the search identifies any previous DFCS involvement of the child, the intake worker is to use the unique person ID that previously was assigned to the child to “associate” the child with the new report. When this is properly done, it allows all the cases a child is involved in (e.g., the CPS case that brought a child into care, a child’s foster care case, any subsequent CPS reports involving the child while in care) to be linked, easily retrieved, and reviewed in SHINES.

However, if an intake worker’s search for the child is not correctly or thoroughly executed, a child’s previous DFCS history may fail to be detected and the child erroneously assigned a second “unique” person ID. This problem is abetted by the search logic employed by the SHINES search engine. When a person search is conducted in SHINES, the system returns a list of potential matches, listed in order from the highest to the lowest probability that each potential match listed is the person of interest. The SHINES search engine appears to accord higher probability to exact spelling matches of a person’s surname than to similarities in the given name. Thus, even a slight misspelling of a child’s surname (*Kelly* instead of *Kelley*) can place the *true* match well down the list of potential matches; after individuals with given names different from that used in the search. If the intake worker fails to work their way carefully down the list, they might erroneously conclude that a child has no previous history and generate a new (duplicate) person ID that will not be linked with the child’s previous CPS or foster care cases.

This problem initially caused a number of Period VII maltreatment in care reports to be omitted from the list of such reports originally provided to the Accountability Agents. Once the problem was discovered, DFCS staff were instrumental in confirming its cause and in identifying the “missing” cases that should have been included on the list. As a result, the Accountability Agents are confident that all Period VII maltreatment in care reports have now been accounted for and included in the analysis presented in this report. However, it is likely that this problem also caused the true number of maltreatment in care reports and of substantiated victims of maltreatment to be understated in the Period VI Report. The Accountability Agents will work with DFCS staff over the coming months to conduct case finding for reports that may have inadvertently been omitted from the Period VI list of such

reports, to review those reports, and will release updated Period VI data and analysis when it is available.

### **C. Recommended Priorities for State Attention**

The State is to be commended for the positive trends and accomplishments evident in Period VII as previously described. However, as noted, there remain some serious challenges. Based on the overall trends and issues facing the State, the Accountability Agents commend three priorities to the State's attention.

- ***Improve SHINES data integrity***

In response to the problem described above and in greater detail in Parts III and VI of this report concerning individuals with duplicate person IDs, DFCS reports that a number of procedural and training interventions are being planned:

- At intake, all reports of maltreatment in care that originate from DFCS staff will require that the foster care worker supply the intake worker with the correct Person ID of the child(ren) involved;
- A training packet showing the process for correctly entering Special Investigations cases into SHINES should be available mid-January for distribution to all intake and investigative staff;
- Intake and investigative supervisors will be instructed to check to make certain that the correct Person ID that links the child in the investigation to the foster care case is used and will merge ID's as required;
- A "de-duping" unit will be assigned the task of identifying and then merging duplicate person ID's statewide;
- The issue of duplicate person ID's will become a part of DFCS' weekly "cadence calls;"
- Monthly data runs will be compared with the County-maintained special investigation logs to make certain that investigations are linked to children in care;
- Queries will be run monthly to identify potential mismatched Person ID's through the use of names, dates of births, SSN's, etc. Once identified, these instances will be referred back to the appropriate county for correction and merging; and,
- The SHINES development team may review and adjust the SHINES search engine file matching algorithms.

The Accountability Agents regard this undertaking as extremely important and will monitor and report on the State's progress in implementing these changes.

- ***Strengthen Monitoring and Oversight of Private Provider-supervised Placement Settings***

The high maltreatment in care rate in Period VII appeared to be influenced by two interrelated factors. First, although only 51 percent of class member children were placed in provider-supervised settings in Period VII, those settings accounted for 76 percent of substantiated maltreatment in care cases. Second, Period VII saw a marked reduction in the number of visits made by the Provider Relations Unit (the organizational unit within DFCS responsible for the monitoring and supervision of private providers) to Child Placing Agencies (CPAs) and Child Caring Institutions; a decrease in the number and proportion of individual CPA-supervised foster homes visited; and a reduction in the proportion of such visits that were unannounced. Although it is impossible to quantify the extent to which PRU's reduced monitoring and enforcement activities may have contributed to Period VII's high maltreatment in care rate, the Accountability Agent's regard it as a sufficiently strong hypothesis to warrant the State's attention. DHS has already made some leadership changes as part of the reorganization of PRU into the Office of Provider Utilization & Outcomes Management (OPUOM). DHS is encouraged to ensure that OPUOM is staffed at a level that will allow it to resume the level of monitoring and enforcement activity that were evident in Period VI.

- ***Continue Efforts to Accelerate the Pace of Permanency for Children in Custody More than 12 Months***

As previously noted, finding permanent homes for children in custody longer than a year continues to require State attention. Past success suggests that permanency can be achieved for many of these children and for some of them, achieved sooner. There is no easy solution to this problem. The State is encouraged to continue trying to help these children find permanency by maintaining and improving existing strategies that have demonstrated efficacy; and developing, implementing, and refining new strategies. An example of a strategy that needs to be maintained and improved is the State's diligent search efforts. The State has demonstrated its commitment to improving this strategy with its procurement of the Accurint system technology. However, diligent search efforts appear to have fallen off in Period VI and steps to ensure they are conducted and capitalized on may produce more potential permanency resources for children.

An example of a new strategy that was developed and implemented in Period VII but needs continued refinement is "Permanency Roundtables." As a remedial strategy to the State's underperformance on Outcomes 9 and 10, DHS and Plaintiff's Counsel agreed that DeKalb and Fulton counties, with the support of Casey Family Programs, would convene "Permanency Roundtables" for each child remaining in the Outcome 9 and 10 cohorts of children during Period VII. These round tables re-engaged case managers and supervisors and practice experts around the strengths of the children and families represented in the Outcome 9 and 10 cohorts, and the challenges to permanency each child continued to face. As a result, new plans were

developed for each child, and in some cases, policy requirements were waived to facilitate permanency. The Permanency Roundtables appear to have been instrumental in getting the cases of certain children in care “unstuck,” but the success thus far has contributed only modestly to the State’s performance on Outcomes 9 and 10 and that impact was not evenly distributed across counties. The State and Counties are encouraged to delve into this experience to identify the factors that made Permanency Roundtables successful for some children, and to apply that knowledge to the challenge of helping those who remain in the Outcome 9 and 10 cohorts find permanency.

**Table II-1**  
**Kenny A. Outcomes: Progress as of June 30, 2009**

<b>Safety Outcomes</b> <b>Children in Foster Care are Safe From Maltreatment in Care</b>	<b>Period VII Performance</b>	<b>Comparison to Period VI<sup>8</sup></b>
<b>Outcome 1:</b> At least <b>95%</b> of all investigations of reports of abuse or neglect of foster children shall be commenced, in accordance with Section 2106 of the Social Services Manual, within 24 hours of receipt of report.	<b>97%</b>	Similar
<b>Outcome 2:</b> At least <b>95%</b> of all investigations of reported abuse or neglect of foster children shall be completed, in accordance with Section 2106 of the Social Services Manual, within 30 days of receipt of report.	<b>90%</b>	Improved
<b>Outcome 3:</b> At least <b>99%</b> of all investigations of reported abuse or neglect of foster children during the reporting period shall include timely, face-to-face, private contact with alleged victim, including face-to-face contact with a child who is non-verbal due to age or for any other reason.	<b>97%</b>	Same
<b>Outcome 5:</b> No more than <b>0.57%</b> of all children in foster care shall be the victim of substantiated maltreatment while in foster care.	<b>1.06%</b>	To be assessed
<b>Outcome 6:</b> <b>98%</b> of all foster homes will not have an incident of corporal punishment within the previous 12 months.	<b>100%</b>	Similar
<b>Permanency Outcomes</b> <b>Children in Placements Maintain Family Connections</b>		
<b>Outcome 7:</b> At least <b>95%</b> of all foster children entering care shall have had a diligent search for parents and relatives undertaken and documented within 60 days of entering foster care.	<b>80%</b>	Declined
<b>Outcome 16:</b> At least <b>80%</b> of all foster children who entered foster care during the reporting period along with one or more siblings shall be placed with all of their siblings.	<b>81%</b>	Similar
<b>Outcome 19:</b> <b>90%</b> of all children in care shall be placed in their own county (the county from which they were removed) or within a 50 mile radius of the home from which they were removed, subject to the exceptions in Paragraph 5.C.4.b (ii) and (iii).	<b>99%</b>	Similar

<sup>8</sup>The characterization of differences between Period VII and Period VI is based on the following criteria for Outcomes measured using the entire population (numbered 1,2,3,4,5,8a,8b,9,10,11,14,15,16,18, and 24): similar=change up to +/- 2%; improve/decline= change +/- 3% or more; Outcomes measured using a sample each period (numbered 6,7,17,18,19,20,21,22,23,25,26,27,28,29,30, and 31) employed a statistical test that measured the differences between the results between the two periods that accounted for the margin of error of each sample. For these outcomes similar=change up to +/- 2%; improved/declined= change greater than the margin of error; improved/declined within margin of error= change +/- 3% or more but still within the margin of error.

**Table II-1, continued**  
**Kenny A. Outcomes: Progress as of June 30, 2009**

<b>Permanency Outcomes Children in Placements Maintain Family Connections</b>	<b>Period VII Performance</b>	<b>Comparison to Period VI</b>
<b>Outcome 21:</b> At least <b>85%</b> of all children with the goal of reunification shall have appropriate visitation with their parents to progress toward reunification.	<b>90%</b>	Improved within Margin of Error
<b>Outcome 23:</b> At least <b>80%</b> of children in the Class at a point in time during the reporting period who have one or more siblings in custody with whom they are not placed shall have had visits with their siblings at least one time each month during the prior 12 months in custody, unless the visit is harmful to one or more of the siblings, the sibling is placed out of state in compliance with ICPC, or the distance between the children's placement is more than 50 miles and the child is placed with a relative.	<b>50%</b>	Improved within Margin of Error
<b>Permanency Outcomes Children Achieve Permanency</b>		
<b>Outcome 4:</b> No more than <b>8.6%</b> of all foster children entering custody shall have re-entered care within 12 months of the prior placement episode.	<b>4.8%</b>	Improved
<b>Outcome 8a:</b> Of all the children entering custody following the entry of the Consent Decree, at least <b>40%</b> shall have had one of the following permanency outcomes within 12 months or less after entering custody: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.	<b>50%</b>	Similar
<b>Outcome 8b:</b> Of all the children entering custody following the entry of the Consent Decree, at least <b>74%</b> shall have had one of the following permanency outcomes within 12 months or less after entry: reunification, permanent placement with relatives, or shall have had one of the following permanency outcomes within 24 months or less after entering: adoption, permanent legal custody, or guardianship.	<b>56%</b>	Same
<b>Outcome 9:</b> Children in custody for up to 24 months and still in custody upon entry of the Consent Decree (children in the "24 backlog pool"): For all children remaining in the 24 month backlog pool after the third reporting period at least <b>40%</b> by the end of the fourth reporting period shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.	<b>19%</b>	Similar

**Table II-1, continued**  
**Kenny A. Outcomes: Progress as of June 30, 2009**

<b>Permanency Outcomes Children Achieve Permanency</b>	<b>Period VII Performance</b>	<b>Comparison to Period VI</b>
<b>Outcome 10:</b> Children in custody for more than 24 months and still in custody upon entry of the Consent Decree: For all children remaining in the over 24 month backlog pool after the third reporting period at least <b>35%</b> by the end of the fourth reporting period shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.	<b>10%</b>	Declined
<b>Outcome 11:</b> For all children whose parental rights have been terminated or released during the reporting period, <b>80%</b> will have adoptions or legal guardianships finalized within 12 months of final termination or release of parental rights	<b>68%</b>	Similar
<b>Outcome 12:</b> For children whose parental rights have been terminated or released and the child has an identified adoptive or legal guardian resource at the time of the entry of the Consent Decree, <b>90%</b> shall have had their adoptions or legal guardianships finalized within six months after the entry of the Consent Decree.	<b>94%</b> One Time Measure Taken in Period I	N/A
<b>Outcome 13:</b> For all children for whom parental rights have been terminated or released at the time of entry of the Consent Decree, and the child does not have an identified adoptive resource, <b>95%</b> shall have been registered on national, regional, and local adoption exchanges, and have an individualized adoption recruitment plan or plan for legal guardianship within 60 days of the Consent Decree.	<b>30%</b> One Time Measure Taken in Period I <sup>9</sup>	N/A
<b>Outcome 14:</b> No more than <b>5%</b> of adoptions finalized during the reporting period shall disrupt within the 12 months subsequent to the reporting period.	<b>0%</b>	Same
<b>Outcome 15:</b> Permanency efforts (15/22): At least <b>95%</b> of all foster children who reached the point of being in state custody for 15 of the prior 22 months, shall have had either (1) a petition for the termination of parental rights filed as to both parents or legal caregivers as applicable OR (2) documented compelling reasons in the child's case record why termination of parental rights should not be filed.	<b>95%</b>	Same

<sup>9</sup> The children to whom this outcome applied have recruitment plans. Those who have been discharged since Period I have been included in the Outcome 9 and 10 results.

**Table II-1, continued**  
**Kenny A. Outcomes: Progress as of June 30, 2009**

<b>Permanency Outcomes Children Achieve Permanency</b>	<b>Period VII Performance</b>	<b>Comparison to Period VI</b>
<b>Outcome 27:</b> At least 95% of foster children in custody for six months or more shall have either had their six-month case plan review completed by the Juvenile Court within six months of their prior case plan review, or DFCS shall have submitted the child's six-month case plan to the Juvenile Court and filed a motion requesting a six-month case plan review within 45 days of the expiration of the six-month period following the last review.	<b>80%</b>	Similar
<b>Outcome 28:</b> At least 95% of foster children in custody for 12 or more months shall have either had a permanency hearing held by the Juvenile Court within 12 months of the time the child entered foster care or had his or her last permanency hearing, or DFCS shall have submitted the documents required by the Juvenile Court for and requested a permanency hearing within 45 days of the expiration of the 12-month period following the time the child entered foster care or had his or her last permanency hearing.	<b>95%</b>	Improved
<b>Well-Being Outcomes Children Experience Stable Placements and Worker Continuity</b>		
<b>Outcome 17:</b> At least 95% of all children in care shall have had 2 or fewer moves during the prior 12 months in custody.	<b>89%</b>	Similar
<b>Outcome 18:</b> At least 90% of all children in care at a point in time during the reporting period shall have had 2 or fewer DFCS placement case managers during the prior 12 months in custody. This measure shall not apply to cases that are transferred to an adoption worker or Specialized Case Manager; case managers who have died, been terminated, or transferred to another county; or case managers who have covered a case during another case manager's sick or maternity leave.	<b>91%</b>	Same
<b>Outcome 20:</b> At least 95% of children in care at a point in time during the reporting period shall have had at least one in-placement visit and one other visit, as defined in Section 5.D, each month by their case manager during the prior 12 months in custody.	<b>51%</b>	Similar
<b>Outcome 22:</b> At least 90% of all children in care at a point in time during the reporting period shall have had visits between their DFCS placement case manager and their foster parent, group care, institutional or other caretaker at least one time each month during the prior 12 months in custody.	<b>75%</b>	Improved within Margin of Error



**Table II-1, continued**  
**Kenny A. Outcomes: Progress as of June 30, 2009**

<b>Well-Being Outcomes Children and Youth Receive Services They Need</b>	<b>Period VII Performance</b>	<b>Comparison to Period VI</b>
<b>Outcome 24:</b> The percentage of youth discharged from foster care at age 18 or older with a high school diploma or GED will increase over baseline by 20 percentage points.	To be reported on in Period VIII	NA
<b>Outcome 30:</b> At least <b>85%</b> of children in care shall not have any unmet medical, dental, mental health, education or other service needs, according to the service needs documented in the child's most recent case plan.	<b>72%</b>	Declined within Margin of Error
<b>Strengthened Infrastructure Outcomes Effective Oversight of Placement Settings</b>		
<b>Outcome 25:</b> At least <b>98%</b> of all foster children in custody at a point in time during the reporting period shall be in placements that are in full approval and/or licensure status.	<b>99%</b>	Similar
<b>Outcome 26:</b> At least <b>95%</b> of foster children in custody at a point in time during the reporting period shall have all applicable language in court orders necessary to assess qualification for federal funding under Title IV-E of the Social Security Act.	<b>71%</b>	Improved within Margin of Error
<b>Outcome 29:</b> <b>No more than 5%</b> of all children in custody of DHR/DFCS for 12 months or more shall have lapse of legal custody within the prior 13 months.	<b>4%</b>	Same
<b>Outcome 31:</b> <b>No more than 10%</b> of all children in foster homes shall be placed in foster care homes that exceed the capacity limits referenced in Section 5.C.4.e. of the Consent Decree, concerning the requirement that no child shall be placed in a foster home if that placement will result in more than three(3) foster children in that foster home, or a total of six (6) children in the home, including the foster family's biological and/or adopted children.	<b>3%</b>	Improved within Margin of Error

### Part III SAFETY

#### *Children in Foster Care are Safe from Maltreatment*

Principle four of the Consent Decree asserts, “the state has primary responsibility for the care and protection of the children who enter the foster care system.”<sup>10</sup> As a consequence of this responsibility, several Consent Decree outcomes and requirements focus attention on the safety of children in the custody of the State (DHR/DFCS). This part reports on the State’s progress in the areas related to the maltreatment of children in foster care and the process by which such allegations are investigated, and concludes with a more detailed discussion of the practices and processes employed to address reports and concerns of maltreatment in care.

#### ***A. Outcome Performance: Outcomes 1, 2, 3, 5, and 6***

Five of the Consent Decree outcomes are clustered around keeping children safe while they are in custody and quickly addressing safety issues as they occur. All five of these outcomes had performance thresholds that were to be achieved before Period IV (December 2007). Table III-1 below provides the measured performance summary for each Outcome in Period VII. The discussion following the table provides a more detailed description of State performance as well as the interpretation and measurement issues associated with the outcomes, and information about issues surrounding the work that provide a context for understanding the State’s performance. This part also includes charts which display the State’s performance trends over the seven reporting periods to date.

**Table III-1**  
**Children in Foster Care are Safe from Maltreatment: Progress as of June 30, 2009**

Consent Decree Outcome	Period VII Performance
<b>Outcome 5:</b> No more than .57% of all children in foster care shall be the victim of substantiated maltreatment while in foster care.	<b>1.06%</b>
<b>Outcome 1:</b> At least 95% of all investigations of reports of abuse or neglect of foster children shall be commenced, in accordance with Section 2106 of the Social Services Manual, within 24 hours of receipt of report.	<b>97%</b>
<b>Outcome 2:</b> At least 95% of all investigations of reported abuse or neglect of foster children shall be completed, in accordance with Section 2106 of the Social Services Manual, within 30 days of receipt of report.	<b>90%</b>
<b>Outcome 3:</b> At least 99% of all investigations of reported abuse or neglect of foster children during the reporting period shall include timely, face-to-face, private contact with the alleged victim, including face-to-face contact with a child who is non-verbal due to age or for any other reason.	<b>97%</b>
<b>Outcome 6:</b> 98% of all foster homes will not have an incident of corporal punishment within the previous 12 months.	<b>100%</b>

<sup>10</sup> See p. 4, Principle 4, of the Consent Decree

## **1. Maltreatment in Care: Occurrence and Investigation of Reports**

### ***Outcome 5 – Maltreatment in Foster Care***

Outcome 5 lies at the very heart of the Consent Decree. It is about keeping children in foster care safe from maltreatment. Child welfare systems have no higher obligation. By definition, children in foster care have already experienced some form of maltreatment in the home from which they were removed. It is unacceptable that any such child should again experience maltreatment in their foster care setting.

#### **a. Interpretation and Measurement Issues**

There were no new interpretation or measurement issues encountered during Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The Consent Decree standard for maltreatment in care (Outcome 5) since the end of 2007 (Period IV) has been 0.57 percent. This percentage (0.57%) represented the federal standard for maltreatment in care that was in effect at the time the Consent Decree was finalized. (The federal standard has since been reduced to 0.32%). Accordingly, Outcome 5 is measured using the federal definition of maltreatment in care as it existed in 2005: *“Of all children in foster care in the State during the period under review, 0.57 percent or fewer were the subject of substantiated or indicated maltreatment by a foster parent or facility staff member.”*<sup>11</sup> The data used to measure the Outcome performance is derived from a review of all 111 investigations of alleged maltreatment concerning class member children in foster care completed during Period VII (January-June 2009).

#### **b. State Performance**

##### **• The State Fell Short of the Outcome 5 Threshold**

For Outcome 5, approximately one percent (**1.06%**) of all children in foster care between January 1 and June 30, 2009 had been victims of substantiated maltreatment during that time period. The Consent Decree performance threshold for Outcome 5 is not more than 0.57 percent. The Period VII rate is similar to the Period IV rate of 1.01 percent, and represents the highest maltreatment in care rate measured thus far.<sup>12</sup>

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<sup>11</sup> U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families. Updated National Standards for the Child and Family Service Reviews and Guidance on Program Improvement Plans. Information Memorandum, ACYF-CB-IM-01-07. August 16, 2003.

<sup>12</sup> During analysis of Period VII data, the Accountability Agents identified a problem with SHINES that resulted in the undercounting of maltreatment in care reports and in the number of substantiated victims. This problem is discussed more fully later in this part of the report, and in the Part VI discussion of SHINES. Upon discovering this problem, the Accountability Agents took additional case finding steps and are confident that the data presented here for Period VII are now correct, but it is probable that this problem resulted in maltreatment in care reports and substantiated victims being undercounted in Period VI. Therefore, no comparison is made to the Period VI maltreatment in care data that may have been affected by this problem. The Accountability Agents will be

In Period VII, the case record review found 25 instances of substantiated maltreatment fitting the federal definition among the 2,348 children in care at any point during the reporting period. The type of maltreatment substantiated for these 25 children consisted of: inadequate supervision alone (15 children); inadequate supervision along with inadequate health and medical care (3 children); physical abuse (3 children); inadequate health and medical care (2 children); inadequate supervision along with physical abuse (1 child); and inadequate supervision along with inadequate food, clothing and shelter (1 child). During the reporting period, 16 other class-member children were the victims of substantiated maltreatment that did not fit the federal definition of maltreatment in care. Six children (five of whom were sibling victims in a single report) were maltreated by their biological parent during an unsupervised visit, one by his biological mother while transitioning into her home, one by a daycare provider, and eight by relatives (or fictive kin) in whose care the children had been placed.

The high maltreatment in care rate in Period VII appears to be influenced by two interrelated factors. First, a relatively large number of substantiated maltreatment in care cases occurred in provider-supervised placement settings. Second, Period VII saw a marked reduction in the number of visits made by PRU staff to Child Placing Agencies (CPAs) and Child Caring Institutions; a decrease in the number and proportion of individual CPA-supervised foster homes visited; and a reduction in the proportion of such visits that were unannounced. Each of these factors is discussed in greater detail below.

Maltreatment in care originating in provider-supervised placement settings accounted for 19 of 25 Period VII substantiated reports (76%); nine in provider-supervised foster homes and 10 in congregate care settings such as group homes and residential care facilities. Eight of the 19 Period VII substantiated reports in provider-supervised settings were accounted for by two provider agencies. One of these agencies, a group home, was responsible for a total of five substantiated victims (four victims in one incident of inadequate supervision and one victim in a separate incident of inadequate supervision and inadequate medical care). The second agency was responsible for a total of three substantiated victims (two victims of inadequate supervision in two separate group homes and one victim of inadequate medical care in one of the agency's family foster homes).

In Period VII, as in previous reporting cycles, the overall maltreatment in care rate and the proportion of that rate attributable to provider supervised placement settings was disproportionately influenced by the number of substantiated victims whose placement was a congregate care setting. The reason for this is clear: maltreatment reports from congregate care settings have the potential of involving multiple victims. For example, Period IV had the second highest maltreatment in care rate measured to date (1.01%), and the 27 substantiated victims of maltreatment in care that period included a total of 11 children associated with three reports against congregate care settings. In Period V the rate dropped to 0.90 percent, and there

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conducting additional case-finding activities for Period VI and will issue corrected data for that period which will include appropriate comparisons.

were four substantiated maltreatment in care cases in congregate care settings, but each involved a single child. Against that backdrop, it is clear that the Period VII rate of 1.06% was heavily influenced by the 10 substantiated incidents arising in congregate care settings, one of which involved four children.

This incident occurred in a group home that has enjoyed a strong reputation in the community for many years. The incident that led to the four substantiations of inadequate supervision involved adolescents that had been moved to little-used cottages on the facility grounds while the main facility was being extensively remodeled. While residing in the cottages, one of the youth stole cleaning chemicals from a maintenance cart which the four involved youth “huffed,” resulting in the hospitalization of one of them. DHS took strong action against the provider which included suspending their intake, ordering a revision of the agency’s hazardous substances handling procedures, ordering certain immediate improvements to the physical plant of the cottages pending completion of the remodeling project, and initiating daily site visits to the facility until the remodeling project’s completion. The remodeling has now been completed and all youth who had been moved to the cottages have been returned to the newly refurbished main facility.

However, another dynamic that may have contributed to the relatively large proportion of maltreatment in care occurring in provider-supervised placement settings was the reduced intensity of provider monitoring that was evident in Period VII. The monitoring and enforcement activities of the Provider Relations Unit (PRU)<sup>13</sup> appear to have been less intense in Period VII than in previous periods. According to PRU officials, staffing levels declined throughout Period VII as a result of attrition, promotion, extended medical leave, armed services duty and retirement. Due to the State’s fiscal crisis, these employees were not replaced. This had a number of significant impacts:

- During Period VI, PRU made quarterly, site visits to 100 percent of the administrative offices of large CPAs (those with more than 20 foster homes) and small CPAs (those with fewer than 20 foster homes) and to foster homes they supervise to review files for compliance with contract provisions, interview children, and inspect physical plant.
  - In contrast, during the first half of Period VII, visitation of large and small CPAs fell to about 75 percent. During the second half of Period VII, visitation of large CPAs fell to approximately 32 percent; while about 48 percent of the small CPAs were visited.
- During Period VI, approximately 30 percent of the foster homes supervised by large CPAs were visited each quarter; and about 65 percent of the foster homes supervised by small CPAs were visited each quarter.
  - In contrast, during Period VII, these rates fell to 9 and 35 percent, respectively.
- Approximately 75 percent of the visits made in Period VI were unannounced.

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<sup>13</sup> Effective with the reorganization of the Department of Human Resources into the Department of Human Services on July 1, 2009, the Provider Relations Unit became the Office of Provider Utilization & Outcomes Management.

- In contrast, during Period VII, unannounced visits were made only when a CPA's intake had been suspended and a corrective action plan implemented.

Although it is impossible to quantify the extent to which PRU's reduced monitoring and enforcement activities may have contributed to the Period VII's high maltreatment in care rate, the Accountability Agent's regard it as a sufficiently strong hypothesis to warrant the State's attention. DHS has already made some leadership changes as part of the reorganization of PRU into the Office of Provider Utilization & Outcomes Management (OPUOM). DHS is encouraged to ensure that OPUOM is staffed at a level that will allow it to resume the level of monitoring and enforcement activity that were evident in Period VI.

### ***Outcomes 1, 2, and 3 – Maltreatment Investigation Process Measures***

While Outcome 5 focuses on the result of reduced maltreatment in care, Outcomes 1, 2, and 3 measure important aspects of the process through which allegations of maltreatment in foster care settings are investigated. Outcome 1 relates to the timeframe in which an investigation of suspected maltreatment of a foster child is commenced. Outcome 3 relates to the frequency with which such investigations include face-to-face contact with the alleged victim within 24 hours. Because DFCS policy defines the "commencement" of an investigation as the point at which face-to-face contact with the alleged victim is made, they are very similar measures; the primary difference between them is the unit of analysis. For Outcome 1, the unit of analysis is the investigation itself (which may involve multiple alleged victims). For Outcome 3, the unit of analysis is the individual child who is an alleged victim. Outcome 2 relates to the length of time it takes to complete such investigations.

Data for these outcomes are based on the universe of 111 maltreatment investigations completed during the reporting period that involved a child in the custody of DeKalb or Fulton County. The Consent Decree covers maltreatment in care investigations that involve any child in the custody of DeKalb or Fulton counties, regardless of where in the State of Georgia the child's foster care placement is located. DFCS policy stipulates that alleged maltreatment is to be investigated by the County of the child's residence. Thus, when maltreatment is alleged to involve a class member who is placed outside DeKalb or Fulton County, the allegation is investigated by the DFCS office in the county in which the child resides. For ease of reference, counties outside DeKalb and Fulton are referred to throughout this report as "perimeter counties."

#### **a. Interpretation and Measurement**

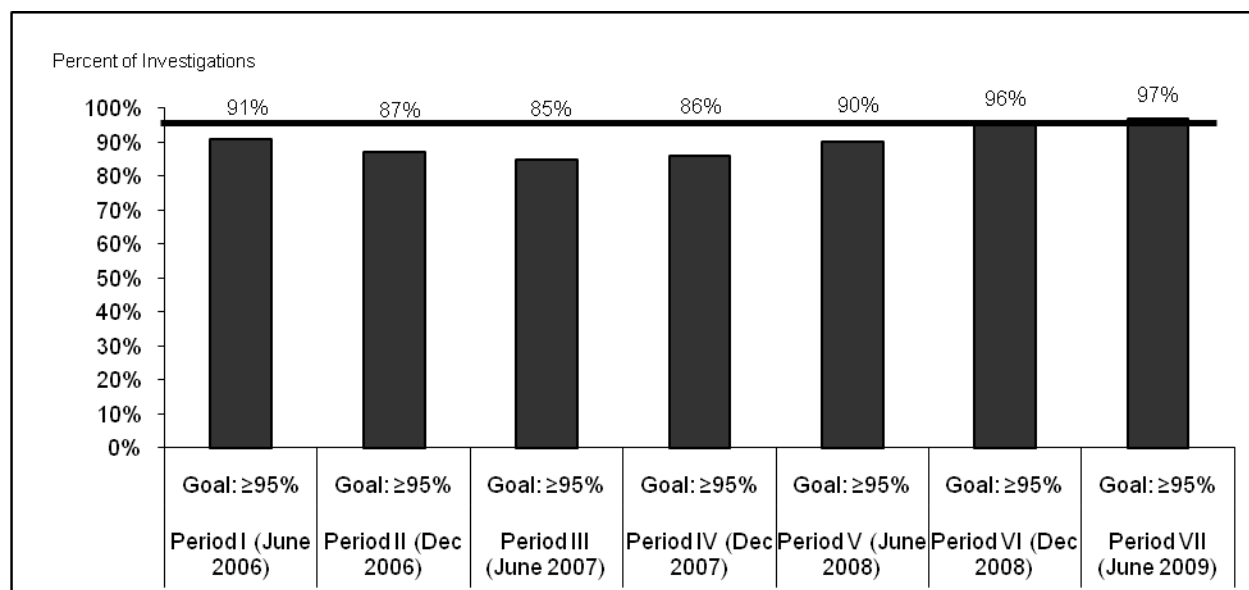
There were no new interpretation or measurement issues encountered during Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues.

## b. State Performance

- **The State Surpassed the Outcome 1 Threshold**

As noted in Table III-1 for Outcome 1, **97 percent** of maltreatment in care investigations were commenced within 24 hours according to file review data from the universe of investigations completed during the reporting period. Outcome 1 requires that 95 percent of such investigations be commenced within 24 hours. This represents the second consecutive reporting period for which the Outcome 1 threshold was met and the highest compliance rate measured thus far for Outcome 1 in any reporting period. Figure III-1 displays the State's performance on Outcome 1 over seven reporting periods.

**Figure III-1**  
**State Performance on Outcome 1: Maltreatment in Care Investigations Commenced**  
**Within 24 Hours of Receipt of Report**  
**For Seven Reporting Periods (October 27, 2005 – June 30, 2009)**



**Source:** File Review of All Completed Maltreatment in Care Investigations, October 2005 – June 2009.

As displayed in Table III-2, DeKalb and Fulton counties commenced 97 percent of the investigations they completed within 24 hours, while the 24-hour commencement rate for the perimeter counties was 98 percent.

This measure counts only investigations in which an alleged victim is seen face-to-face by a trained CPS investigator or by police within 24 hours. Two of the three cases in which this did not happen were investigated by DeKalb or Fulton County and the third was investigated by a perimeter county. In two of these three cases, the alleged victims were seen and removed from the placement setting before or at the time the allegation was made. Although these cases count

as “misses” toward Outcome 1, in terms of ensuring child safety it is important to recognize that in 110 of the 111 investigations (99%) the alleged victim(s) were seen by or removed from potential risk by child welfare professionals within 24 hours.

**Table III-2**  
**Outcome 1 – Commencement of Maltreatment in Care Investigations**  
**N=111**

Investigating County	Not Commenced Within 24 Hours		Commenced Within 24 Hours		Total	
	Number of Investigations	Percent of Total	Number of Investigations	Percent of Total	Number of Investigations	Percent of Total
DeKalb/Fulton	2	3%	68	97%	70	100%
Perimeter Counties	1	2%	40	98%	41	100%
Total	3	3%	108	<b>97%</b>	111	100%

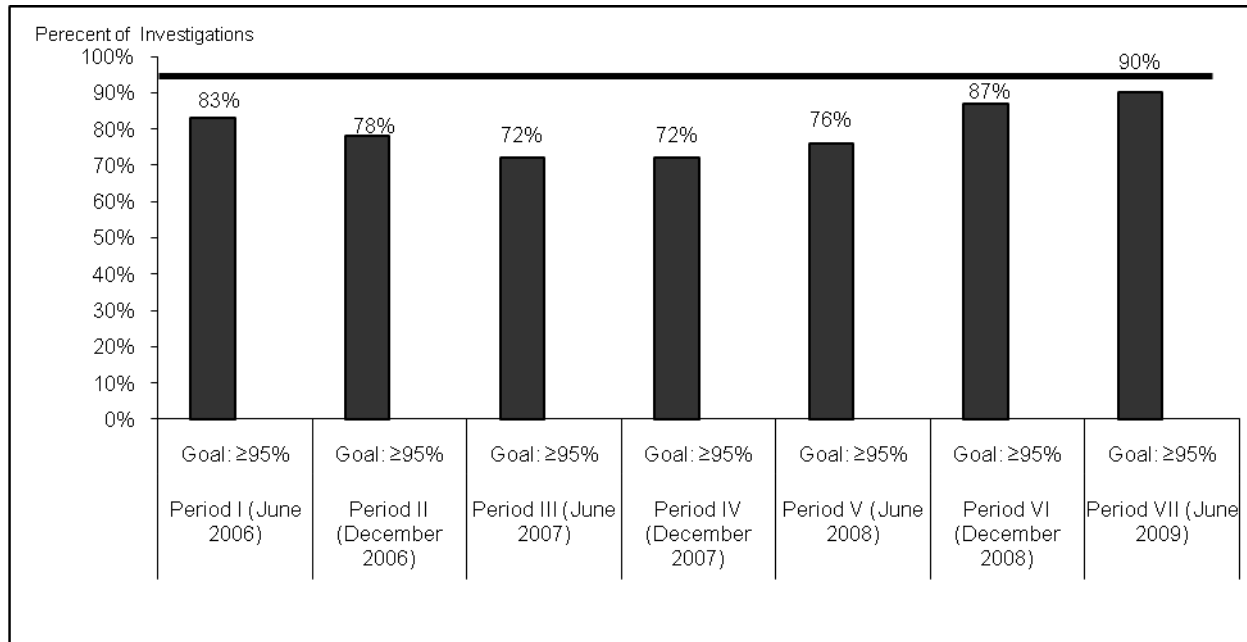
**Source:** File Review of All Completed Investigations, January – June 2009.

- **The State Fell Short of the Outcome 2 Threshold**

For Outcome 2, **90 percent** of maltreatment in care investigations (100 of 111) were completed within 30 days according to file review data from all investigations completed during the reporting period. Outcome 2 requires that 95 percent of such investigations be completed, in accordance with DFCS policy, within 30 days. Although the State fell short of the Outcome 2 threshold, this represents the highest compliance rate measured thus far for Outcome 2 in any reporting period. (The remaining 11 cases, or 10 percent, were investigated within 45 days.) Figure III-2 displays the State’s performance on Outcome 2 over seven reporting periods.



**Figure III-2**  
**State Performance on Outcome 2: Maltreatment in Care Investigations Completed**  
**Within 30 Days of Receipt of Report**  
**For Seven Reporting Periods (October 27, 2005 – June 30, 2009)**



**Source:** File Review of All Completed Maltreatment in Care Investigations, October 2005 – June 2009.

The Period VII performance of DeKalb and Fulton counties in timely investigation completion was 93 percent; the performance of the perimeter counties on this outcome was 85 percent. The Period VII performance of DeKalb, Fulton, and the perimeter counties is displayed in Table III-3.

**Table III-3**  
**Outcome 2 – Timely Investigations**  
**N=111**

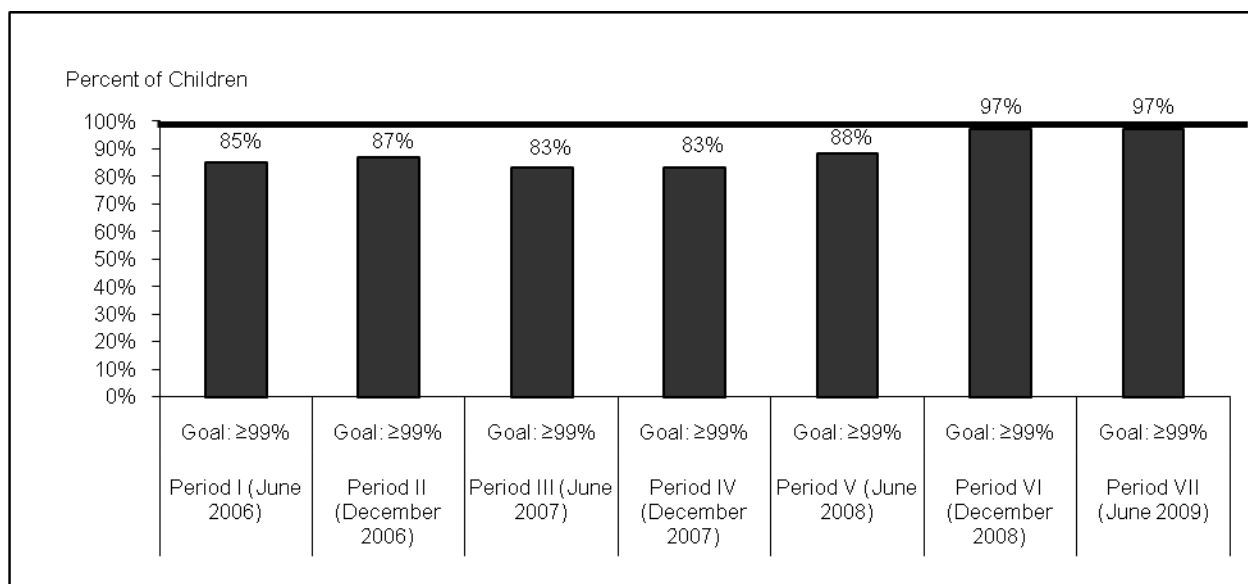
Investigating County	Completed in > 30 Days		Completed in ≤ 30 Days		Total	
	Number	% of Total	Number	% of Total	Number	% of Total
DeKalb/Fulton	5	7%	65	93%	70	100%
Perimeter Counties	6	15%	35	85%	41	100%
Total	11	10%	100	90%	111	100%

**Source:** File Review of All Completed Maltreatment in Care Investigations, January – June 2009.

- **The State Fell Short of the Outcome 3 Threshold**

For Outcome 3, **97 percent (141 of 145)** alleged victims of maltreatment in care during Period VII had face-to-face private contact with a CPS investigator within 24 hours, according to file review data from all investigations completed during the reporting period. While this falls slightly below the Outcome 3 performance standard of 99 percent, it matches the highest compliance rate measured thus far for Outcome 3. Figure III-3 illustrates the State's performance on Outcome 3 for seven reporting periods.

**Figure III-3**  
**State Performance on Outcome 3: Maltreatment in Care Investigations with**  
**Timely Face-to-Face Private Contact with All Alleged Victims**  
**For Seven Reporting Periods of (October 27, 2005 – June 30, 2009)**



**Source:** File Review of All Completed Maltreatment in Care Investigations, October 2005 – June 2009.

The Period VII Outcome 3 performance for DeKalb and Fulton counties was 98 percent, while the perimeter counties were at 97 percent. Period VII data for Outcome 3 is displayed in Table III-4.

**Table III-4**  
**Outcome 3 – Face-to-Face Contact with Alleged Maltreatment Victims within 24 Hours**  
**N=145**

Investigating County	No Contact Within 24 Hours		Removed Prior To or Within 24 Hours of Report		CPS Contact Within 24 Hours		Total	
	Alleged Victims	Percent of Total	Alleged Victims	Percent of Total	Alleged Victims	Percent Of Total	Alleged Victims	Percent of Total
DeKalb/Fulton	1	1%	1	1%	84	98%	86	100%
Perimeter Counties	0	0%	2	3%	57	97%	59	100%
Total	1	1%	3	2%	141	97%	145	100%

**Source:** File Review of All Completed Maltreatment in Care Investigations, January – June 2009.

Measurement of Outcome 3 performance counts as successes only alleged victims having face-to-face, private contact with a trained CPS investigator within 24 hours of the report's receipt. Four alleged victims were not seen by CPS investigators within this time frame; two in cases investigated by DeKalb or Fulton County and two in cases investigated by the perimeter counties. One of the two alleged victims "missed" by DeKalb or Fulton county and both alleged victims "missed" by the perimeter counties had been removed from the setting in which the maltreatment was alleged to have occurred by a child welfare professional prior to, or at the time the allegation was made.

Although these cases count as "misses" toward Outcome 3, it should be recognized that of the 145 alleged victims in Period VII, 144 (99%) had their safety ensured by child welfare professionals within 24 hours.

**c. Operational Context**

The State's overall Period VII performance in keeping children in care safe was mixed. While the maltreatment in care rate was high, the State's performance on the measures related to the investigative process improved, with the State maintaining or establishing new performance "high water marks" for each of Outcomes 1, 2, and 3. This is suggestive of one of the great challenges in child welfare reform efforts. Large systems are relatively adept at implementing prescribed processes and procedures; given sufficient time and incentive, such processes and procedures are readily internalized and the desired result can dependably be delivered. However, delivering system-level outcomes, such as the absence of maltreatment in care, is a more difficult proposition.

Delivering system-level outcomes is not merely a matter of institutionalizing a new expectation for a routine process (e.g., initiating all maltreatment in care investigations within 24 hours of report receipt). Successfully producing such outcomes typically involves influencing the behaviors and decisions of individuals beyond the direct control of the child welfare agency (e.g., service providers) as well as those within the agency. To transform system-level outcomes, typically a number of conditions must be met. First, a shared understanding must be established about which processes and interventions actually work to deliver the desired outcome. Next, those processes and interventions must be embedded in the system's daily practice. Then, leadership and supervision must be exercised throughout the system to hold actors and processes within and outside the direct control of the child welfare agency accountable for doing their parts to achieve of the desired system-level outcome. Finally the resources necessary to support the foregoing must be available. The State clearly continues to have important work to do to sufficiently satisfy these conditions to meet the Consent Decree's standard for maltreatment in care.

#### **d. SHINES Undercount of Maltreatment in Care Cases**

In the process of analyzing Period VII maltreatment in care data, the Accountability Agents identified a problem with SHINES that resulted in the undercounting of maltreatment in care reports and, therefore, understated the number of substantiated victims of maltreatment in care. This problem, also referenced in the Part VI discussion of SHINES, involved intake workers inadvertently creating duplicate person identification numbers (or "person IDs") during the processing of new maltreatment reports. When a report alleging maltreatment is received, DFCS standard operating procedure at intake is for the intake worker to perform a search on the name of all alleged victims associated with a new report to determine if they have any previous DFCS history. If the search identifies any previous DFCS involvement of the child, the intake worker is to use the unique person ID that previously was assigned to the child to "associate" the child with the new report. When this is properly done, it allows all the cases in which a child is involved (e.g., the child protective services (CPS) case that brought a child into care, a child's foster care case, any subsequent CPS reports involving the child while in care) to be linked and easily retrieved and reviewed in SHINES.

However, if an intake worker's search for the child is not correctly or thoroughly executed, a child's previous DFCS history may fail to be detected and the child erroneously assigned a second "unique" person ID. This problem is abetted by the search logic employed by the SHINES search engine. When a person search is conducted in SHINES, the system returns a list of potential matches, listed in order from the highest to the lowest probability that each potential match listed is the person of interest. The SHINES search engine appears to accord higher probability to exact spelling matches of a person's surname than to any characteristic of the given name. Thus, even a slight misspelling of a child's surname (*Kelly* instead of *Kelley*) can place the *true* match well down the list of potential matches; after individuals with given names different from that used in the search.

For example, if an intake worker conducting a search misspells the name “Jamie Davies” – Black (non-Hispanic) Female – as “Jamie *Davis*” – Black (non-Hispanic) Female, SHINES will return a list of potential matches that rank “James Davis” – White (non-Hispanic) Male, “Davis James” – Black (non-Hispanic) Male, “Jayme Davis” – White (non-Hispanic) Female, “Unknown Davis” – White (non-Hispanic) Male, and “Davis Unknown” – Race/Ethnicity unknown, as higher probability matches than “Jamie Davies” – Black (non-Hispanic) Female. If the intake worker fails to work their way carefully down the list, they might erroneously conclude that this is the first case for Jamie Davies and generate a new (duplicate) person ID that will not be linked with the child’s previous CPS or foster care cases. When the DFCS Data, Analysis, Reporting, and Evaluation (DARE) division generates a list of maltreatment in care investigations for the reporting period, Jamie Davies would be “missed” because her maltreatment in care report (containing her duplicate person ID) would not be linked to her foster care case (containing her original person ID).

Upon discovering this problem, the Accountability Agents, with the full cooperation and assistance of DARE section staff, took additional case finding steps and are confident that the data presented here for Period VII are now complete and correct. However, it is probable that this problem resulted in maltreatment in care reports and substantiated victims being undercounted in Period VI. The Accountability Agents will be conducting additional case-finding activities for Period VI, and will issue corrected data for that period.

### *Outcome 6 – Corporal Punishment*

Outcome 6 seeks to protect children in foster care from experiencing corporal punishment, which the Consent Decree defines as “...any physical punishment of a child that inflicts pain.”<sup>14</sup> Outcome 6 stipulates that by the end of Period IV, 98 percent of all foster homes will not have an incident of corporal punishment within the previous 12 months.

#### **c. Interpretation and Measurement**

The Consent Decree’s use of the phrase “...all foster homes....”<sup>15</sup> is operationalized as all foster homes with a class member in custody during the reporting period for measurement purposes.

#### **d. State Performance**

- **The State Surpassed the Outcome 6 Threshold**

The standard for Outcome 6 requires that 98 percent of foster homes be without an incident of corporal punishment in the previous 12 months. As noted in Table III-1, **100 percent** of the

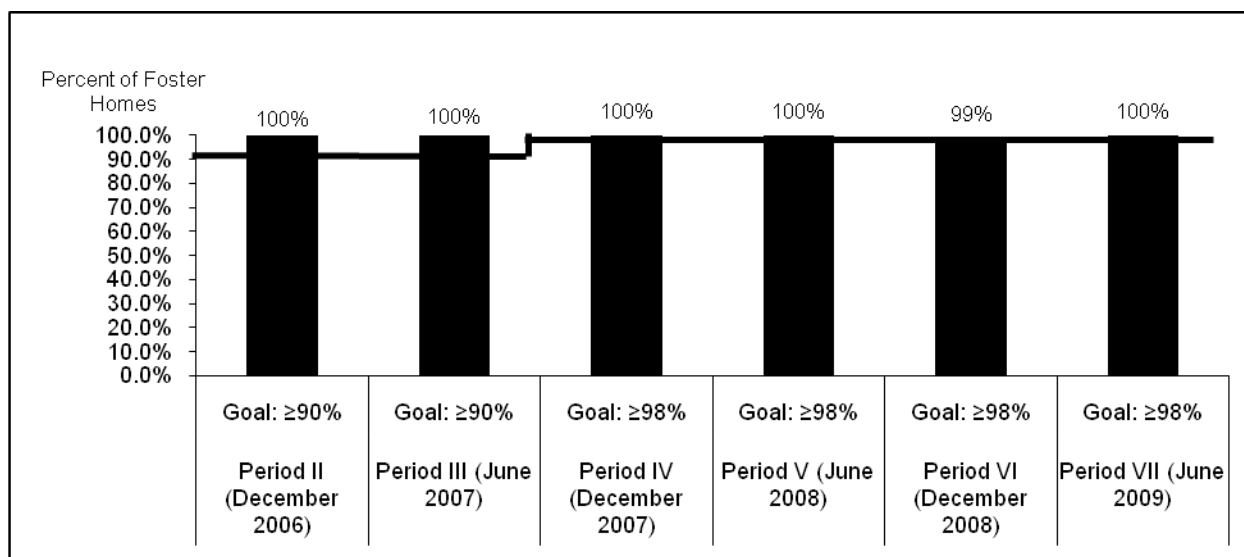
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<sup>14</sup> See p. 2 of the Consent Decree

<sup>15</sup> Ibid, p. 32

foster homes sampled had not had a confirmed incident of corporal punishment in the previous 12 months, surpassing the Consent Decree standard. These data come from the sample of 156 foster homes that had a class member in care at any point during the reporting period. None of the 156 had confirmed incidents of corporal punishment. This is about the same as Period VI, during which 99 percent of the foster homes sampled had not had an incident of corporal punishment and indicates that DFCS continues to do extremely well at protecting children placed in foster homes from corporal punishment. Figure III-4 illustrates the State's performance on Outcome 6 over the six reporting periods to which the Consent Decree standards applied.

**Figure III-4**  
**State Performance on Outcome 6:**  
**Incidents of Corporal Punishment in Foster Homes**  
**For Six Reporting Periods (July 2006-June 2009)**



Source: Foster Home Record Reviews, July 1, 2006 – June 30, 2009.

## ***B. Other Practice/Process Requirements Regarding Maltreatment in Care Investigations and Corporal Punishment***

### **1. Maltreatment in Care Investigations**

Section 12 of the Consent Decree contains other requirements pertaining to the process of investigating and responding to reports of maltreatment in care.<sup>16</sup> The following discussion summarizes the State's implementation of these requirements.

#### **a. Investigations of Reports of Maltreatment in Care**

Section 12.A. requires all reports of suspected maltreatment of children in foster care to be investigated by Child Protective Services staff (rather than permanency staff) in the manner and within the time frame provided by law and DFCS policy. Interviews with Fulton and DeKalb County staff, with staff of the Provider Relations Unit (PRU) and the Office of Regulatory Services (ORS), and the review of 181 randomly selected foster care records and all 111 reports of maltreatment in care completed during the reporting period indicate that it is the policy and the practice that all reports of maltreatment in foster care are investigated by CPS staff. However, the review of foster care records of 181 sampled children and 156 foster home records identified two instances (one from the foster home review and one from the placement review) in which an allegation of maltreatment appears to have been inappropriately screened out by a permanency worker. These incidents are described below:

- A child placed in a provider-supervised foster home reported to her provider agency case manager that she had been subjected to corporal punishment by her foster father when she failed to get up and get ready for school. The provider agency case manager reported the allegation to a Fulton County permanency supervisor after she was unable to make contact with the child's DFCS permanency case manager (PCM). By the time this report was made, the child had recanted her allegation and apologized for lying about her foster father. Due to the child's recantation and previous history of making false allegations against foster parents, the supervisor decided it was unnecessary to make a CPS referral in this case.
- A child indicated to his new DeKalb County PCM that he received corporal punishment from his maternal great-grandmother with whom he was placed. The child subsequently recanted the allegation which the maternal great-grandmother strongly denied, and his PCM failed to refer the allegation to CPS staff for assessment.

According to Section 12.A. of the Consent Decree and to DFCS policy, it appears that the allegations in both these cases should have been referred to the CPS unit for assessment and screen-out or investigation. These cases were referred to the Fulton and DeKalb County

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<sup>16</sup> See pp.28-30 of the Consent Decree

leadership for further action. As a consequence, the worker and supervisor involved in the first case were counseled on the appropriate procedure to be followed in circumstances such as this. In the second case, all permanency and CPS staff were advised again in writing that all incidents of alleged use of corporal punishment must be reported immediately to CPS for assessment, and the issue was discussed with all permanency supervisors at the quarterly Permanency Supervisors meeting. Based on a careful vetting of the specifics of these cases, the Accountability Agents are satisfied that they represent isolated incidents and are not indicative of a systemic problem. Future file reviews will continue to scrutinize placement and foster home records for compliance with the requirements of Section 12.A. to ensure that allegations of maltreatment in foster care are dealt with appropriately.

**b. Investigations Conducted in Accordance with State Standards**

Section 12.A. of the Consent Decree states that “All ... reports of suspected abuse or neglect of children in foster care shall be investigated by DFCS child protective services staff in the manner and within the time frame provided by law and DFCS policy.”<sup>17</sup> DFCS policy on maltreatment in care investigations (which are considered “Special Investigations”) is contained in Section 2106 of the Social Services Manual.<sup>18</sup> Section 2106 contains guidance on the many aspects of properly conducting Special Investigations, such as separately interviewing the parties involved, making two collateral contacts, evaluating the likelihood of continued safety, etc. In all, Section 2106 contains more than 150 discrete requirements pertaining to Special Investigations. The particular requirements vary depending on the type of placement setting being investigated.

The file review of maltreatment in care investigations explored the extent to which the investigations completed during Period VII were conducted in accordance with the investigative standards contained in Section 2106. (The extent to which such investigations comport with the required timeframes is addressed in the discussion of Outcomes 1 and 2, above.) The results are presented in Table III-5 for the 11 investigative standards common to most placement types. The percentages reported in Table III-5 represent the number of instances for which the investigative file documentation was adequate to provide a conclusive, affirmative response.

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<sup>17</sup> See p. 28 of the Consent Decree

<sup>18</sup> Social Services Manual, Chapter 2100, Section VI, Georgia Dept. of Human Resources, July 2005.



**Table III-5**  
**Proportion of Investigations Meeting Policy Requirements**  
**(N varies based on placement setting and other case characteristics)**

Investigative Policy Requirement	Percent of Applicable Investigations with Documented Compliance
	Period VII <sup>19</sup>
Investigator saw/interviewed every alleged maltreated child separately (N=111)	100%
All other adults frequently in the home interviewed separately (N=23)	96%
Continued safety of the child(ren) placed in the home was adequately evaluated and assessed (N=111)	96%
Alleged maltreater was interviewed separately (N=107)	95%
All approved foster parents/caregivers interviewed separately (N=111)	92%
Investigator reviewed the DFCS history of the foster parent/caregiver (N=74)	88%
At least two relevant collateral sources contacted during the investigation (N=111)	86%
Investigator saw/interviewed each of the other children (non-alleged victims) separately (N=89)	85%
Investigator reviewed previous CPS reports for foster parents/caregivers (N=74)	84%
File contains physical evidence to support case documentation (N=54)	83%
DFCS case managers required to visit in this foster care setting were contacted (N=111)	78%

**Source:** Case file review of all maltreatment in care investigations completed January 1, 2009 – June 30, 2009.

As reflected in Table III-5, documented compliance with each of the most common investigative policy requirements was found in 80 percent or more of the records for all requirements but one

<sup>19</sup> As indicated previously, during analysis of Period VII data, the Accountability Agents identified a problem with SHINES that resulted in the undercounting of maltreatment in care reports. The Accountability Agents took additional case finding steps and are confident that the data presented here for Period VII are now complete, but it is probable that this problem resulted in maltreatment in care reports being undercounted in Period VI. Therefore, no comparison is made to Period VI maltreatment in care data. The Accountability Agents will conduct additional case-finding activities for Period VI and will issue corrected data for that period which will include appropriate comparisons.

(DFCS case managers required to visit in this setting were contacted). The Accountability Agents believe that the Georgia SHINES' information system may understate the true level of performance on certain of these policy requirements.

For example, while SHINES contains "hard-coding" to indicate that the intake worker searched for a previous CPS record on an alleged maltreater when the CPS report was taken (and identifies the intake worker who performed the search) SHINES has no dedicated mechanism (such as clicking a radio button) that the investigator can use to indicate that he/she *reviewed* the CPS history compiled by the intake worker. The only place in SHINES an investigator can indicate that they reviewed previous CPS reports on an alleged maltreater is in the "contact narrative" field (which supports free form text). It is in this field that the *Kenny A.* file review team has to look for documentation that the foster parent's DFCS history or previous CPS reports were reviewed by the investigator, or to identify who the investigator interviewed or contacted in the course of the investigation. And unless the investigator's narrative mentions every report the reviewer was able to identify in SHINES or IDS, or contains a narrative description of the specific conversations the investigator had with, for example, DFCS case managers required to visit in the placement setting, they were not given credit for those items. Some investigators were savvy enough to include a statement in the contact narrative indicating that these important process steps were performed, but others did not.

In the near term, it appears that this problem must be approached as an ongoing training challenge. That is, for now, it appears all investigators need to be encouraged to use the contact narrative field to document their compliance with many of the investigative policy requirements. In the longer term, it appears that some modifications to SHINES to support the hard-coding of additional important information on the investigative process may be warranted.

**c. Referrals of Reports of Maltreatment in Care to the Office of Regulatory Services, the Provider Relations Unit, and the DFCS Policy Unit**

DFCS policy requires counties, at the conclusion of maltreatment in care investigations, to send an "Administrative Packet" detailing the incident and findings to the Social Services Director within ten days. If the incident occurred in a provider-supervised foster care setting, an investigative summary is also to be sent to ORS and PRU.

Section 12.B. of the Consent Decree requires all reports of suspected abuse or neglect of foster children in institutional, group, residential, or private provider-supervised foster family home settings to be referred to and reviewed by the Office of Regulatory Services (ORS) and the Provider Relations Unit (PRU).<sup>20</sup> The purpose of the review specified in the Consent Decree is "...to determine whether a pattern of abuse or neglect exists within... [the provider agency]... that contributed to the abuse or neglect; whether the contract should be terminated; whether

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<sup>20</sup> ORS licenses child placing agencies (CPA), child caring institutions (CCI), and outdoor therapeutic programs (OTP). PRU approves CPAs, CCIs, and OTPs wishing to serve DFCS children once they have been licensed by ORS.

particular homes or facilities should be closed....”<sup>21</sup>

To assess compliance with these provisions, the Accountability agents collect data directly from ORS, PRU, and the DFCS Policy Unit to ascertain which maltreatment reports involving foster children had been reported to each office, and interview ORS and PRU leadership and staff to confirm that the required reviews are taking place and to understand what actions are being taken as a consequence of them. The reporting of maltreatment in care investigations to each of these three offices and the review of those reports are considered separately below.

- **Notification of the Policy Unit, ORS and PRU of Maltreatment in Care Reports**

Compliance with the Consent Decree’s maltreatment in care notification requirement has been a concern to the Accountability Agents since Period I. In light of the Consent Decree’s stringent standards for maltreatment in care, improving the completeness of maltreatment in care reporting to the three statewide offices responsible for identifying maltreatment in care patterns is regarded as critical to the State’s ability to successfully prevent maltreatment in care. Major improvements were identified in Periods III, IV, and V in reporting to ORS, PRU, and the DFCS Policy Unit.

For Period VII, data collected directly from the DFCS Policy Unit indicate that administrative packets were received for 100 (90%) of the 111 Period VII maltreatment in care investigations completed during the reporting period. Fifteen (15%) of the 100 reports the Policy Unit received for Period VII were sent within the 10-day window specified by DFCS policy.<sup>22</sup>

Fulton and DeKalb Counties conducted the largest number of maltreatment in care investigations: 42 and 28, respectively. Fulton County reported 38 (90%) of the 42 investigations it conducted to the Policy Unit; while DeKalb County reported all of the 28 investigations it conducted (100%). Among the perimeter counties, Clayton and Henry counties each had multiple missing reports to the Policy Unit although they conducted relatively few maltreatment in care investigations compared to DeKalb or Fulton counties. Table III-6 displays data on county reporting of maltreatment in care investigations to the DFCS Policy Unit.

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<sup>21</sup> See Section 12 B, p. 28 of the Consent Decree

<sup>22</sup> Social Services Manual, Section 2106.11, Georgia Dept. of Human Resources, July 2005.

**Table III-6**  
**Policy Unit Notification of Period VII Maltreatment in Care Investigations**  
**N=111**

Investigating County	Total Investigations	Notified		Not Notified	
	Number	Number	% of Total	Number	% of Total
DeKalb	28	28	100%		
Fulton	42	38	90%	4	10%
Baldwin	1	1			
Bibb	5	5	100%		
Clayton	3	1	33%	2	67%
Cobb	6	6	100%		
Douglas	6	6	100%		
Fayette	1			1	100%
Gordon	1	1	100%		
Gwinnett	3	3	100%		
Henry	7	5	71%	2	29%
Newton	3	3	100%		
Polk	1			1	100%
Rockdale	2	1	50%	1	50%
Taylor	1	1	100%		
Troup	1	1	100%		
Total	111	100	90%	11	10%

Source: Survey of Notification of CPS Investigations in Foster Care Settings, January 1 – June 30, 2009.

The Period VII file review of maltreatment in care investigations included 72 investigations of maltreatment in provider-supervised settings. Data collected directly from ORS and PRU indicate that ORS was notified of 53 (74%) of these investigations. This represents a decline from the ORS Period V notification rate of 91percent and the lowest ORS notification rate recorded since Period II, when it was 73 percent. Among the 53 maltreatment in care allegations of which ORS was informed, ORS conducted a joint investigation with DFCS for 24 (45%) of them. Notifying ORS of maltreatment reports in the care settings they license is essential to the ability of ORS to effectively use that licensing authority to help prevent maltreatment in care. Given the relatively large number of Period VII maltreatment reports originating in provider-supervised settings and the number and proportion of those that were substantiated, DHR should carefully examine the reasons for the decline in the ORS maltreatment in care notification rate and take such remedial action as may be warranted.

Fulton and DeKalb Counties conducted the largest number of maltreatment in care investigations in provider-supervised settings at 19 and 16, respectively. Seventeen of 19 Fulton County investigations (89%) and 14 of 16 DeKalb County investigations (88%) were reported to ORS. However, among the perimeter counties, Bibb, Cobb, Douglas, and Henry counties each had multiple missing Period VII ORS reports although they conducted relatively few

maltreatment in care investigations compared to DeKalb or Fulton counties. Table III-7 displays data on county reporting of maltreatment in care investigations to ORS.

**Table III-7**  
**Office of Regulatory Services Notification of Period VII Maltreatment in Care Investigations**  
**N=72**

Investigating County	Total Investigations	Notified		Not Notified	
	Number	Number	% of Total	Number	% of Total
Fulton	19	17	88%	2	12%
DeKalb	16	14	88%	2	13%
Baldwin	1			1	100%
Bibb	5	1	20%	4	80%
Clayton	1	1	100%		
Cobb	6	3	50%	3	50%
Douglas	6	3	50%	3	50%
Fayette	1			1	100%
Gordon	1	1	100%		
Gwinnett	3	3	100%		
Henry	6	4	67%	2	33%
Newton	2	1	50%	1	50%
Polk	1	1	100%		
Rockdale	2	2	100%		
Taylor	1	1	100%		
Troup	1	1	100%		
Total	72	53	74%	19	26%

Source: Survey of Notification of CPS Investigations in Foster Care Settings, January 1 – June 30, 2009.

Complete reporting of maltreatment in care investigations in provider-supervised settings to the Provider Relations Unit (PRU), the statewide organizational entity charged with supervising DFCS' provider contracts, enhances PRU's ability to be a prudent purchaser of care. For Period VII, PRU appears to have been notified of 61 (85%) of the 72 maltreatment in care investigations in provider-supervised settings. This continues a trend of improved maltreatment in care reporting to PRU in recent reporting periods (Period III – 43%; Period IV – 51%; Period V – 62%).

Fulton County notified PRU of 17 of 19 (89%) of completed maltreatment in care investigations in provider-supervised settings. DeKalb County completed 16 maltreatment in care investigations in provider-supervised settings and notified PRU of 15 (94%). Among the perimeter counties the completeness of PRU maltreatment in care reporting ranged from 100 percent (Bibb, Clayton, Cobb, Gordon, Newton, Rockdale, Taylor, and Troup counties) to 0 percent (Baldwin, Fayette and Polk counties). Douglas County had the largest number of

missing PRU reports at three. Table III-8 displays data on county reporting of maltreatment in care investigations to PRU.

**Table III-8**  
**Provider Relations Unit Notification of Period VII Maltreatment in Care Investigations**  
**N=72**

Investigating County	Total Investigations	Notified		Not Notified	
	Number	Number	% of Total	Number	% of Total
Fulton	19	17	89%	2	11%
DeKalb	16	15	94%	1	6%
Baldwin	1			1	100%
Bibb	5	5	100%		
Clayton	1	1	100%		
Cobb	6	6	100%		
Douglas	6	3	50%	3	50%
Fayette	1			1	100%
Gordon	1	1	100%		
Gwinnett	3	2	67%	1	33%
Henry	6	5	83%	1	17%
Newton	2	2	100%		
Polk	1			1	100%
Rockdale	2	2	100%		
Taylor	1	1	100%		
Troup	1	1	100%		
Total	72	61	85%	11	15%

Source: Survey of Notification of CPS Investigations in Foster Care Settings, January 1 – June 30, 2009.

- **Review by ORS and PRU of Maltreatment in Care Reports in Provider-supervised Settings**

Interviews with ORS and PRU leadership and staff indicate that every report of maltreatment in care originating in provider-supervised settings is reviewed upon receipt by designated staff in each office. Reports received and reviewed by ORS are assigned to appropriate ORS survey staff and shared with members of the ORS leadership team and with PRU and other DFCS staff. ORS and PRU staff meet jointly, by conference call, or in office conferences with provider agencies two to three times per month to review incident reports and provider compliance with rules and regulations.

The results of these meetings have included:

- Issuance of citations, consent agreements, and corrective action plans;
- Suspension of provider intake operations until terms of the consent

- agreement/corrective action plan were met;
- Termination of provider staff;
- Closure to DFCS use or complete closure of certain foster homes;
- Removal of children from placement settings (in collaboration with the child's permanency case manager);
- Targeted training by ORS;
- Modification by PRU of provider agencies' contractual program designations; and,
- Temporary lowering by PRU of providers' overall child capacity.

## **2. Corporal Punishment in Foster Homes**

Section 12C of the Consent Decree<sup>23</sup> contains process and practice requirements related to the prohibition of corporal punishment in foster care settings and investigations of reports of corporal punishment. The following discussion summarizes the requirements and how DFCS is meeting them.

### **a. Awareness of Corporal Punishment Prohibition**

All placement settings are to prohibit the use of corporal punishment. In all 156 foster home records sampled (100%), there was a signed written statement or other evidence that foster parents understood and agreed to comply with DFCS' prohibition on the use of corporal punishment. This is about the same as Period VI performance of 99 percent.

### **b. Enforcement of Corporal Punishment Prohibition**

Enforcement of this provision in DFCS supervised homes is carried out by the County DFCS offices. Enforcement in private provider placements is carried out by child placing agencies (CPAs), Office of Regulatory Services (ORS), and the Provider Relations Unit (PRU). ORS requires CPAs, Child Caring Institutions, and Outdoor Child Caring Programs to have written policies prohibiting corporal punishment as a condition of licensure. ORS monitors compliance with this requirement by means of a pre-licensure review of all provider policies. When ORS receives a complaint related to corporal punishment in a provider supervised foster home, they inspect the home's file to see if the foster parent(s) signed the CPA's discipline policy.

PRU requires providers to refrain from using corporal punishment as part of the Room Board Watchful Oversight (RBWO) Provider Contract, the Foster Home Minimum Standards, and the Prospective Provider Application. PRU enforces this prohibition through quarterly site visits to CPAs and to a sample of the foster homes they supervise, and through reviewing a sample of the foster home files the CPAs maintain.

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<sup>23</sup> See pp 29-30, paragraph 12C of the Consent Decree

**c. Compliance with Corporal Punishment Prohibition**

Actual compliance with the corporal punishment prohibition appears to be excellent. The review of child records of 181 randomly selected children in foster care during Period VII identified no confirmed instances of corporal punishment (0.0%).<sup>24</sup> This is comparable to Period VI, during which there were no confirmed instances of corporal punishment among the children included in the placement sample.

The foster home record review of 156 randomly selected foster homes looked for evidence in the foster home record that foster parents or other placement resources used corporal punishment or permitted it to be used on any foster child, whether or not a subsequent investigation or assessment confirmed the allegation. Such evidence was found in six of the 156 foster home records reviewed (4%). Five of these six incidents received full CPS investigations; one was screened out by CPS staff. Four of these five investigations found insufficient evidence to support that corporal punishment had been used and one investigation was still ongoing at the end of the reporting period.

The review of all 111 maltreatment in care reports investigated during the reporting period identified eight reports (7%) that began as an allegation of corporal punishment. One of the eight investigations completed during Period VII that began with an allegation of corporal punishment resulted in a substantiation of abuse or neglect; however in that case, inadequate supervision was the substantiated allegation – the allegation of corporal punishment was determined to be unfounded. The child was removed from this provider-supervised foster home and the home was closed. In one of the eight investigations that began with an allegation of corporal punishment, corporal punishment was confirmed to have occurred (although it did not rise to the level of abuse) and the child was removed from that relative placement. In one of the eight cases a violation of DFCS disciplinary policy was confirmed and corrective actions were put in place pending an interdisciplinary team meeting to determine if the child should be moved. In two cases the children were moved to other placements thought better able to meet their needs, and no further action was taken in the remaining three cases.

**d. Screening and Investigation of Corporal Punishment Allegations**

Allegations of corporal punishment must be screened by qualified CPS (rather than foster care) staff. Depending on the screening conclusions, the allegations may be responded to differently. Where reasonable cause exists to believe abuse or neglect occurred, or if the allegations arose in a group care setting, the allegations must be treated as an abuse referral and investigated accordingly. If the screener concludes that reasonable cause does not exist, the Consent Decree requires a timely assessment of the allegations and placing “holds” on any further placements

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<sup>24</sup> However, there was a child who alleged to his Permanency Case Manager (PCM) and then recanted that his maternal great grandmother, with whom he was placed, had used corporal punishment. The child’s PCM failed to refer the allegation to CPS staff for assessment and possible investigation or screen-out.



until the assessment is complete. It also stipulates conditions under which homes must be closed, and conditions under which homes may remain open under a corrective action plan.

Interviews with the Special Investigations units in DeKalb and Fulton counties indicate that both counties are handling allegations of corporal punishment consistent with these Consent Decree provisions. Both counties use experienced CPS supervisors to assess incoming corporal punishment allegations. However, the Period VII foster care record review did identify one allegation of corporal punishment (involving a child placed with his maternal great grandmother) that was not referred to CPS staff for assessment and possible investigation as required by the Consent Decree.

In DeKalb County, all complaints of any kind of physical discipline of foster children are automatically referred to the CPS Special Investigations unit with a 24 hour response time. In Fulton County, incoming complaints are screened by the CPS Intake Unit; those showing reasonable cause are investigated by the Special Investigations Unit with a 24 hour response time. Those lacking reasonable cause are either screened out or referred to the Resource Development Unit if it is a DFCS-supervised foster home. Incidents that occur in provider-supervised foster homes are investigated by the Special Investigations Unit and are referred to the Office of Regulatory Services (ORS). In both counties, any complaint of corporal punishment of children in group homes automatically receives a CPS investigation.

As noted above, the review of all maltreatment in care investigations found eight CPS investigations prompted by an allegation of corporal punishment; four in provider-supervised foster homes, two in DFCS-supervised foster homes, one in a relative placement, and one in a group home. Of these eight:

- 7 (88%) showed that all alleged victims were interviewed separately within 24 hours;
- 8 (100%) showed evidence that the continued safety of the child was evaluated;
- 7 (88%) file reviewers felt the investigative conclusion was consistent with the investigative documentation; and,
- 8 (100%) were completed within the 30 days required by DFCS policy.

Five investigations in provider-supervised placement settings were precipitated by corporal punishment allegations. Documentation indicates that both ORS and PRU were notified of all five of these investigations; ORS was notified as well of the investigative conclusion for all five of these, but PRU was notified of the investigative conclusion for only three of them.

In both counties, corporal punishment allegations against DFCS-supervised foster homes that do not meet the criteria for a CPS investigation receive an “assessment.” The Resource Development staff in each county conduct the assessment in the home and decide if the home should be closed, placed under a corrective action plan, or if counseling or other support services are needed. While the assessment is being conducted, the home is to be placed on

“hold” (barred from receiving additional placements). Both counties indicated that if the allegation revealed a policy violation that had a direct impact on safety or represented a serious risk, they would send the case to CPS and a special investigation would be opened. Both counties also indicated that if a policy violation was a home’s second violation, or the family was not amenable to change, the home would be closed.

In both counties, all allegations of corporal punishment in provider-supervised foster homes are handled by the Special Investigations unit. Cases that fail to meet the criteria for a CPS investigation receive an “assessment” from the Special Investigations unit. The results of those assessments are indirectly shared with ORS through the SHINES system.

## **Part IV PERMANENCY**

### ***Children in Care Maintain Family Connections and Achieve Permanency***

Several of the Consent Decree outcomes and practice requirements focus on various components of achieving permanency for children. This part reports on the State's progress in the areas related to children in DFCS custody maintaining their family connections and safely returning home or achieving permanency with new families.

#### ***A. Outcome Performance***

As described in the Introduction (Part I), 17 separate outcomes are clustered in the category of "Permanency." Outcomes 12 and 13, related to children achieving the goal of adoption, were one-time, Period I requirements that have been discussed in previous reports.<sup>25</sup> The remaining outcomes apply to subsequent reporting periods with the final phase-in of performance thresholds occurring in Period IV. Table IV-1 on the next two pages provides the most recent measured performance summary for each of the permanency Outcomes. For purposes of analysis and communication, the 17 outcomes have been further subdivided into two broad categories, *Children in Placement Maintain Family Connections* and *Children Achieve Permanency*.

The discussion following Table IV-1 provides a more detailed description of State performance. This discussion includes a summary of the Consent Decree requirements, interpretation and measurement issues associated with the outcomes, and contextual information as necessary for better understanding the State's performance at the end of Period VII. This part also includes charts which display the State's permanency performance trends over the seven reporting periods to date.

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<sup>25</sup> See Dimas, J. T. and Morrison, S. *Period I Monitoring Report, Kenny A. v Perdue*, November 2006 and *Period II Monitoring Report, Kenny A. v Perdue*, June 2007.

**Table IV-1**  
**Permanency Outcomes**

<b>Children in Placements Maintain Family Connections</b>	<b>Period VII Performance</b>
<b>Outcome 7:</b> At least <b>95%</b> of all foster children entering care shall have had a diligent search for parents and relatives undertaken and documented within 60 days of entering foster care.	<b>80%</b>
<b>Outcome 16:</b> At least <b>80%</b> of all foster children who entered foster care during the reporting period along with one or more siblings shall be placed with all of their siblings.	<b>81%</b>
<b>Outcome 19:</b> At least <b>90%</b> of all children in care shall be placed in their own county (the county from which they were removed) or within a 50 mile radius of the home from which they were removed, subject to the exceptions in Paragraph 5.C.4.b (ii) and (iii).	<b>99%</b>
<b>Outcome 21:</b> At least <b>85%</b> of all children with the goal or reunification shall have appropriate visitation with their parents to progress toward reunification.	<b>90%</b>
<b>Outcome 23:</b> At least <b>80%</b> of children in the Class at a point in time during the reporting period who have one or more siblings in custody with whom they are not placed shall have had visits with their siblings at least one time each month, unless the visit is harmful to one or more of the siblings, the sibling is placed out of state in compliance with ICPC, or the distance between the children's placement is more than 50 miles and the child is placed with a relative.	<b>50%</b>
<b>Children Achieve Permanency</b>	
<b>Outcome 4:</b> No more than <b>8.6%</b> of all foster children entering custody shall have re-entered care within 12 months of the prior placement episode.	<b>4.8%</b>
<b>Outcome 8a:</b> Of all the children entering custody following the entry of the Consent Decree, at least <b>40%</b> shall have had one of the following permanency outcomes within 12 months or less after entering custody: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.	<b>50%</b>
<b>Outcome 8b:</b> Of all the children entering custody following the entry of the Consent Decree, at least <b>74%</b> shall have had one of the following permanency outcomes within 12 months or less after entry: reunification, permanent placement with relatives, or shall have had one of the following permanency outcomes within 24 months or less after entering: adoption, permanent legal custody, or guardianship.	<b>56%</b>
<b>Outcome 9:</b> Children in custody for up to 24 months and still in custody upon entry of the Consent Decree (children in the "24 backlog pool"): For all children remaining in the 24 month backlog pool after the fourth reporting period at least <b>40%</b> by the end of the fifth reporting period shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.	<b>19%</b>
<b>Outcome 10:</b> Children in custody for more than 24 months and still in custody upon entry of the Consent Decree (children in the "over 24 backlog pool"): For all children remaining in the over 24 month backlog pool after the fourth reporting period at least <b>35%</b> by the end of the fifth reporting period shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.	<b>10%</b>

Children Achieve Permanency	Period VII Performance
<b>Outcome 11:</b> For all children whose parental rights have been terminated or released during the reporting period, <b>80%</b> will have adoptions or legal guardianships finalized within 12 months of final termination or release of parental rights	<b>68%</b>
<b>Outcome 12:</b> For children whose parental rights have been terminated or released and the child has an identified adoptive or legal guardian resource at the time of the entry of the Consent Decree, <b>90%</b> shall have had their adoptions or legal guardianships finalized within six months after the entry of the Consent Decree.	First Period 94% One Time Measure
<b>Outcome 13:</b> For all children for whom parental rights have been terminated or released at the time of entry of the Consent Decree, and the child does not have an identified adoptive resource, <b>95%</b> shall have been registered on national, regional, and local adoption exchanges, and have an individualized adoption recruitment plan or plan for legal guardianship within 60 days of the Consent Decree.	First period 30% One time measure
<b>Outcome 14:</b> No more than <b>5%</b> of adoptions finalized during the reporting period shall disrupt within the 12 months subsequent to the reporting period.	<b>0%</b>
<b>Outcome 15:</b> At least <b>95%</b> of all foster children who reached the point of being in state custody for 15 of the prior 22 months, shall have had either (1) a petition for the termination of parental rights filed as to both parents or legal caregivers as applicable OR (2) documented compelling reasons in the child's case record why termination of parental rights should not be filed.	<b>95%</b>
<b>Outcome 27:</b> At least <b>95%</b> of foster children in custody for six months or more shall have either had their six-month case plan review completed by the Juvenile Court within six months of their prior case plan review, or DFCS shall have submitted the child's six-month case plan to the Juvenile Court and filed a motion requesting a six-month case plan review within 45 days of the expiration of the six-month period following the last review.	<b>80%</b>
<b>Outcome 28:</b> At least <b>95%</b> of foster children in custody for 12 or more months shall have either had a permanency hearing held by the Juvenile Court within 12 months of the time the child entered foster care or had his or her last permanency hearing, or DFCS shall have submitted the documents required by the Juvenile Court for and requested a permanency hearing within 45 days of the expiration of the 12-month period following the time the child entered foster care or had his or her last permanency hearing.	<b>95%</b>

## **1. Children in Placement Maintain Family Connections: Outcomes 7, 16, 19, 21, and 23**

One of the Consent Decree principles is “*all non-destructive family ties should be maintained and nurtured.*”<sup>26</sup> Preserving connections between children and their families, friends, and community is an important strategy for achieving permanency when those relationships are not destructive. Preservation of these connections starts with placing children with family resources whenever possible and placing children with their siblings. Regular visits between children and parents and among separated siblings are also critical ingredients to maintaining family ties and achieving permanency.

### ***Outcome 7 – Diligent Search***

A “reasonably diligent search is required by law (O.C.G.A. Section 15-11-55) to identify those individuals who may be considered a resource for placement or custody of the child.”<sup>27</sup> The Consent Decree, in Outcome 7, requires the diligent search for parents and relatives to be undertaken and documented within 60 days of entry for at least 95 percent of all foster children entering care. A search should be initiated as soon as the child enters custody, if not before entry as information is gathered in the investigation or assessment stage. Immediate efforts can serve to hasten permanency for a child or, at least minimize the trauma of removal by placing a child with someone known to him or her.

In practice, the search for relatives and other individuals who have “demonstrated an on-going commitment to the child”<sup>28</sup> should be ongoing until the child has achieved permanency. In the bi-monthly G2 meetings, case managers from DeKalb and Fulton counties have recounted stories of finding family members after several years who had not known their relative’s child was in foster care and were willing to provide a permanent home for the child. In addition, the Accountability Agents have previously commented that the search should encompass all those connected to the child whether they are immediately able to provide a home for the child or not. The diligent search process can be an effective tool in identifying individuals who are or can be part of a supportive team for the child and family. For example, these individuals may be called on to help supervise a safety plan for a child who is returned home or provide housing and transportation for parents or facilitate regular visits among separated siblings.

#### **a. Interpretation and Measurement Issues**

The performance of Outcome 7 was measured using a randomly drawn sample of 135 children who entered custody any time between July 1 and December 31, 2008 and remained in custody at least 60 days. The targeted review of these cases was conducted in July and August 2009. The outcome requirement for undertaking a diligent search within 60 days was deemed to have been met if one of the following conditions was met:

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<sup>26</sup> See p. 4, principle 2 in the Consent Decree

<sup>27</sup> Social Services Manual, Chapter 1000, Section 1002.3.1, Georgia Department of Social Services

<sup>28</sup> Social Services Manual, Chapter 1000, Section 1002.31 Georgia Department of Social Services

- the child was placed with a family resource within five to 60 days after entering custody;  
**or**
- Children age 4 or older were interviewed about adults in their lives who “love him/her” or someone with whom they would want to live **and** one or more family member or family friend was interviewed within 60 days **and**, when resources were identified, there was evidence that one or more of the identified resources were contacted or contact was attempted within 60 days.

Appendix B provides more definition of a diligent search and a summary of previously applied interpretation and measurement issues.

#### **b. State Performance**

- **The State Fell Short of the Outcome 7 Threshold.**

The file documentation indicated that a diligent search was undertaken and documented for 108 (80%) of the sample of 135 children. The Consent Decree requires at least 95 percent of children entering care in the reporting period to have a diligent search undertaken and documented within 60 days. This is a decline from the Period IV performance of 93 percent and the change exceeds the sample’s statistical margin of error. Table IV-2 provides the number and frequency of different types of diligent search actions undertaken on behalf of 135 children. The State’s performance over the three reporting periods for which the outcome has been measured is displayed in Figure IV-1.

The Accountability Agents believe there are three factors that undermined the State’s efforts to meet the Consent Decree standard:

- Some children are not being interviewed specifically about who loves them and with whom they have spent time and with whom they could live. There was no evidence that 25 children, ages 4 to 14 (19% of the sample) were interviewed. This may be both a documentation issue and practice issue for the State.
- Efforts to obtain contact information for identified individuals are hampered by what families can or are willing to provide and limited search tools available during Period VI. As discussed in more detail below, initial interviews often identify a range of individuals but contact was documented with only 38 percent of these individuals. The difference between the number of individuals identified and those contacted, in part, is because case managers often obtain limited or no contact information for those identified. In addition, new technology to search for contact information was not fully implemented during Period VI. The State has invested in a comprehensive and powerful contact search technology (known as Accurint). It is possible for electronic searches to return multiple possibilities using limited search information such as first and last names. More information, such as age or last known address produces a more refined set of possibilities. Full use of this technology in the future may improve availability of contact information.

- Search activities are not consistently or sufficiently documented. As discussed in more detail below, SHINES provides the means for recording the results of all information gathering about potential resources, but it is not being fully used.

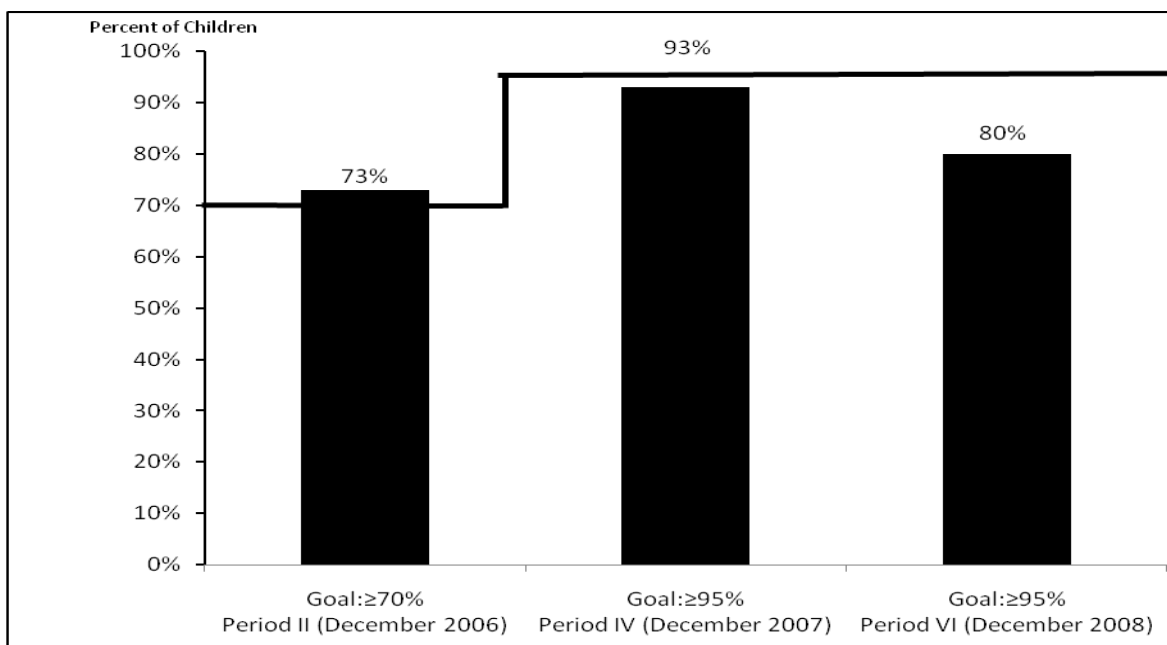
**Table IV-2**  
**Diligent Search Actions Undertaken**  
**n=135**

Actions	Number	Percent
Children placed with a family resource within 5 days of entering custody	23	
Additional children placed with a family resource between 5 and 60 days of entering custody	2	
Evidence of interviews with child and child's family and others within first 60 days and contact made with one or more possible resource, as applicable	83	
<b>Subtotal for Outcome Measurement</b>	<b>108</b>	<b>80%</b>
Insufficient search activities in first 60 days: no documented interviews of children to gather information about relatives and significant others (children ranged in age from 4 to 14)	18	
Insufficient search activities in first 60 days: no documented efforts to locate identified putative/birth fathers of interviewed children	3	
One or more contacts of possible resources did not take place within 60 days	6	
<b>Total</b>	<b>135</b>	<b>100%</b>

Source: Case Record Review, July-August 2009.



**Figure IV-1**  
**State Performance on Outcome 7: Diligent Searches Undertaken Within 60 Days**  
**For Three Reporting Periods (July-December 2006, July-December 2007, July-December 2008)**



Source: Case Record Reviews

### c. Diligent Search Results

#### Locating parents

Mothers (birth or adoptive) were identified for 131 children (99% of the 132 living birth/adoptive mothers). Fathers (putative or legitimated birth fathers/adoptive) were identified for 96 children (76% of the 127 living fathers/adoptive). However, the location of parents was not always known. The whereabouts of 19 mothers were not known at the time children entered care and the location of three (3) became unknown to case managers in the first 60 days. Various search activities were conducted to locate 19 of the 22 mothers. Two (2) mothers were known to be outside the country, one in Guatemala and the other in Mexico. A third mother contacted the case manager but refused to provide her location. The whereabouts of 55 fathers were known when children entered DFCS custody, but the location became unknown for one father. Therefore, some search efforts were required for 73 fathers: 31 needed to be identified and located and another 42 identified fathers needed to be located. Search activities appear to have been undertaken for 55 of the 73 fathers (75%). As with the mothers, two (2) fathers were known to be outside of the country.

### Identifying other resources

The diligent search activities undertaken for the sample of 135 children produced a list of 1078 individuals as possible resources for 132 children. The individuals identified included parents, siblings, other relatives, and “fictive kin” (individuals with whom the child has a relationship and emotional bond but who are not blood relatives). This represents an average of about eight (8) individual resources or family connections per child. Considering only non-parental resources, a total of 852 individuals were identified creating, an average of about 6 individuals per child. Table IV-3 displays the type and number of non-parental resources identified.

**Table IV-3**  
**Types and Frequency of Individuals Identified as a part of Diligent Search Efforts**  
**n=132**

<b>Types of Individual Resources</b>	<b>Number of resources</b>	<b>Percent</b>
Maternal Relatives excluding mother	523	61%
Paternal relatives excluding father	169	20%
Adult Siblings	53	6%
Fictive Kin	96	11%
Caretakers of minor siblings	1	<1%
Stepparents	8	1%
Adult step-siblings	2	<1%
Total relatives or identified resources other than parents	852	100%
Average number of non-parental resources per child	6	

Source: Case Record Review, July-August 2009.

### Resources contacted

A total of 324 individuals (connected to 119 children) were contacted, representing 38 percent of all the individuals identified. This was almost the same as in Period IV in which 39 percent of the non-parental resources were contacted. Table IV-4 displays the pattern of contacted resources compared to those identified.

In 11 of the 13 cases where it appeared that resources were identified but none were contacted, the documentation did not indicate why the individuals were not contacted. In one instance, the child was placed back with his/her mother within 30 days and in another instance, the resources were outside the country

**Table IV-4**  
**Types and Frequency of Individuals Contacted as a part of Diligent Search Efforts**  
**n=132**

Individual	Total Identified	Total Contacted	Percent of those identified contacted
Maternal Relatives excluding mother	523	181	35%
Paternal relatives excluding father	169	54	32%
Adult Siblings	53	13	25%
Fictive Kin	96	68	71%
Caretakers of minor siblings	1	1	100%
Stepparents	8	5	63%
Adult Step siblings	2	2	100%
<b>Total resources other than the parents</b>	<b>852</b>	<b>324</b>	<b>38%</b>

Source: Case Record Review, July-August 2009

**Placement or visiting resources obtained**

Fifty children (42% of 119) for whom the search included contacting individuals by the 60<sup>th</sup> day had placement, and/or visiting resources within 60 days of entry. Of the 50, 28 were placed with their resource and another 14 had visited with their visiting resources.

**d. Diligent Search Practice Issue: Effective use of SHINES**

The SHINES “Diligent Search” module provides case managers with the capacity to initiate and maintain a running log of all identified individuals connected to a child and how they might be of support to the child or why they are not a suitable resource. The module allows case managers to enter the known contact information for each individual, how the case manager learned of the individual, his/her relationship to the child, and, if the individual was contacted, results of the contact. In addition, case managers can print a report from SHINES that contains all this information. If this capacity is used effectively, it means that supervisors and subsequent case managers have a single place to look for the history and results of on-going efforts to identify and contact people connected to a child. While this technology should provide an advantage over maintaining the same information in a paper filing system, at present, using this capability means duplicate entry of data usually recorded in the SHINES contact narrative field.

The time-consuming nature of duplicate entry may be the reason that case managers are not consistently using this tool to record and consolidate the information they gather about child-connections. For example, case record reviewers found documentation of diligent search efforts in 79 percent of the SHINES diligent search modules compared to finding diligent search activities documented in 91 percent of the contact narratives in SHINES. In addition, where

diligent search results were documented in both places, they were not always the same results. That is, the contact narrative might reflect a case manager's conversation with a relative, but the relative was not listed in the diligent search module. Similarly, the case record reviewers noted that resources were identified in the Comprehensive Child and Family Assessments (CCFAs) but the information was not transferred into SHINES in about 15 percent of the cases.

An important lesson cited by case managers when they reflect on the Permanency Roundtable process (discussed later in this report) is the value of re-contacting previously identified resources to determine if circumstances have changed such that they might now be a permanency resource for a child when they have not been in the past. This has often required current case managers to comb through paper files to determine who has been identified in the past, re-contacting previously identified individuals, or re-initiating a search. Effective use of SHINES could make this process more efficient and potentially produce more timely results.

### ***Outcome 19 – Placement Proximity***

When it is in the best interest of the child for the State to remove the child from his or her home and place him or her in State custody, Outcome 19 defines the acceptable placement proximity as being in a setting within the county or within a 50 mile radius of the home from which the child was removed.<sup>29</sup>

#### **a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 19 performance is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009.

#### **b. State Performance**

- **The State Surpassed the Outcome 19 Threshold.**

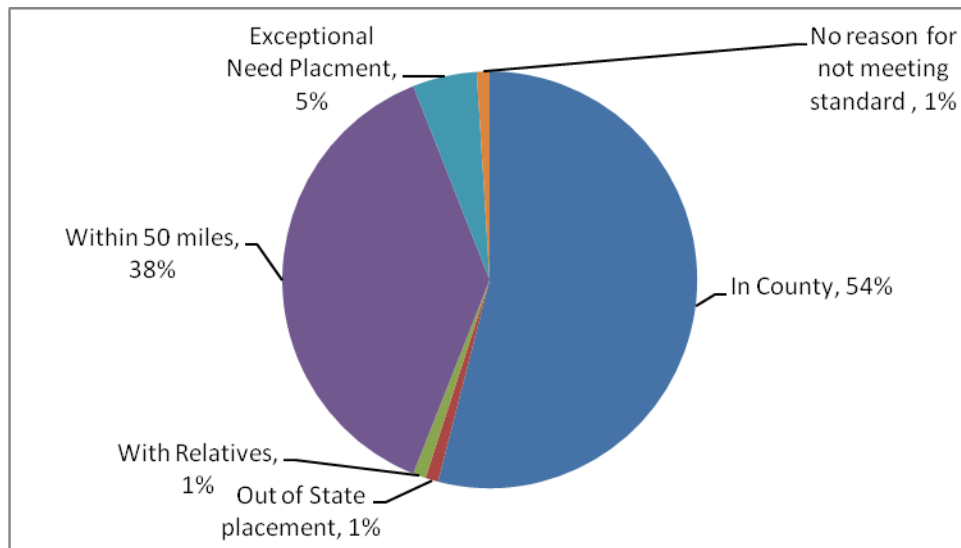
The State placed 179 children (99%) of the 181 children in the sample of children in foster care within the designated proximity to the home from which they were removed or there was an accepted reason for a more distant placement. The Outcome performance threshold is 90 percent. Of the 181 children, 167 (90%) children were placed within the same county as the home from which they were removed or within a 50 mile radius of the home. Of the remaining 14 children (8%), 12 met one or more of the criteria that exempt them from the placement proximity standard. Specifically, nine (9) of the 181 children were placed outside the designated proximity because of their exceptional needs and three (3) were placed with relatives in state or through the Interstate Compact for the Placement of Children requirements. There were no

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<sup>29</sup> See p. 35, Outcome 19, of the Consent Decree.

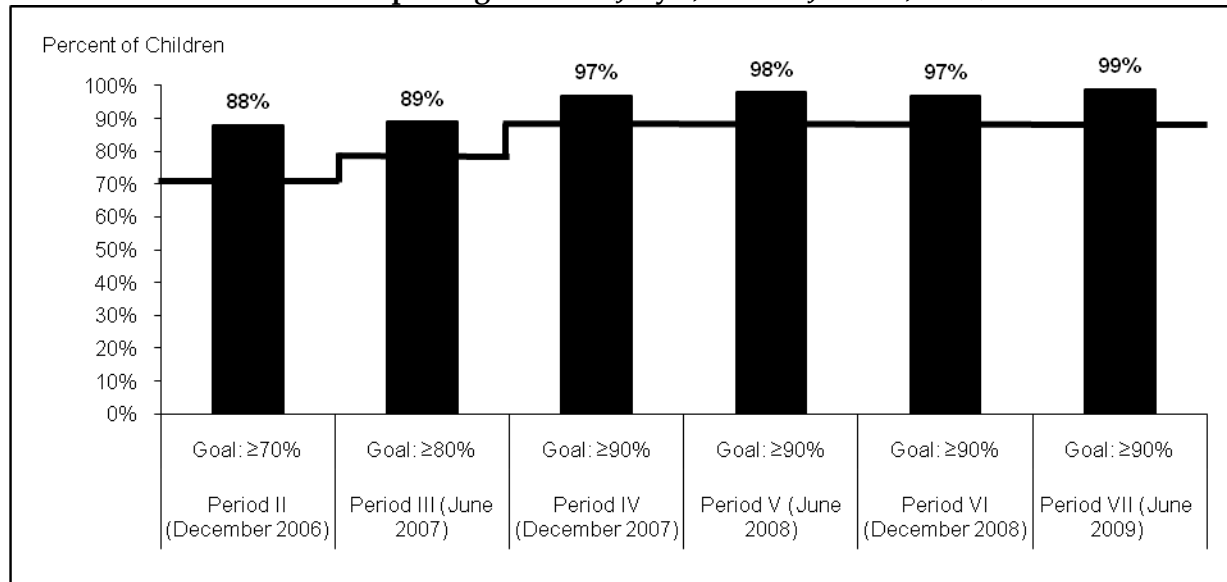
reasons documented as to why two children did not meet the proximity criteria. This performance is about the same as Period VI performance of 97 percent because it is within the statistical margin of error for the sample. The distribution of placements among all 181 children in the sample is displayed in Figure IV-2 below. The State's performance over the six reporting periods to which the Consent Decree standards applied is displayed in Figure IV-3.

**Figure IV-2**  
**Child Placement Proximity to Home of Removal**  
**or Reason for Being Unable to Place Within the Proximity Standards**  
**n=181**



Source: Case Record Review, July-August 2009

**Figure IV-3**  
**State Performance on Outcome 19: Children are in Placements Close to their Homes**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

### ***Outcome 21 – Parent-Child Visitation***

National studies have found that children who have frequent, regular contact their birth parents are more likely to be successfully reunified with them. Outcome 21 seeks to focus efforts on ensuring that appropriate visitation takes place between children and their parent(s)<sup>30</sup> by setting targets for the percent of children who visit with their parents, but there are no stipulations as to timing or visit content.

#### **a. Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 21 is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009. Within the sample of 181 children in foster care, 113 were considered to have the permanency goal of reunification for purposes of measuring parental visitation. However, 12 children were excluded from the analysis for the following reasons:

- six children were living with their reunification resources during the entire six months of the review period or were reunited with parent(s) the first week of January;
- judicial orders did not allow visits between two children and parent(s) during the reporting period;

<sup>30</sup> In some instances, the child was not removed from a parent. In these circumstances, the individual from who they were removed is considered the reunification resource.

- for three children, the location of their parents remained unknown the entire period despite case manager efforts to locate them, thus making visits impossible; and,
- one child was reunified with her parent in less than 60 days, but the child was on runaway status off and on during the 60 days.

As result, 101<sup>31</sup> children were included in the parent-child visitation analysis.

**b. State Performance**

• **The State Surpassed the Outcome 21 Threshold.**

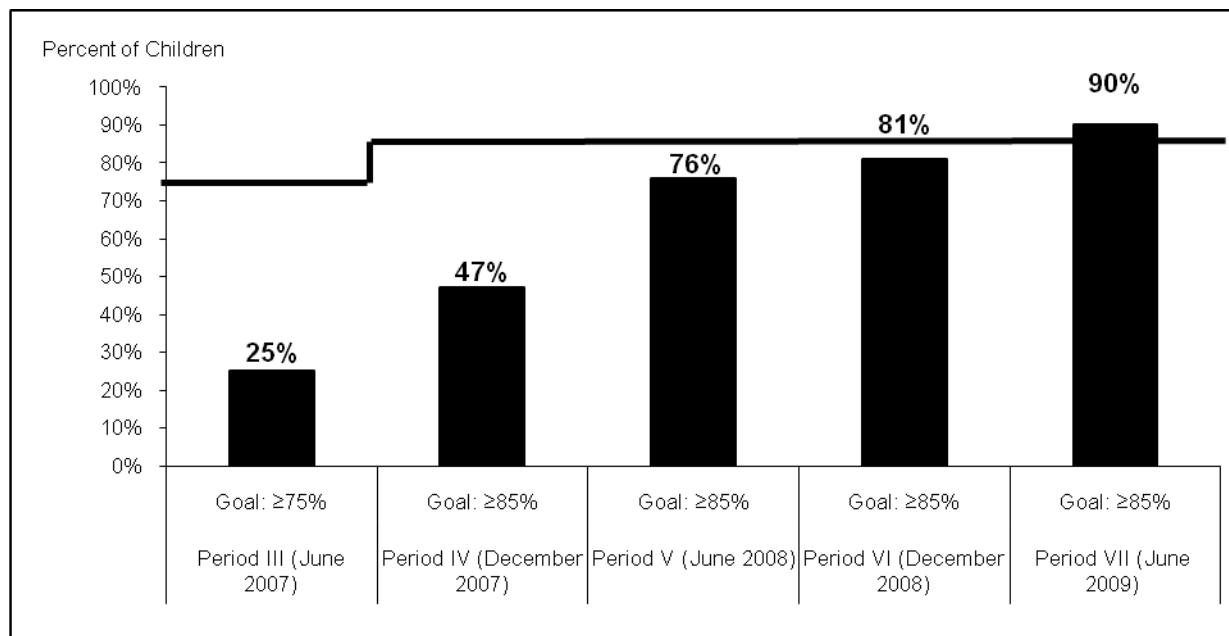
Among the 101 children used in this analysis, 91 (**90%**) had evidence in their records of appropriate visitation to progress toward reunification with their parents or other individuals with whom they are to be reunified.<sup>32</sup> The performance threshold for this outcome is 85 percent. Among the remaining 10 children, three children had sporadic visits and 7 children had no documented visits with their parents. Half of the 10 children had concurrent goals of reunification and live with a relative or adoption. This performance is an improvement over the Period VI performance of 81 percent and is the State's best performance thus far; however it is within the statistical margin of error for the sample. Figure IV-4 displays the State's performance over the five reporting periods to which the Consent Decree standards applied.

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<sup>31</sup>Conclusions drawn from the subsample of 101 children used in this analysis are subject to a margin of error of  $\pm$  10 percent. Actual parent-child visitation may be 10 percentage points higher or lower than the reported 90 percent.

<sup>32</sup> See Appendix B for a discussion of how "appropriate visitation" was determined.

**Figure IV-4**  
**State Performance on Outcome 21: Children are Appropriately Visiting with their Parent(s)**  
**to Progress Toward Reunification**  
**Five Reporting Periods (January 1, 2007 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

### ***Outcome 16– Sibling Placement and Outcome 23 - Sibling Visitation***

The Consent Decree stipulates a sibling placement standard<sup>33</sup> that intends to keep siblings connected and establishes two performance outcomes. Outcome 16 requires at least 80 percent of all foster children entering care with one or more siblings to be placed with their siblings. Outcome 23 expects 80 percent of the children in foster care who have siblings in separate placements to visit with their separated siblings at least once a month each and every month for the previous 12 months, or every month they have been in custody if less than 12 months.<sup>34</sup> Because these Outcomes both focus on sibling connections, they are reported on together.

- **Outcome 16: Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. The analysis relied on SHINES data.

<sup>33</sup> See p. 16, paragraph 5C.4.d of the Consent Decree.

<sup>34</sup> See p.36, Outcome 23, in the Consent Decree.



Among the 561 children who entered during Period VII, 260(46%) did not appear to have entered custody with a sibling. All remaining 301 children (54%) entered on the same day with one or more siblings. Of the 301 children, there were 13 children (6%) who were separated from one or more of their siblings because of special needs. The circumstances of these 13 children are as follows:

- Four (4) children were medically fragile or physically injured and required hospitalization or placement settings that could provide the necessary care.
- Three (3) youth were pregnant or parenting and required appropriately supportive placement settings that could help ensure a healthy pregnancy or help keep mothers and children together.
- Two (2) children had behavioral conditions that required therapeutic treatment (one child had a history of sexually assaulting his sibling.)
- Four (4) children were the single remaining sibling of one of the above children.

The placement arrangements of the remaining 288 children were used to measure the Outcome 16 performance.

**b. Outcome 16: State Performance**

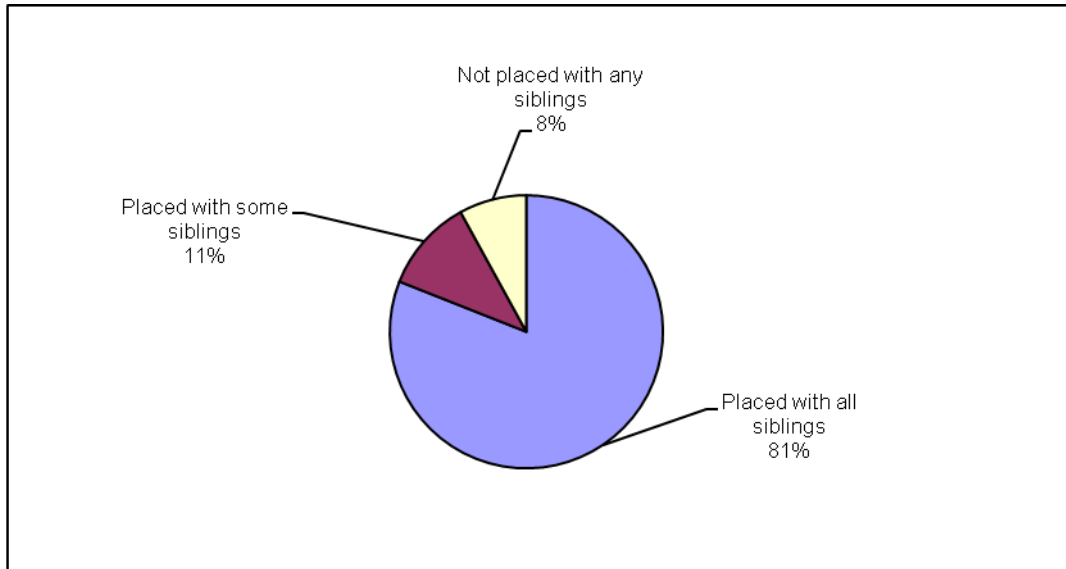
- **The State Surpassed the Outcome 16 Threshold.**

Of the 288 children who entered custody with one or more siblings in Period VII and did not have a special placement need, 232 children (81%) were placed with all of their siblings.<sup>35</sup> As previously noted, Outcome 16 requires at least 80 percent be placed with all siblings. Another 32 children (11%) were placed with some of their siblings and 24 children (8%) were not placed with any of their siblings by June 30, 2009. This is an improvement from Period VI, when 79 percent of the children who entered with a sibling were placed with all their siblings and is the best Outcome 16 performance measured thus far. Figure IV-5 illustrates the sibling placement pattern in Period VII and Figure IV-6 displays the State's performance over the four reporting periods to which the Consent Decree standard applied.

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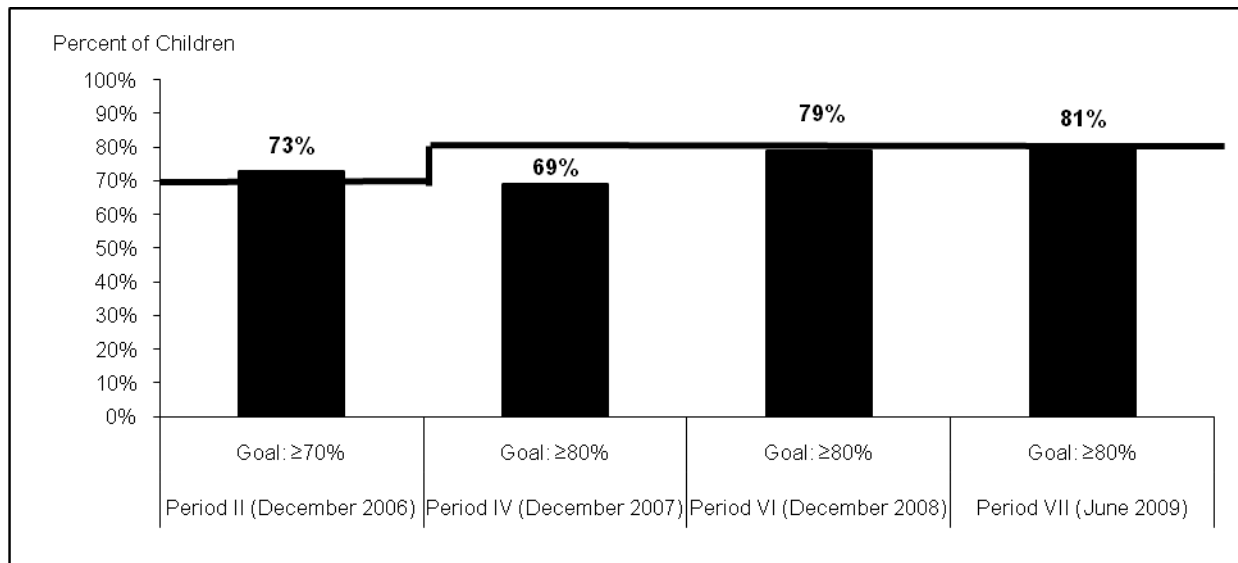
<sup>35</sup> This includes children who were placed with all siblings who did not require a separate setting because of special needs.

**Figure IV-5**  
**Sibling Group Placement for Period VII Foster Care Entries**  
**N=288**



Source: SHINES report, verified.

**Figure IV-6**  
**State Performance on Outcome 16: Sibling Groups are Together in Placements**  
**For Four Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews and SHINES reports

Among the 56 children who were placed with some or none of their siblings, 11 (20% of 56) were actually initially placed together but one or more siblings ran away or the placement disrupted because the caregivers could not work with the children's behaviors. Small and large sibling groups (4 children or more) were split among relatives or foster homes based on age or gender or relationship. In a few cases there was evidence that DFCS was able to successfully reunite siblings in the same placement after the end of the reporting period.

**c. Outcome 23: Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 23 is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009. In the sample of 181 children, there were 54 children who were separated from some or all of their siblings during some or all of the 12 months preceding June 30, 2009 or the date they were discharged. Two children were excluded from the analysis. One child was accused of sexually molesting his siblings and his therapist recommended that he not visit with siblings until he completed his therapy. Another child was in custody less than 30 days and was separated from his siblings less than 10 days. As a result, the analysis for Outcome 23 is based on 52 children.<sup>36</sup>

**d. Outcome 23: State Performance**

- **The State Fell Short of the Outcome 23 Threshold.**

For Outcome 23, the Consent Decree's sibling visitation requirement was met for **26 (50%)** of the 52 children in the sample who had one or more siblings in custody but in separate placements. The outcome performance threshold is 80 percent, and requires that separated siblings visit at least once, each and every month of the previous 12 months during which they were in custody and separated. The 26 children visited with at least one separated sibling each consecutive month for the last 12 months. The State's performance is an improvement from the Period VI proportion of 34 percent, but the change is within the statistical margin of error for the sample. The cumulative proportion of children who had monthly sibling visitation for 11 consecutive months or more (missing only one of the required months) reached 62 percent in Period VII compared to 56 percent in Period VI. Table IV-5 describes the visitation picture captured by the case record review. Figure IV-7 displays the State's Outcome 23 performance over the five of six reporting periods to which the Consent Decree standard applied.<sup>37</sup>

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<sup>36</sup> Conclusions drawn from the subsample of 52 children who were separated from their siblings for all or some of the time they were in care would have a margin of error of at least +/- 13%.

<sup>37</sup> The sibling visitation analysis was slightly different in Period II; therefore there is not a comparable set of data points to include in Figure IV-7.

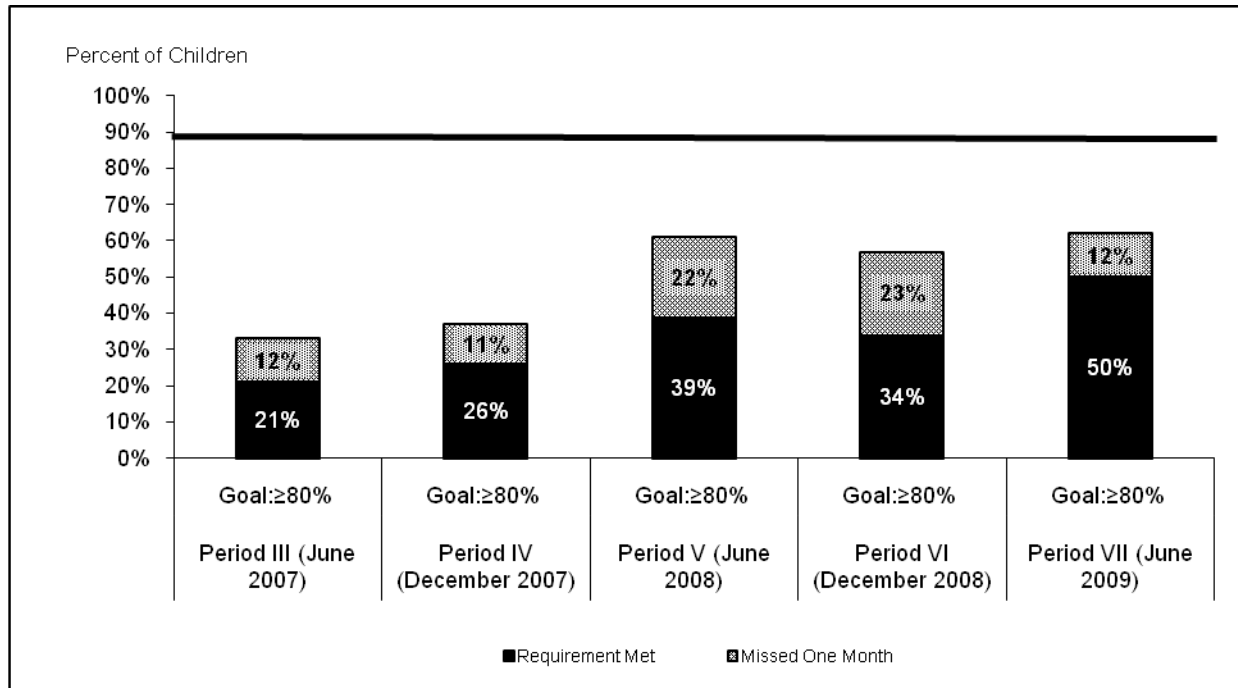
**Table IV-5**  
**Separated Sibling Visitation Pattern for the 12 months\***  
**preceding June 30, 2009 or the last date of DFCS custody**  
**n=52**

<b>Frequency of meeting required visitation</b>	<b>Number</b>	<b>Percent</b>	<b>Cumulative Percent**</b>
Met outcome requirement of monthly visits each month for every month of previous 12 months.	26	50%	
Missed visitation in one of the required months (i.e. equivalent to 11 of 12 months)	6	12%	62%
Did not meet outcome requirement but visited with siblings at least half of the months separated (i.e. the equivalent of 6-10 visits in a 12 month period)	7	13%	75%
Visitation pattern was infrequent and sporadic (i.e. the equivalent of less than 6 visits in a 12 month period)	11	21%	96%
No visits were documented (one youth was in the Newton County jail during the entire review period and had a sibling enter custody in February 2009; there is no documentation as to why the other child was not visiting with siblings.)	2	4%	100%
Total	52	100%	

**Source:** Case record review, August-September 2009.

\*For those children in custody less than 12 months, only the applicable number of months in custody was considered

**Figure IV-7**  
**State Performance on Outcome 23: Siblings Not Placed Together**  
**Have 12\* Consecutive Monthly Visits**  
**For Five Reporting Periods (January 1, 2007 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews and SHINES reports

\*For those children in custody less than 12 months, only the applicable number of months in custody was considered.

## **2. Children Achieve Permanency: Outcomes 4, 8, 9, 10, 11, 14, 15, 27, and 28**

Permanency for a child can be achieved in many ways. Subject to the absolute constraint represented by child safety, the initial focus of child welfare work is always on reunification with the birth parents or other reunification resource. Should that result be unattainable, the state may pursue transferring custody to a relative or adoption by a relative, another family member, or a family specifically recruited for the child. Legal guardianship is also a means of securing permanency for a child. The Consent Decree stipulates another permanency option. This option is designed for a relative who is “willing to assume long-term responsibility for the child but has reasons for not adopting the child or obtaining guardianship or permanent legal custody, and it is in the child’s best interest to remain in the home of the relative rather than be considered for adoption, permanent legal custody, or guardianship by another person.”<sup>38</sup> In these circumstances, the child remains in the custody of the state with the relative committing to the “permanency and stability” of the placement. This is called “*permanent placement with*

<sup>38</sup> See p.3, definition T of the Consent Decree.

relatives". Table IV-6 displays the distribution of children in the sample among the different permanency goals.

**Table IV-6**  
**Permanency Goals of Children**  
**n=181**

<b>Permanency Goal</b>	<b>Number</b>	<b>Percent</b>
Judicially Determined/ Presumed Reunification*	56	31%
Concurrent Goal (Reunification and another goal; or, in some cases, Adoption and another goal)	55	30%
Adoption	27	15%
Guardianship	3	2%
Custody to a Fit and Willing Relative	14	8%
Long Term Foster Care	8	4%
Emancipation	11	6%
No goal documented (child in custody less than 12 months, but case circumstances suggest reunification will not be the goal)	7	4%
Total	181	100%

**Source:** Case Record Review, August- September 2009. \* Presumed re-unification goal for children in care for less than 12 months.

When children exit foster care, it is an expectation of Georgia's child welfare system that the children will have exited to a stable, family care arrangement. In particular, exits to reunification and adoption are intended to be life-long arrangements. The casework done while a child is in custody and the planned aftercare can help ensure these exits remain successful. Unfortunately, circumstances sometimes require children to reenter care to ensure their safety or well-being. Two outcomes, Outcome 4 and Outcome 14, focus on the State's performance in ensuring successful permanency without subsequent re-entry in a year.

#### ***Outcome 4 – Re-Entry into Custody***

In Outcome 4, the Consent Decree establishes a measure of the stability of foster care exits: the percentage of children who re-enter state custody within 12 months of having previously left custody.<sup>39</sup> Outcome 4 sets the same standard as the national outcome established by the U.S. Department of Health and Human Services. However, the national outcome is limited to those children who exit custody specifically to reunification and therefore measures the permanency of reunification, not all permanency exits.<sup>40</sup>

<sup>39</sup> See p 32, Outcome 4, of the Consent Decree.

<sup>40</sup> See discussion of the 15 new outcome measures developed for the second round of the CFSRs in *Child Welfare Outcomes 2002-2005: Report to Congress*, Appendix B, specifically C1.4 Permanency of Reunification at <http://www.acf.hhs.gov/programs/cb/pubs/cwo5/appendix/appendixb.htm>

**a. Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues and the verification process. The measurement of Outcome 4 is based on the entire population of 561 children who entered foster care at any time between January 1 and June 30, 2009. The State used SHINES to produce a report of the children experiencing a re-entry into foster care in Period VII. The data integrity problem caused by duplicate person identification numbers (described in the measurement of Outcome 5 in Part III and the discussion of SHINES in Part VI) appears to have had a minor affect on the measurement of Outcome 4. The reconciliation among a variety of sources (described in detail in Appendix B) helped to minimize an undercount of those children who returned to custody within 12 months in Period VII. However, once the duplicate person ID problem was identified, the Accountability Agents reviewed the full list of all children who have entered custody since the Consent Decree and identified those children who possibly had one or more episodes of foster care in that time frame. In addition, the State generated a report that matched the date of birth of all children who exited care from Fulton and DeKalb with the date of birth of children who re-entered care between January 1 and June 30, 2009 within 12 months of exiting. In a further step to identify possible duplicates, the State also generated a report that matched on social security numbers. Finally the State generated a third report that matched children based on similar name spelling. Based on this effort, the records of all identified children with possible multiple episodes were further examined to determine which children would have counted toward the measurement of Outcome 4 in Period VII. This process also identified adjustments to the previously reported Period VI performance.

**b. State Performance**

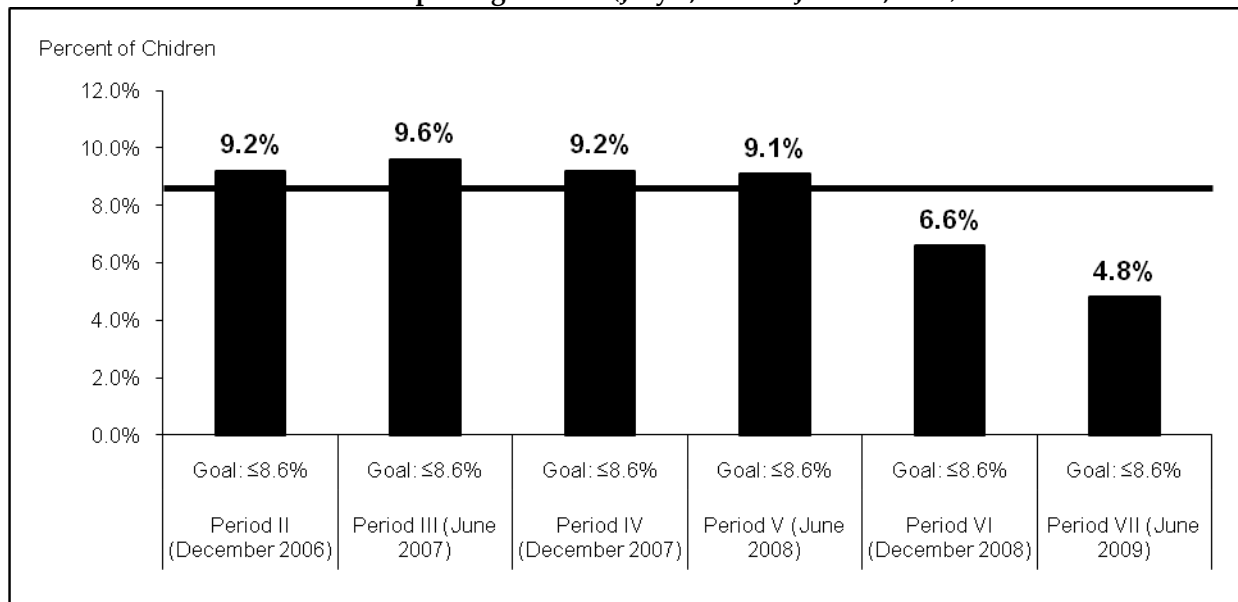
- **The State Surpassed the Outcome 4 Threshold.**

Of the 561 children who entered foster care between January and June 2009, 22 (4.8%) had exited foster care at least once in the 12 months prior to their most recent entry. The outcome performance threshold is no more than 8.6 percent. The State's performance is a significant improvement over the Period VI performance of 6.6<sup>41</sup> percent. Figure IV-8 displays the State's Outcome 4 performance over the six reporting periods to which the Consent Decree standard applied.

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<sup>41</sup> The Period VI Outcome 4 measurement has been adjusted to account for SHINES reporting omissions discovered in Period VII.

**Figure IV-8**  
**State Performance on Outcome 4: Foster Care Re-entry within 12 Months of Previous Exits**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: IDS and SHINES reports

### ***Outcome 14 – Adoption Disruptions within 12 Months of Finalizations***

Outcome 14 focuses on adoptions that fail or are at the brink of failure. Adoption disruptions occur when adoptive parents no longer can or no longer wish to parent the children to whom they made a lifetime commitment or when children are found to be at risk of harm and must be removed from the adoptive home. When a disruption occurs, DFCS works with these families to achieve reunification and prevent dissolution, but the effort is not always successful. The Consent Decree establishes a performance threshold that no more than 5 percent of adoptions finalized during a reporting period shall disrupt within the 12 months subsequent to finalization.<sup>42</sup>

#### **a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 14 is based on the entire population of 53 children who were adopted any time between January 1 and June 30, 2008 (Period V) to allow for the 12 month follow-up period.

<sup>42</sup> See p. 34, Outcome 14, of the Consent Decree



**b. State Performance**

- **The State Surpassed the Outcome 14 Threshold.**

Within the group of 53 children adopted between January and June 2008, no child is known to have re-entered the State's custody by June 30, 2009. The outcome performance threshold is no more than 5 percent. The State has consistently surpassed this outcome in all reporting periods.

***Outcome 8a and 8b – Permanency Exits for Those Children Who Entered DeKalb or Fulton Custody on or After October 27, 2005***

Outcome 8 (parts a and b) relate to children that enter custody after the effective date of the Consent Decree (October 27, 2005). The difference between Outcome 8a and Outcome 8b lies in how they treat three permanency outcomes: adoption, permanent legal custody (live with other relatives), and guardianship. Table IV-7 below summarizes the differences between Outcome 8a and Outcome 8b.

**Table IV-7**  
**Requirements for Outcome 8(a) and (8b)**

Permanency Exit	Outcome 8(a) Timeframe	Outcome 8(b) Timeframe
Reunification	Within 12 months of Entry	
Permanent Placement with Relatives	Within 12 months of Entry	
Permanent Legal Custody	Within 12 months of Entry	Within 24 months of Entry
Adoption	Within 12 months of Entry	Within 24 months of Entry
Guardianship	Within 12 months of Entry	Within 24 months of Entry

To meet the requirements of 8(a), the indicated permanency outcomes must be achieved within 12 months of a child's entering State custody; to meet the requirements of 8(b), the indicated permanency outcomes must be achieved within 24 months of entry. With respect to two other permanency outcomes – reunification and permanent placement with relatives (i.e. living with relatives but remaining in legal custody of the State) – the requirements of 8(a) and 8(b) are identical: to be "counted" toward the Outcome performance requirements, each must be achieved within 12 months of a child's entering State custody.

As a result of the over lapping time frames shown in Table IV-7, Outcome 8b performance is very dependent on Outcome 8a performance. In Period VII, Outcome 8a accounted for 90 percent of the Outcome 8b performance. Given this relationship between the two measures, it will be difficult for the State to achieve the level of performance expected for Outcome 8b without substantially exceeding the expected Outcome 8a level of performance. In other words, it is unlikely that the State will achieve the Outcome 8b performance threshold of 74 percent exiting to the designated permanency circumstances within the designated timeframes

if it does not substantially exceed the Outcome 8a performance threshold of 40 percent exiting within 12 months to the designated permanency circumstances.

**a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 8a and 8b is based on the entire population of children who have entered DFCS custody since October 27, 2005. The data for this outcome was reported by the State from the SHINES system. As with the data verification steps taken for Outcome 4, the Accountability Agents worked with the State to ensure the reliability of the SHINES data. To the extent possible, duplicate records were identified and eliminated; and entry and discharge dates were checked against other available sources such as court orders and case manager case notes.

**b. State Performance**

- **The State Surpassed the Threshold for Outcome 8a and Fell Short of the Threshold for Outcome 8b**

Through June 30, 2009, 5171 children had entered DFCS custody since October 27, 2005. From this cohort of children, 2592 children (50%) exited by June 30, 2009 to live with their parents, other relatives, guardians or new families through adoption within 12 months of entering State custody (Outcome 8a). The performance threshold for 8a is 40 percent. The State's performance on Outcome 8a in Period VII is about the same as it was in Period VI.

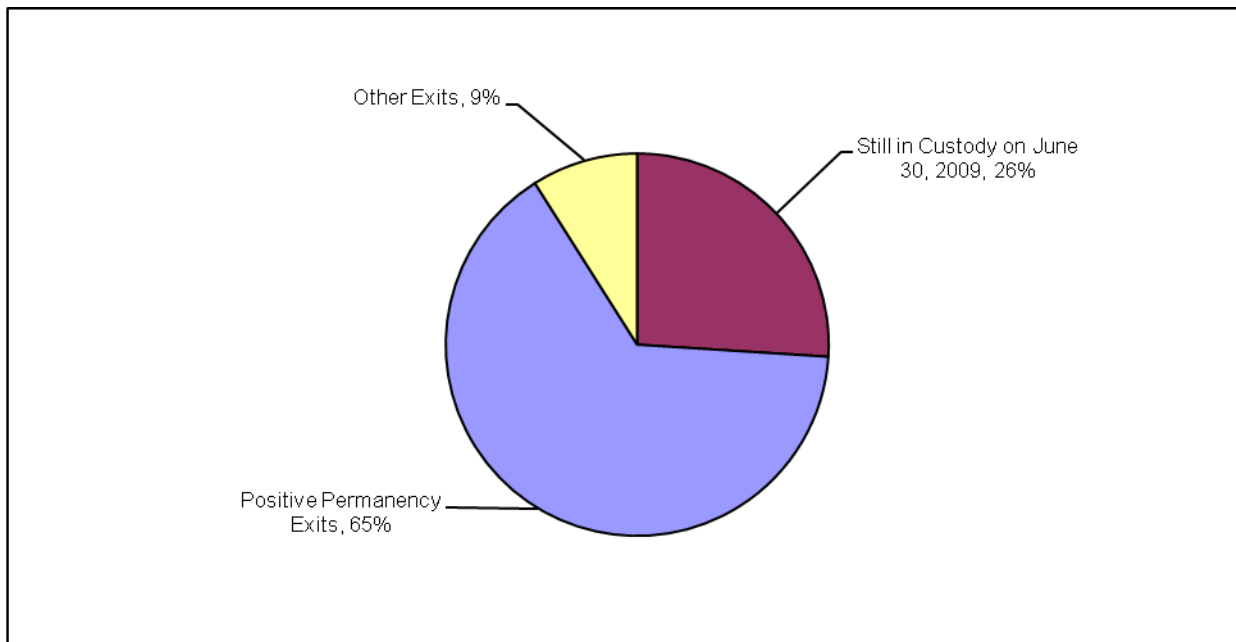
Another 302 children were adopted or exited to the custody of relatives or to legal guardians within 24 months of entering foster care (**Outcome 8b**), bringing the total that exited to the designated permanency arrangements within the time frames specified in the Consent Decree to 2894 or **56 percent** of the total cohort. This matches the Period VI performance and remains short of the Outcome 8b performance threshold of 74 percent.

Table IV-5 provides the distribution of all the children in the Outcome 8 cohort who exited custody by June 2009. An additional 477 children (9% of the cohort) exited to one of the designated permanency arrangements but these exits occurred outside the designated time frames for the outcomes. Although these children cannot be "counted" toward either Outcome 8a or 8b, attending to their need for permanency remains important.

The Accountability Agents continued to observe a decline in the proportion of children who have entered State custody since the Consent Decree and are still in care at the end of Period VII, 26 percent of the Outcome 8 cohort of children remained in custody compared to 30 percent at the end of Period VI and 36 percent at the end of Period V. However, the length of time the remaining children have been in care is increasing. Half the children remaining in the cohort at

the end of Period VII had been in custody 11.5 months. In contrast, half the children remaining in the cohort at the end of Period VI had been in custody for 10 months. Figure IV-9 summarizes the outcomes for all children who have entered State custody on or after the Consent Decree. Table IV-8 provides the performance detail for period VII.

**Figure IV-9**  
**Foster Care Outcomes of 5171 Children Entering Custody since October 27, 2005\***



**Source:** SHINES, and county tracking systems

\*Positive Permanency exits include reunification, adoption, guardianship, permanent legal custody, and permanency placement with relatives. Other exits include emancipation and transfer to other counties or states.

**Table IV-8**  
**Outcome 8**  
**Children Entering DFCS Custody on or after October 27, 2005 Who Exited to Permanency by**  
**June 30, 2009**

	<b>Children who entered custody on or since October 27, 2005</b>	
<b>Number of children in cohort</b>	<b>5171</b>	
Exits as of June 30, 2009	8(a)	8(b)
Reunification within 12 months	2056	2056
Permanent Placement with Relatives within 12 months (still in state custody)	0	0
Permanent Legal Custody within 12 months (live with other relatives in the custody of relatives)	371	371
Permanent Legal Custody within 24 months (live with other relatives in the custody of relatives)	0	157
Adoption within 12 months	6	6
Adoption within 24 months	0	63
Guardianship within 12 months	159	159
Guardianship within 24 months	0	82
<b>Total Exits for Outcome Measurement</b>	2592	2894
<b>Percentage Exiting for Outcome Measurement</b>	<b>50%</b>	<b>56%</b>
Number Exited to Permanency but not in required time frame	477	
Other exits (transfer to other counties, emancipation, etc)	447	
Total number exiting	<b>3818</b>	
<b>Remaining number in cohort on June 30, 2009</b>	1353	
Demographics of those still in DFCS custody at June 30, 2009	Average length of stay: 14.4 months	
	Median length of stay: 11.5 months	
	Average age: 8	
	49%female; 51% male	

**Source:** SHINES, and county tracking systems.

***Outcome 9 – Permanency Exits For Those Children Who Had Been In the Custody of DeKalb or Fulton Custody Up To 24 Months as Of October 27, 2005***

***Outcome 10 - Permanency Exits For Those Children Who Had Been In the Custody of DeKalb or Fulton Custody More Than 24 Months as Of October 27, 2005***

The Consent Decree established two other permanency outcomes, Outcomes 9 and 10, to be achieved with two different cohorts of children who have been in State custody for a particularly long time. Many of these children have lived nearly their entire lives in foster care. Outcome 9 has permanency expectations for the children who had already been in custody up to 24 months when the Consent Decree<sup>43</sup> was finalized in October 2005. Similarly, Outcome 10 has permanency expectations for the children who had been in state custody for 24 months or more when the Consent Decree became effective.<sup>44</sup>

**a. Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 9 and 10 is based on the entire population of children in each of two described cohorts.

**b. State Performance**

**• The State Fell Short of the Outcome 9 Threshold.**

Of 183 children who had been in State custody up to 24 months as of October 27, 2005 and were still in custody on December 31, 2008, 34 children (19%) had positive permanency exits during the period January 1 through June 30, 2009.<sup>45</sup> The performance threshold for this outcome is 40 percent. Another 11 children exited DeKalb and Fulton custody for reasons other than positive permanency during this time period, leaving 140 children from the Outcome 9 cohort still in custody on June 30, 2009. The State's Period VII performance is a decline from the Period VI performance of 21 percent.

In January and February 2009, pursuant to an agreement between the State, Plaintiff's Counsel, and Casey Family Programs, the State undertook a project to improve upon the Period VI performance. As described later in this part, many of the plans developed with outside professional consultation for the children in this cohort took longer than four or five months to fully implement. In fact, the outcomes are not to be measured for 12-24 months after project initiation.<sup>46</sup> Although the project has not yet contributed materially to achievement of the

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<sup>43</sup> See p. 33, Outcome 9, of the Consent Decree

<sup>44</sup> See pp 33 and 34, Outcome 10, of the Consent Decree

<sup>45</sup> "Positive permanency exits" refers to reunification, permanent placement with relatives, permanent legal custody, adoption or guardianship.

<sup>46</sup> See pp.1, *Permanency Roundtable Project Process Evaluation Report*, Care Solutions, Inc. Atlanta, GA. October 2009.

Consent Decree's specific outcome threshold for these children, the implementation of a new strategy has ensured that a spotlight remains on their need for permanency.

As noted in Table IV-6, 48 percent of the 140 children remaining in custody were under the age of 12. The average age is almost 12 years, the average length of stay was slightly over four and half years, and 56 percent of the children were male. In addition, there are 30 sibling groups remaining in this cohort, 9 groups of three to five siblings.

- **The State Fell Short of the Outcome 10 Threshold.**

Of the 161 children who had been in State custody for over 24 months as of October 27, 2005 and remained in custody on December 31, 2008, 16 (10%) exited to positive permanency during the period January 1 through June 30, 2009. Another 15 children exited DeKalb and Fulton custody for reasons other than positive permanency during this time period, leaving 130 children from the Outcome 10 cohort still in custody on June 30, 2009. The State's Period VII performance is a decline from the Period VI performance of 15 percent. The performance threshold for this outcome is 35 percent.

Because so many of the children in this cohort are older and are allowed to veto adoption planning, guardianship and relative custody are often the most viable options for these children. As mentioned above and described more fully later in this part, a collaborative project was initiated in January and February 2009 to pursue guardianship, relative custody, and other permanency strategies for the children in the Outcome 10 cohort in the hope of improving on the Period VI performance. Although the project has not yet produced substantial impact on the State's Outcome 10 performance, the project's outcomes are not to be measured for 12-24 months after project initiation.

As noted in Table IV-9, 22 percent of the 130 children remaining in custody were under the age of 12. The average age of all children in the cohort was about 14 years and the average length of stay was 8.8 years. As with Outcome 9, the majority of children remaining in the Outcome 10 cohort (55%) were male.

**Table IV-9**  
**Outcomes 9 and 10**  
**Remaining Children Who Entered DFCS Custody before October 27 2005 and Who Exited to**  
**Permanency January 1 through June 30, 2009**

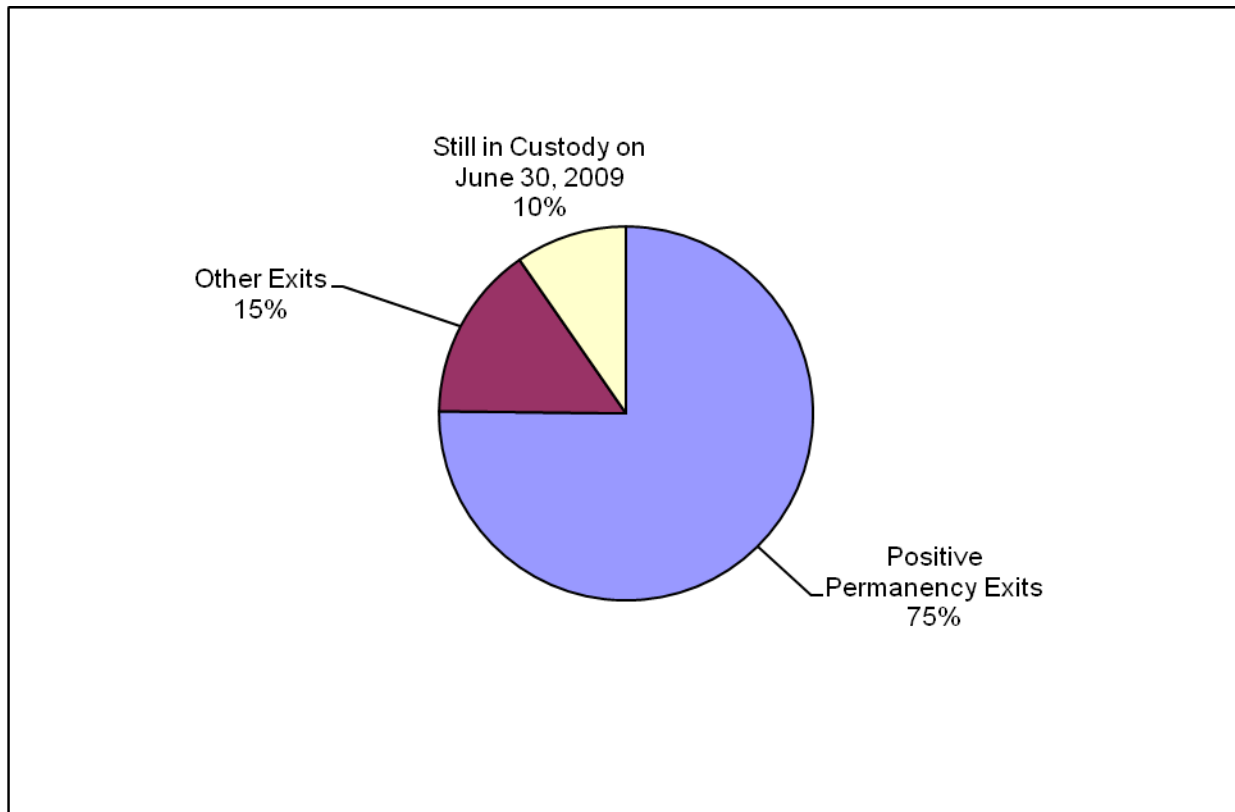
	Cohorts of Children		
	Children in custody for <u>up to</u> 24 months and still in custody on October 27, 2005 (Outcome 9)	Children in custody for <u>more than</u> 24 months and still in custody on October 27, 2005 (Outcome 10)	Total
Number of children in cohort	183	161*	344
Permanency Exits			
Reunification	11	3	14
Adoption	11	6	17
Guardianship	6	5	11
Live with other relative	6	2	8
Permanent Placement with relatives	0	0	0
<b>Total for Outcome Measurement</b>	<b>34</b>	<b>16</b>	<b>50</b>
<b>Percentage exiting for Outcome Measurement</b>	<b>19%</b>	<b>10%</b>	<b>15%</b>
Other exits (transfer to other counties, emancipation, etc)	9	15	24
Total number exits	43	31	74
Remaining number in cohort June 30, 2009	140	130	270
Characteristics of those children remaining in custody on June 30, 2009			
Proportion under the age of 12	48%	22%	
Average length of stay	53.5 months (4.5 years)	106 months (8.8 years)	
Median length of stay	52.5 months (4.4 years)	95 months (7.9 years)	
Average age	12 years	14.3 years	
Percent female	44%	45%	
Percent male	56%	55%	

**Source:** SHINES, and county tracking systems.

\* In preparing the Period VII report, an error in the number of children remaining in Outcome 10 was identified in the Period VI report and corrected here. The correction does not affect Period VI performance.

Figures IV-10 and IV-11 summarize the State's performance on Outcome 9 and Outcome 10, respectively. These figures reflect the State's cumulative progress with these two groups of children.

**Figure IV-10**  
**Outcome 9**  
**Foster Care Outcomes of 1450 Children in Custody Up To 24 Months Before**  
**October 27, 2005\***

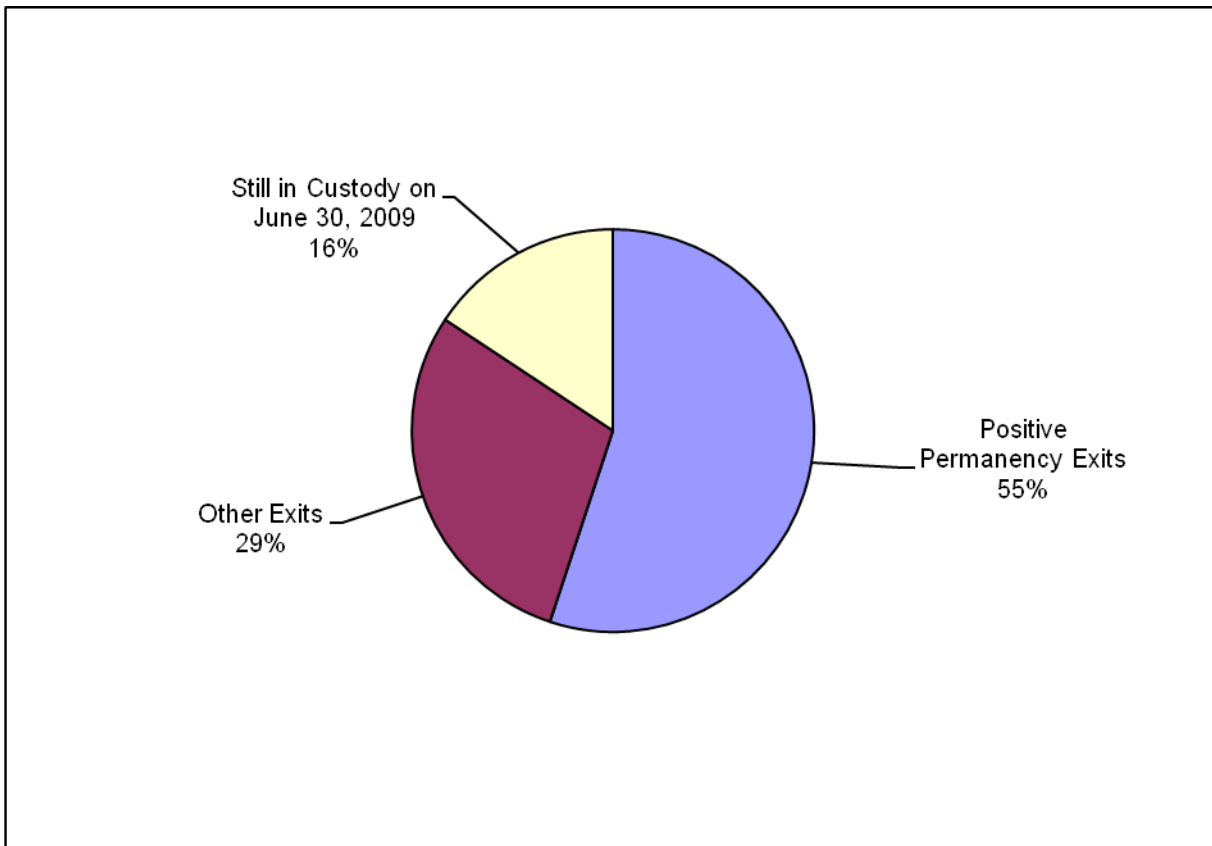


Source: SHINES, IDS

\*Positive Permanency exits include reunification, adoption, guardianship, permanent legal custody, and permanency placement with relatives. Other exits include emancipation and transfer to other counties or states.



**Figure IV-11**  
**Outcome 10**  
**Foster Care Outcomes of 828 Children Entering Custody More than 24 Months Before**  
**October 27, 2005\***



Source: SHINES, IDS

\*Positive Permanency exits include reunification, adoption, guardianship, permanent legal custody, and permanency placement with relatives. Other exits include emancipation and transfer to other counties or states.

### c. State Improvement Strategies

In an attempt to accelerate permanency for those children remaining in custody in the two cohorts of longest staying children, the state implemented a “Permanency Project” in Period VII. The state designed and implemented the strategies in partnership with Casey Family Programs, a private foundation dedicated to improving and ultimately preventing the need for foster care.<sup>47</sup> The project has two phases. The first phase, referred to as “Permanency Roundtables” was initiated in December 2008 with a state-wide training session with full implementation beginning in January 2009 and ending in February 2009. The permanency

<sup>47</sup> For more information about Casey Family Programs go to [www.casey.org](http://www.casey.org).

roundtables were designed to provide professional case consultation to case managers and supervisors on each child's case. The roundtables provide an intentional strategy of "reflective practice." This is an approach to reviewing the results that are being achieved from the services and interventions that are being provided to a child and his/her family and assessing what is working well and what is not and what needs to be changed to expedite permanency. The Roundtable design included a set of simple questions: *What will it take to achieve permanency? What can we try that has been tried before? What can we try that has never been tried? How many things can we do concurrently? How can we engage youth in planning for permanency?*

Approximately 500 cases received the consultation which "encouraged innovative thinking, the application of best practices, and 'permanency barrier busting'"<sup>48</sup> and resulted in a Permanency Action Plan for each child. Most of the subject children were in the custody of DeKalb or Fulton County, but additional cases from around the State were included as a means of extending the learning to other Georgia counties. County child welfare staff considered to be "Master Practitioners," were an integral part of the roundtables as another means to extend the learning. State legal and policy experts participated in the roundtables in person or were available onsite or by phone in order provide immediate guidance about policy or to initiate policy waivers based on case circumstances.

Phase II of the Permanency Project includes tracking the results of the action plans and completing an evaluation of the whole process. An evaluation of the Roundtable Process was prepared by Care Solutions, Inc. and released in October 2009.<sup>49</sup> Although the Accountability Agents have reviewed some of the developed action plans, this evaluation provides an independent review of all components including the action plans.

According to the evaluation, the Roundtables did not recommend changing the permanency goal for 78 percent of the children reviewed, but did recommend new strategies or actions designed to increase the pace of permanency. A typical plan had seven action steps that most commonly addressed the child's well-being, supports for caregivers, and locating and engaging permanency resources.<sup>50</sup>

Barriers identified<sup>51</sup> by the evaluation included:

- Child issues. In nearly two-thirds of the cases reviewed, the child's behavior, social or emotional issues, age, and/or mental health issues were indicated as barriers;
- Family issues. In over one-third of the cases, barriers such as "birth parent's lack of employment, income, and/or housing " or "poor cooperation in working the case plan and ongoing maltreatment" were identified.

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<sup>48</sup> *Georgia Permanency Project Report Phase One: Permanency Roundtables*. Morgan, Linda Jewell. Case Family Programs. Seattle, WA, March 6, 2009.

<sup>49</sup> *Permanency Roundtable Project Process Evaluation Report*, Care Solutions, Inc. Atlanta, GA. October 2009.

<sup>50</sup> Ibid, p.4.

<sup>51</sup> Ibid., p.3-4.

- Lack of a permanency resource or unwillingness of an identified resource to provide permanency was a barrier for nearly one-third of the children.
- System issues. Nearly one-third of the children had some form of system-imposed barrier, most commonly “waiting on a court or legal process.”

Every four to six weeks Master Practitioners in DeKalb and Fulton counties follow-up with case managers and supervisors on the progress of children who were subjects of the Roundtables. Although administrators and staff speak highly of the Roundtables as an opportunity to “think outside the box” and identify necessary policy waivers to fit individual circumstances, very few of the children achieved immediate permanency. Most of the plans that resulted from the Roundtables required some time to implement to ensure a course of action that truly provided permanency. These actions required children being supervised for a period of time after placement with adoptive and guardianship resources, placements out-of-state with relatives, adoption counseling with older youth and other activities. Both counties anticipate more positive permanency exits by the end of 2009 and early 2010. For example, one 8-year old medically fragile child who has been in state custody since January 2002 was placed on adoptive status June 30, 2009. Another 15-year old child who has been in state custody since November 2004 achieved permanency in July 2009 when the foster parent took guardianship. According to one of the Master Practitioners the key to these successes is ongoing follow-up.

### ***Outcome 11 – Adoptions within 12 Months of Termination of Parental Rights***

Outcome 11 applies to all children whose parents’ parental rights were terminated between January 1 and June 30, 2008. Outcome 11 stipulates that 80 percent of these children should have their adoptions or legal guardianships finalized within 12 months of final termination or relinquishment of parental rights.<sup>52</sup> The intent of this outcome is to encourage the movement of children into permanent families as quickly as possible after dissolution of their family of origin. It is similar to one of the national permanency outcomes established by the U.S. Department of Health and Human Services.<sup>53</sup>

#### **a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 11 is based on the entire population of children whose parents had their parental rights terminated any time between January 1 and June 30, 2008.

<sup>52</sup> See p. 34. Outcome 11 of the Consent Decree.

<sup>53</sup> See discussion of the 15 new outcome measures developed for the second round of the CFSRs in *Child Welfare Outcomes 2002-2005: Report to Congress*, Appendix B, specifically C2.5 at <http://www.acf.hhs.gov/programs/cb/pubs/cwo5/appendix/appendixb.htm>

**b. State Performance**

**a. The State Fell Short of the Outcome 11 Threshold**

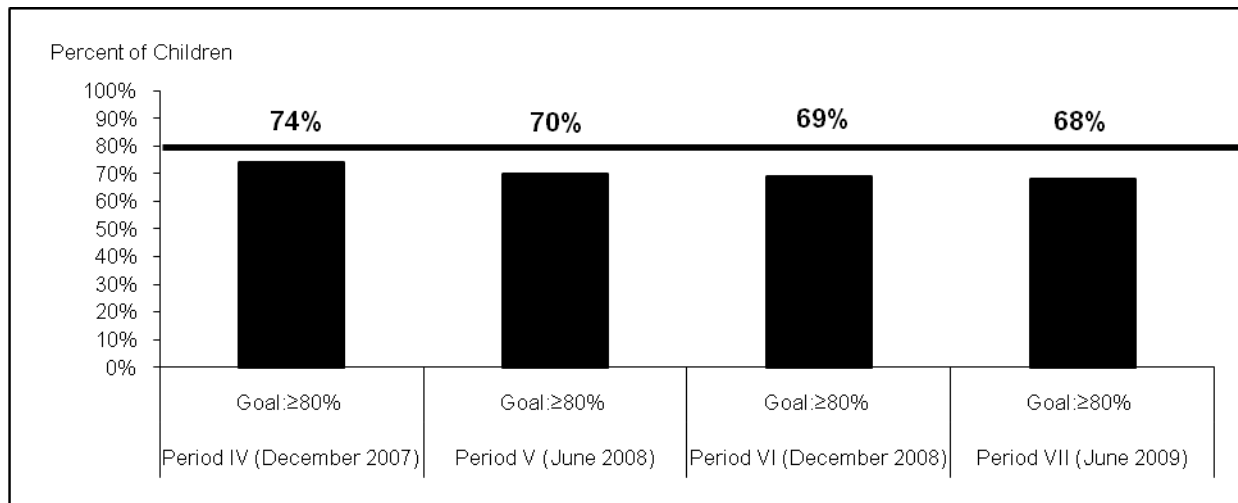
Between January 1 and June 30, 2008, the parental rights of the parents of 50 children were terminated or relinquished. Of these 50 children, 34 (68%) were adopted within 12 months, short of the performance threshold of 80 percent for this outcome. In addition to the 34 children, one youth did receive a guardian within 11 months, but the youth reached age 18 prior to the guardianship. The remaining 15 children (25% of the 50) achieved permanency through adoption or guardianship but not within the specified 12-month time frame. Five of the 15 were adopted or received a guardian within approximately 13 months and 10 had adoptions finalized in approximately 14 to 17 months. Table IV-10 summarizes the data for this Outcome measure. This performance is about the same as the Period VI performance of 69 percent. Figure IV-12 displays the State's Outcome 11 performance for the four reporting periods to which the Consent Decree standard applied.

**Table IV-10**  
**Status as of June 30, 2009 of Children with Parental Rights Terminated between**  
**January 1 and June 30, 2008**  
**N=50**

	<b>Number</b>	<b>Percent</b>	<b>Cumulative Percent</b>
<b>Adoption finalized within 12 months</b>	<b>34</b>	<b>68%</b>	
<b>Guardianship finalized within 12 months, but youth had reached age 18 prior to guardianship</b>	<b>1</b>	<b>2%</b>	<b>70%</b>
<b>Adoption or Guardianship finalized within 13 months</b>	<b>5</b>	<b>10%</b>	<b>80%</b>
<b>Adoption or Guardianship finalized within 14 - 17 months</b>	<b>10</b>	<b>20%</b>	<b>100%</b>
<b>Total</b>	<b>50</b>	<b>100%</b>	

Source: State reporting from IDS and SHINES.

**Figure IV-12**  
**State Performance on Outcome 11: Children are Adopted within 12 months of Parental Rights Termination**  
**Four Reporting Periods (July 1, 2007 to June 30, 2009)**



Source: State reporting from IDS and SHINES.

### ***Outcome 15 – Permanency Actions for Children Reaching Their 15th Month in Custody of Most Recent 22 Months***

To reduce the number of children who experience long foster care stays, Federal law requires states to file for termination of parental rights when a child has been in care for 15 cumulative months of the previous 22 months. There are three exceptions to this requirement. They are:

- The child is being cared for by a relative;
- The state has documented a “compelling reason” that filing a petition to terminate would not serve the child’s best interests; or
- The state has not made “reasonable efforts” to reunify the family.<sup>54</sup>

Furthermore, Federal regulations state and DFCS policy advises, that a “compelling reason” must be based on the individual case circumstances guided by what is in the best interest of the child.<sup>55</sup> Examples of compelling reasons provided in Federal regulations include:

- Adoption is not the appropriate permanency goal for the child;
- No grounds to file a petition to terminate parental rights exist; and,
- The child is an unaccompanied refugee minor.<sup>56</sup>

<sup>54</sup> Adoption and Safe Families Act, see also Social Services Manual Chapter 1000, Section 1002.7, Georgia Department of Human Resources

<sup>55</sup> See Social Services Manual, Section 1002.12.3, 1002.17, and 1013.11 Georgia Department of Human Resources

<sup>56</sup> See the website [http://ncsconline.org/WC/FAQs/Print/Prt\\_TermPRFAQ.htm](http://ncsconline.org/WC/FAQs/Print/Prt_TermPRFAQ.htm)

DFCS policy offers these additional examples:

- The child is 14 (or older), has been counseled about the decision and its ramifications, and maintains his/her objection to being adopted;
- The child is in a residential treatment facility where his/her therapeutic needs are being met; adoption is unlikely or undesirable at a given time; and,
- The child has spent a significant portion of his life in the home of his parents and has a positive and meaningful attachment to them.

The Consent Decree Outcome 15 stipulates that by Period IV (December 2007), 95 percent of children who reach their 15<sup>th</sup> month in care will have had either 1) a petition for the termination of parental rights filed as to both parents or legal caregivers, as applicable, or 2) documented compelling reasons in the case record as to why such action is not in the best interest of the child.<sup>57</sup>

**a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 15 is based on the entire population of children who had reached or were beyond their 15<sup>th</sup> month in custody out of the previous 22 months in Period VII. As in previous periods, the Accountability Agents reviewed the compelling reason provided from the case file for each child and compared it to past information. Information from the Period VII case records of the 181 children in the foster care sample was compared to the information provided by the counties as another means of verifying the report provided by the counties. In reporting Outcome 15 for Period VII, the counties piloted a new classification system of compelling reasons or other exemptions from moving to termination of parental rights.<sup>58</sup> The new classifications used by both counties are as follows:

1. There is a permanency goal of return home, approved by the Court and the child is expected to be reunited with parents within 6 months.
2. The child is a specified age (14) or older and objects to being adopted.
3. The child has severe emotional or behavioral problems or a serious medical condition and reunification remains an appropriate goal.
4. The child has a permanency goal other than adoption and is expected to achieve that goal within 12 months of establishing the goal.
5. Parents are deceased, or have voluntarily relinquished rights.
6. A petition for adoption has been filed with the Court.
7. The parent is terminally ill, does not want parental rights terminated and has designated the child's present caretaker, with the caretaker's agreement, as the child's permanent

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<sup>57</sup> See p 34, Outcome 15, of the Consent Decree.

<sup>58</sup> Adapted from *Criteria and Procedures for Determining a "Compelling Reason" Not to File A TPR*, Discussion Paper and Approved Recommendations prepared for the Child Welfare Leadership Team of the District of Columbia by the Center for the Study of Social Policy, Washington D.C., March 2005.

caretaker.

8. The child is an unaccompanied refugee minor as defined in 45 Code of Federal Regulations 400.11.
9. There are no or insufficient legal grounds for filing a TPR because required reasonable efforts have not been made.
10. There are international legal obligations or compelling foreign policy reasons that would preclude terminating parental rights.
11. Other circumstances make termination of parental rights at this time inappropriate.

During Period VII, there were 1165 children who had reached or surpassed their 15 month in custody out of the last 22 months. Although 289 of these children were discharged by the end of the reporting period, they were included in the analysis. A portion of children were excluded from the Outcome 15 performance measurement based on the exceptions identified in Federal law: 173 children were in relative placement settings and 2 children for whom the Court had determined the State had not made reasonable efforts to reunify with their families.

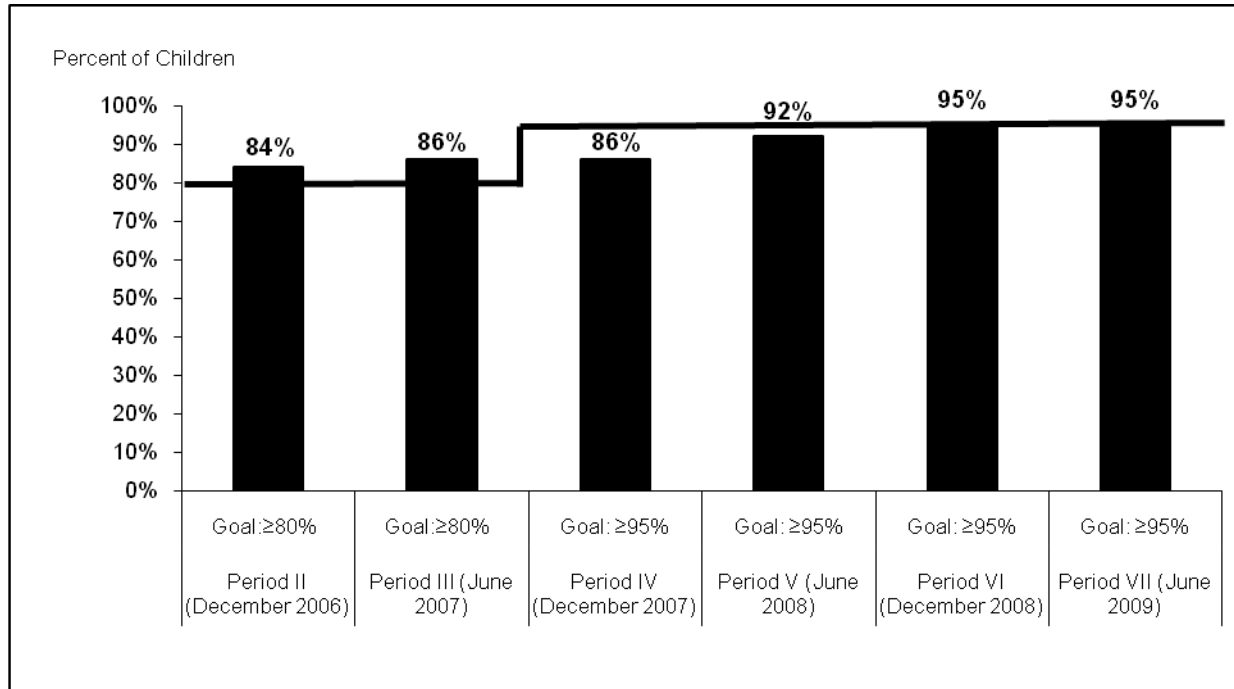
The data integrity problem resulting from duplicate person identification numbers (described in the measurement of Outcome 5 in Part III and the discussion of SHINES in Part VI) had a minor affect on the measurement of Outcome 15. Once the duplicate ID problem was identified, the Accountability Agents and the State employed the same process previously discussed for Outcome 4 measurement. The records of children with multiple foster care episodes were further examined to determine which, if any, children would have been in care 15 months or more when their episodes were combined. Three children were identified through this process and added to the analysis.

#### **b. State Performance**

- **The State Met Outcome 15 Threshold**

By June 30, 2009, **95 percent** of the children in care 15 of the previous 22 months were legally free to be adopted or the State had filed to terminate parental rights or documented compelling reasons why it had not taken such action. This is the same performance as in Period VI. Figure IV-13 displays the State's performance on Outcome 15 for the six reporting periods to which the Consent Decree standards applied. Table IV-11 summarizes the different components of the counties' Period VII performance as analyzed from the data in their tracking systems.

**Figure IV-13**  
**State Performance on Outcome 15: Children in Care 15 of the Previous 22 Months have**  
**Petitions for Terminating Parental Rights**  
**or a Compelling Reason Not to Terminate Parental Rights**  
**For Six Reporting Periods of (July 1, 2006 to June 30, 2009)**



Source: County data, verified.



**Table IV-11**  
**Status of Children Who Had Been in DFCS Custody 15 of the previous 22 months**  
**As of June 30, 2009**

Category		Total		
		Number	Percent	Cumulative
Children who reached or surpassed their 15 <sup>th</sup> month in custody in the last 22 months between January 1 through June 30, 2009.*		1165		
Excepted subpopulation (s):				
<i>Children placed with relatives</i>		173		
<i>The State has not made reasonable efforts to reunify the family</i>		2		
<b>Number of Children for Outcome 15 Measurement</b>		<b>990</b>		
Parental Rights of Both Parents have been terminated or relinquished.		306	31%	
DFCS has filed a petition to complete the termination of the parental rights of both parents where applicable.		121	12%	43%
There is a documented compelling reason for not terminating parental rights.		517	52%	95%
<b>Reasons cited</b>	<b>Number</b>			
There is a permanency goal of return home, approved by the Court and the child is expected to be reunited with parents within 6 months.	204			
The child is a specified age (14) or older and objects to being adopted.	115			
The child has severe emotional or behavioral problems or a serious medical condition and reunification remains an appropriate goal.	66			
The child has a permanency goal other than adoption and is expected to achieve that goal within 12 months of establishing the goal.	115			
Parents are deceased, or have voluntarily relinquished rights.	7			
The child is an unaccompanied refugee minor as defined in 45 Code of Federal Regulations 400.11.	4			
There are international legal obligations or compelling foreign policy reasons that would preclude terminating parental rights.	5			
Other circumstances.	1			
There is no documented Compelling Reason not to file a petition to terminate parental rights.		31	3%	98%
There are plans to terminate parental rights, but a petition had not yet been filed as of June 30, 2009 or date of discharge.		15	2%	100%

**Source:** SHINES and County tracking systems; \*289 children were discharged from this pool during Period VII;

### ***Outcome 27 – Timely Semi-annual Judicial or Administrative Case Plan Reviews***

Children are expected to have case plans developed within 30 days of entering State custody. According to State policy and the Consent Decree, case plans are to be initially reviewed by the court or designated panel within six months and every six months in custody thereafter.<sup>59</sup> Outcome 27 stipulates that at least 85 percent of the children are to have timely semi-annual reviews of their case plan.

- **Interpretation and Measurement Issues**

There were no interpretation or measurement issues in Period VII. The measurement of Outcome 27 is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009. The outcome 27 analysis was applicable to 138 children who had been in custody six months or more. This represents 76 percent of the sample of 181 children in foster care.<sup>60</sup>

- b. State Performance**

- **The State Fell Short of the Outcome 27 Threshold**

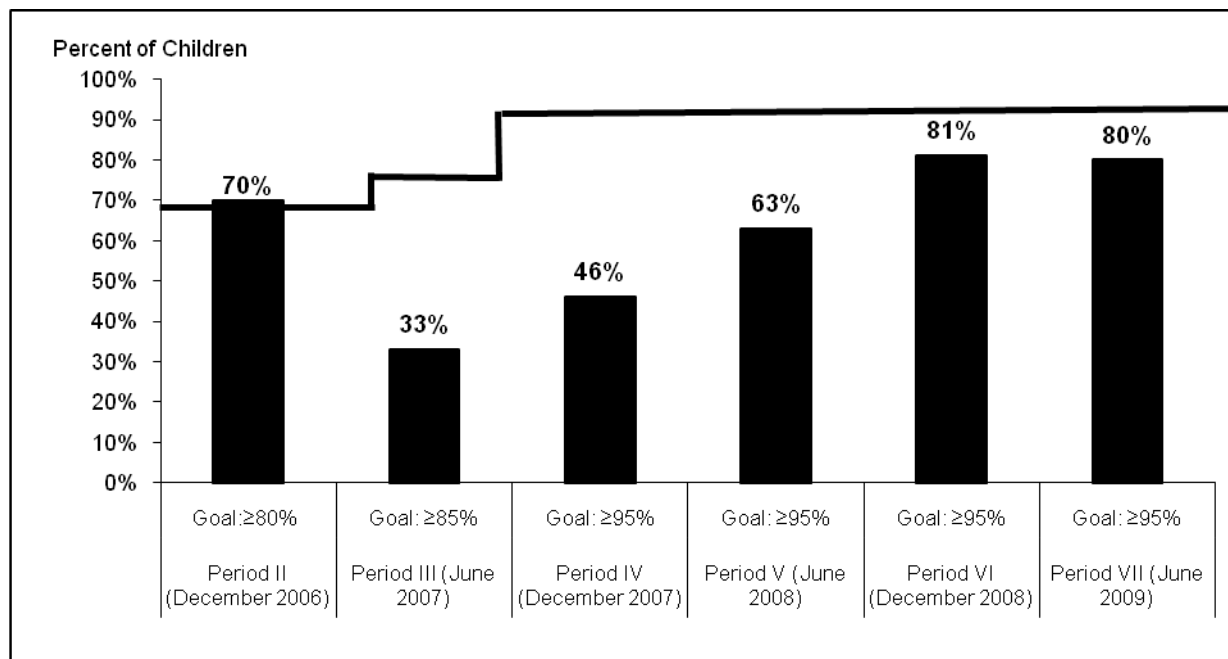
Case file documentation indicates that 111 children (80%) of the 138 children in the foster care sample in custody for six months or more had documented timely case plan reviews completed by the Juvenile Court or Juvenile Court Review Panel (JCRP) or a timely request for review by June 30, 2009. This performance is about the same as the Period VI performance of 81 percent, as the difference is within the statistical margin of error for the sample. The Outcome 27 performance threshold is 95 percent. Another 12 children (9%) had a plan reviewed but not within six months of entry or the previous case plan review and 12 children (9%) had one review in the 12 months between July 1, 2008 and June 30, 2009. Three (3) of the 138 children (2%) due one or more reviews had no documentation of a plan review in the period. The first review for two of the three was due in Period VII. Figure IV-14 displays the State's performance for the six reporting periods to which the Consent Decree standards applied.

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<sup>59</sup> See p. 7, paragraphs 4A.4 and pp. 7-8, paragraphs 4B.1-6, and p. 37, Outcome 27, of the Consent Decree.

<sup>60</sup> Conclusions drawn from the 138 would be subject to a margin of error of  $\pm 8$  percent.

**Figure IV-14**  
**State Performance on Outcome 27: Timely Semi-Annual Judicial/Citizen Panel Case Reviews**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

In total, the plans of 133 children in the foster care sample (98%) who had been in custody at least six months received a review by either the Juvenile Court or the JCRP sometime between July 1, 2008 and June 30, 2009. These included the reviews considered timely for Outcome 27 as well as those that were not timely. Two (2) reviews were held for children who had not yet been in custody six months. These 135 reviews were used to provide information about aspects of the review process. Among the 135 reviews, DFCS sought a permanency plan change for 21 children (16%). There were court orders documenting Court approval for 73 (54%) of the 135 plans reviewed. Approval of the remaining plans could not be confirmed because there were no subsequent court orders indicating approval or rejection of the plans by the court. Table IV-9 provides information documented in the case files regarding the 135 most recent six-month reviews occurring between July 2008 and June 2009.

**Table IV-12**  
**Characteristics of Six-month Case Reviews**  
**n=135**

(most recent plans reviewed between July 2008-June 2009)

Characteristic			Number	Percent
<b>Participants</b>				
Birth Mother			60	44%
Birth Father			12	9%
Child			26	19%
Relative caregivers/ Extended Family Members			34	25%
Foster parents/placement providers			49	36%
DFCS case manager			117	87%
DFCS supervisor			13	10%
Other DFCS representative			4	3%
CCFA provider			1	1%
Private agency case manager			20	15%
Medical and mental health professionals			7	5%
Parents' attorney(s)			25	19%
SAAG (State Assistant Attorney General)			51	38%
Child's advocate			86	64%
<b>Elements Evaluated/Considered</b>				
Necessity and appropriateness of child's placement			102	76%
Reasonable efforts made to obtain permanency			104	77%
Degree of compliance with specific goals and action steps			95	70%
Progress made in improving conditions that caused removal			69	51%
Changes that need to be made to plan			23	17%
County recommendations			8	6%
Parent recommendations			4	3%
<b>JCRP conducted review (percentage based on n=135)</b>			76	56%
Total JCRP reports submitted (percentage based on n=76)	67	88%		
Number of reports with Panel findings (percentage based on n=67)	66	99%		
Number of reports with Panel recommendations (percentage based on n=67)	66	99%		
Number of reports with County findings (percentage based on n=67)	52	78%		
Number of reports with County recommendations (percentage based on n=67)	50	75%		
<b>Court conducted review (percentage based on n=135)</b>			59	44%
<b>Plan adopted by Juvenile Court (percentage based on n=135)</b>			73	54%

Source: Case Record Review, August-September 2009

## ***Outcome 28 – Timely Annual Judicial Permanency Reviews***

According to Federal and State policy and the Consent Decree, children are expected to have a judicial permanency hearing at least every 12 months they are in custody.<sup>61</sup> These hearings are held to determine whether the State is making reasonable efforts to help children achieve permanency.

### **a. Interpretation and Measurement Issues**

There were no interpretation or measurement issues in Period VI. The measurement of Outcome 27 performance is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009. The outcome 28 analysis was applicable to 95 children (52%) in the sample of 181 who had been in custody 12 months or more.<sup>62</sup>

### **b. State Performance**

#### **• The State Met Outcome 28 Threshold**

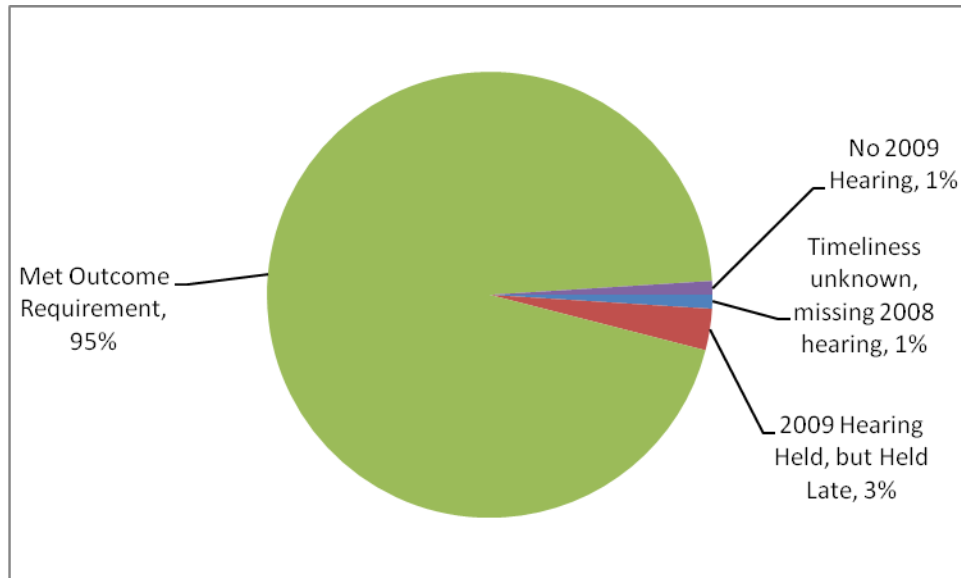
For Outcome 28, 90 children (95%) of the 95 foster children in the sample who were in custody for 12 or more months had timely permanency hearings held by the Juvenile Court or a timely request for a hearing when the 12 months had expired in Period VII. This is a substantial improvement from Period VI performance of 81 percent and the observed change is greater than the subsample's statistical margin of error. The performance threshold for Outcome 28 is 95 percent. During Period VII, 88 children had had a permanency hearing within 12 months of entry or the previous twelve-month permanency hearing. Another two children had timely petitions for permanency hearings but continuances delayed the hearings. Among the remaining five children who did not appear to have a timely permanency hearing or a petition, two children had a hearing within 13 months. The timeliness of the hearings could not be established for one child because there was insufficient documentation about 2008 hearings; and the permanency hearings for two children were overdue as of June 30, 2009. Figure IV-15 illustrates the proportion of records in each category. Figure IV-16 illustrates the State's performance for this Outcome over the six reporting periods to which the Consent Decree standard applied.

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<sup>61</sup> See p. 9, paragraph 4B.10, and p.37, Outcome 28, of the Consent Decree.

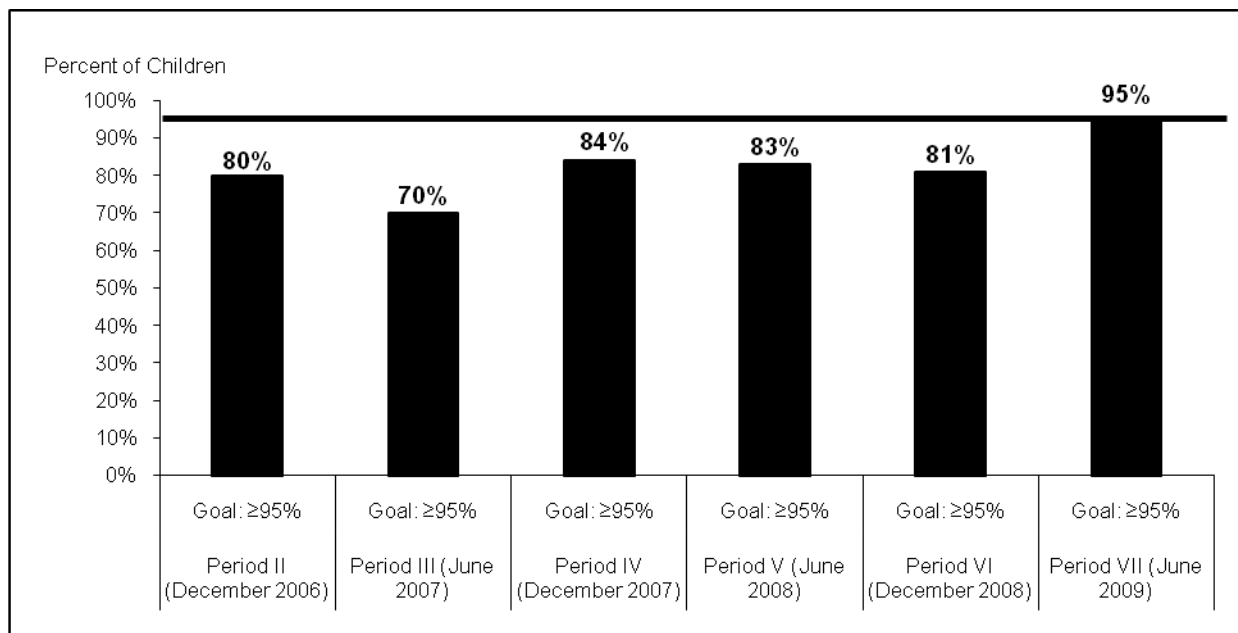
<sup>62</sup> Conclusions drawn from the subsample of 95 children are subject to a margin of error of  $\pm 10$  percent.

**Figure IV-15**  
**Timeliness of Permanency Hearings**  
**n=95**



Source Case Record Review, August-September 2009

**Figure IV-16**  
**State Performance on Outcome 28: Timely Permanency Hearings**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

## ***B. Other Practice and Process Requirements for Helping Children Achieve Permanency***

Placement with relatives has been demonstrated to help children have placement stability<sup>63</sup> and placement stability contributes to children achieving permanency. In addition, DFCS policy and the Consent Decree requirements establish several guidelines for practice to help children achieve permanency. These requirements include regular parental visitation with children who have the permanency goal of reunification;<sup>64</sup> internal DFCS permanency reviews for children who reach their 13<sup>th</sup> month in custody, and county-state staffings for children who reach their 25<sup>th</sup> month in custody.<sup>65</sup>

### **1. Placement with Relatives**

Of the 181 children in the foster care sample, 41 (23%) were placed with relatives on June 30, 2009 or the last date the children were in custody. Children placed with family were in a combination of relative homes, relative homes licensed and reimbursed for foster care, and with their parents.

### **2. DFCS Permanency Reviews at the 13<sup>th</sup> or 25<sup>th</sup> month in custody.**

#### **a. 13<sup>th</sup> month Permanency Reviews**

The State reports that regularly scheduled reviews of progress toward permanency take place in each county for children who reach their 13<sup>th</sup> month in care. Staffings are held for those cases where the review team does not concur with the permanency plan or there is a belief that the plan would benefit from more discussion and additional actions.

Table IV-13 summarizes some of the characteristics of the 13<sup>th</sup> month permanency review practice as reported by the State.<sup>66</sup> Based on the State's own tracking and reconciliation, all children received a timely 13<sup>th</sup> month permanency review between January and June 2009. A total of 240 cases were reviewed during Period VII. Key findings from state-tabulated data include the following:

- The proportion of cases in which the State reviewers concurred with the county permanency plan increased in Period VII as the reviewers concurred with 80 percent of the case plans compared to 67 percent in Period VI.
- Overall, 85 cases (44%) received subsequent staffings with the counties.
- The proportion of cases with current case plans has continued to increase with 87

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<sup>63</sup> Zinn, Andrew, DeCoursey, Jan, Goerge, Robert M., Courtney, Mark E. *A Study of Placement Stability in Illinois*, Chapin Hall Center for Children, 2006.

<sup>64</sup> See p 6, paragraph 4A.6vi, of the Consent Decree for visitation planning in Family Team Meetings. Visitation schedules are also an element of DFCS case planning.

<sup>65</sup> See p. 9-10, paragraphs 4C.1-5, of the Consent Decree.

<sup>66</sup> The information was not independently verified by the Accountability Agents.

percent of 240 cases in Period VII having current case plans compared to 80 percent in period VI.

- The practice of convening a Family Team Meeting (see Table IV-14) before a review appears to have improved considerably, however there is still opportunity for further improvement. In Period VII, 63 percent of the 238 cases in which FTMs were applicable<sup>67</sup> had Family Team Meetings within 90 days of the 13<sup>th</sup> month review and in Period VI, 39 percent had had such meetings.

**Table IV-13**  
**13<sup>th</sup> Month Permanency Review Implementation**  
**January 1 through June 30, 2009**  
**N=240**

	Number	Percent
Total Cases Reviewed by State Permanency Reviewers	240	
Reviewer Concurrence with goal and plan	193	80%
Permanency Goal		
Reunification	179	75%
Permanent placement with relative	14	6%
Adoption	28	12%
Guardianship	4	2%
Another planned permanency arrangement	15	6%
Totals	240	101%
Cases with current case plans (Court sanctioned/approved)	209	87%

**Source:** Division of Family and Children's Services, State Permanency Review Project Director, Quarterly Reports on 13<sup>th</sup> month Permanency Reviews. Percentage totals greater than 100 due to rounding.

<sup>67</sup> The State reports that the parents of two children had already had parental rights terminated, therefore an FTM was not held for these children.



**Table IV-14**  
**Family Team Meetings Convened for 13<sup>th</sup> Month Permanency Reviews**  
**January 1 through June 30, 2009**

	Number	Percent
Cases with "Family Team Meetings" (FTM) within the last 90 days (percentages based on the number of applicable cases =238)	156	66%
FTMs with parents/legal guardians involved (percentages based on the number of applicable cases = 146)	66	45%
FTMs with relatives involved (percentages based on the number of applicable cases = 146)	46	32%
FTMs with foster parents involved (percentages based on the number of applicable cases = 122)	76	62%
FTMs had recommendations specific to Child/Family needs (percentages based on the number of applicable cases = 156)	131	84%

**Source:** Division of Family and Children's Services, State Permanency Review Project Director, Quarterly Reports on 13<sup>th</sup> month Permanency Reviews.

**b. 25<sup>th</sup> Month County-State Staffings**

In addition to the 13<sup>th</sup> month permanency reviews, the State reported holding state/county staffings for all children (100%) required to have a 25<sup>th</sup> month staffing between January and June 2009 and who remained in custody throughout the month. A total of 138 staffings were held. Reported findings include:

- Among the 138 children who had a 25<sup>th</sup> month staffing, 132 children (97%) had had a 13<sup>th</sup> month permanency review.
- Among the 132 children, 71 children (54%) had also had a staffing as part of the 13<sup>th</sup> month review.
- Looking back, the 25<sup>th</sup> month reviews found that 13<sup>th</sup> month staffing recommendations had been implemented for 46 of the 71 children (65%). In 18 of the 46 cases that had implemented the recommendations, the 25<sup>th</sup> month staffing reflected progress toward achieving permanency since the 13<sup>th</sup> month review.
- The permanency goal had changed for 55 percent of the children since the 13<sup>th</sup> month review (73 children).
- The permanency review team concurred with the County's permanency plan in 78 percent of the cases (107 children).
- The proportion of children with current case plans was 91percent (125 children).

**Table IV-15**  
**25<sup>th</sup> Month Permanency Review Implementation**  
**January 1 through June 30, 2009**  
**N=138**

	Number	Percent
Total Cases Staffed	138	
Reviewer Concurrence with county plan	107	78%
Permanency Goal		
Reunification	63	46%
Permanent Placement with relative	19	14%
Adoption	36	26%
Guardianship	5	4%
Another planned arrangement	15	11%
Totals		
Cases with current case plans (Court sanctioned/approved	125	91%

**Source:** Division of Family and Children's Services, State Permanency Review Project Director, Quarterly Reports on 13<sup>th</sup> month Permanency Reviews. Percentage totals greater than 100 due to rounding.

During Period VII, the Permanency Review team became a part of the State's overall quality assurance effort. The team was moved to the Program Evaluation and Analysis Section of the Data Analysis, Accountability, Research and Evaluation Division.

### ***C. Post Adoption Assistance***

The State reports that 48 children were adopted between January and June 30, 2009. According to data obtained from the Office of Adoptions, 98 percent of those children were receiving or were scheduled to receive monthly Adoption Assistance benefits and Medicaid. This is about the same proportion as in Period VI. All families receiving the monthly adoption assistance are also eligible to receive additional benefits to cover non-recurring expenses. Among the 47 families, 55 percent had received these benefits in Period VII. The Accountability Agents did not verify this information.

## Part V WELL-BEING

### *Children in Care Experience Stable Placements and Worker Continuity and Receive the Services They Need*

Foster care is intended to be a temporary arrangement for children. During the time a child is in care, not only does he or she deserve to be safe, but the child also needs to be nurtured. The Consent Decree establishes six outcomes that have a focus on children's well-being. This chapter reports on the State's performance on these outcomes and the practice in assessing and meeting the needs of children in care. Corrective State actions regarding discharge planning to be taken in Period VI and subsequent reporting periods under a negotiated agreement between the State and the Plaintiffs' Counsel are summarized at the end of this part.

#### *A. Outcome Performance*

Table V-1 below provides the summary of measured performance for each of the six Well-Being Outcomes. The discussion following the table provides a more detail description of State performance. This discussion includes a summary of the Consent Decree requirements, interpretation and measurement issues associated with the outcomes, and contextual information as necessary for better understanding the State's performance at the end of Period VII. This part also includes charts which display the State's performance trends over the seven reporting periods to date.

**Table V-1**  
**Well-Being Outcomes**

<b>Children Experience Stable Placements and Worker Continuity</b>	<b>Period VII Performance</b>
<b>Outcome 17:</b> At least 95% of all children in care shall have had 2 or fewer placement moves during the prior 12 months in custody.	89%
<b>Outcome 18:</b> At least 90% of all children in care at a point in time during the reporting period shall have had 2 or fewer DFCS placement case managers during the prior 12 months in custody. This measure shall not apply to cases that are transferred to an adoption worker or Specialized Case Manager; case managers who have died, been terminated, or transferred to another county; or case managers who have covered a case during another case manager's sick or maternity leave.	91%
<b>Outcome 20:</b> At least 95% of children in care at a point in time during the reporting period shall have had at least one in-placement visit and one other visit, as defined in Section 5.D, each month by their case manager during the prior 12 months in custody.	51%
<b>Outcome 22:</b> At least 90% of all children in care at a point in time during the reporting period shall have had visits between their DFCS placement case manager and their foster parent, group care, institutional or other caretaker at least one time each month during the prior 12 months in custody.	75%

**Table V-1, continued**  
**Well-Being Outcomes**

<b>Children and Youth Receive the Services they Need</b>	<b>Period VII Performance</b>
<b>Outcome 24:</b> The percentage of youth discharged from foster care at age 18 or older with a high school diploma or GED will increase over baseline by 20 percentage points.	<b>46.8% as measured in Period VI</b>
<b>Outcome 30:</b> At least 85% of children in care shall not have any unmet medical, dental, mental health, education or other service needs, according to the service needs documented in the child's most recent case plan.	<b>72%</b>

**1. Children Experience Stable Placements and Worker Continuity: Outcomes 17, 18, 20 and 22**

The Consent Decree stipulated four Outcomes (17, 18, 20, and 22) related to children experiencing a stable placement, case manager continuity, and regular case manager visitation that have performance thresholds to be achieved and sustained.

***Outcome 17 – Placement Stability***

Once placed in an appropriate setting, a casework goal is to maintain the stability of the placement and avoid the trauma of disruption and placement into another setting. With Outcome 17, the Consent Decree establishes a threshold for placement stability by requiring that at least 95 percent of children in custody have 2 or fewer placement moves during the most recent 12 months in custody.<sup>68</sup>

**a. Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 17 performance is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009.

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<sup>68</sup> See p. 35, Outcome 17 of the Consent Decree

**b. State Performance**

- **The State Fell Short of the Outcome 17 Threshold**

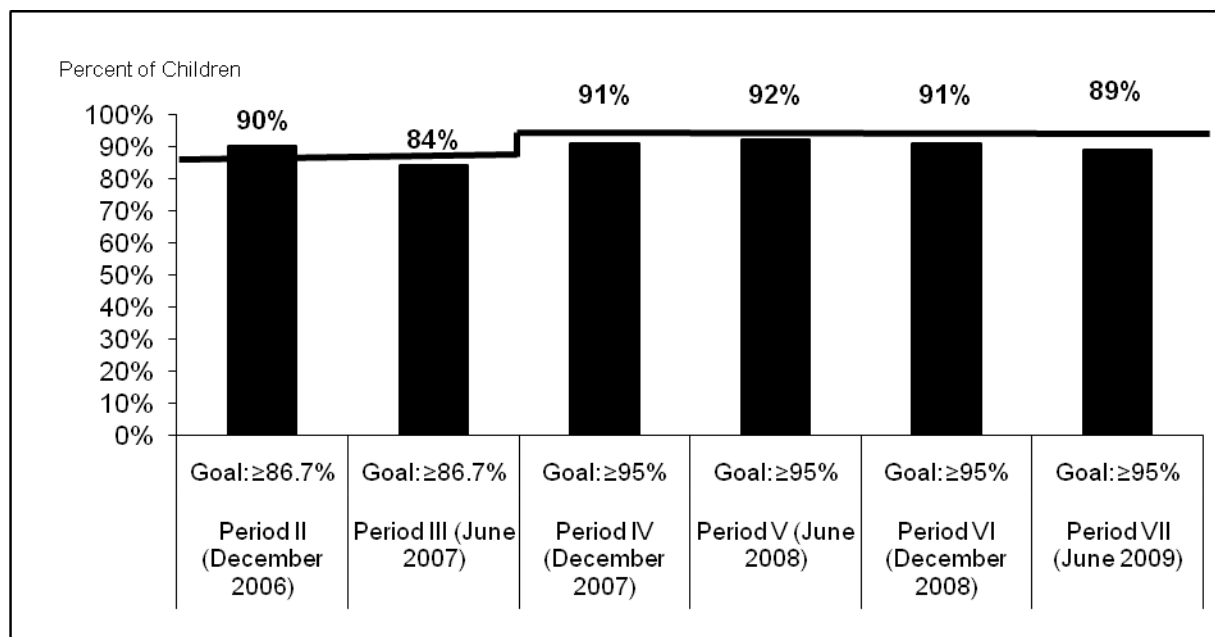
For Outcome 17, 161 children (89%) of the 181 children in the foster care sample experienced two or fewer placement moves during the previous 12 months in custody. This is similar to the Period VI performance of 91 percent; the change being within the statistical margin of error for the sample. The performance threshold is 95 percent for this outcome. Table V-2 provides a breakdown of the number of placement moves experienced by the children in the foster care sample. File documentation attributes the majority of multiple moves to child behaviors. At the beginning of Period VIII (July 2009), the counties along with the Accountability Agents began to explore the causes of placement disruption locally and reflect on national research about placement stability and runaway behaviors. This effort was a precursor to strategy development to increase placement stability. Figure V-1 illustrates the State's performance over the six reporting periods to which the Consent Decree standards applied.

**Table V-2**  
**Number of Placement Moves Experienced by Children in the 12 months prior to June 30, 2009**  
**or the Last Date of Custody**  
**n=181**

Number of Moves	Number	Percent	Cumulative Percent
No Moves	98	54%	
One Move	52	29%	83%
Two Moves	11	6%	89%
Subtotal	161		
Three Moves	6	3%	92%
Four Moves	7	4%	96%
Five Moves	3	2%	98%
Six Moves or more	4	2%	100%
	181	100%	

Source: Case Record Review, August-September 2009.

**Figure V-1**  
**State Performance on Outcome 17: Children with 2 or Fewer Placement Moves**  
**in Prior 12 Months**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

### ***Outcome 18 – Worker Continuity***

Worker continuity also contributes to a child achieving permanency more quickly and to a child's well-being while in care. Worker transition can often lead to a delay in service delivery and court reporting while the new worker is "coming up to speed" on the child's case and getting to know the child and family. Outcome 18 requires that at least 90 percent of children in custody have no more than 2 workers during their most recent 12 months in custody. There are exceptions that allow for case manager terminations, death, transfers, and temporary assignments to cover another case manager's cases while a case manager is out on sick leave. The Consent Decree also allows for the child's one-time transfer to a Specialized or Adoptions case manager.<sup>69</sup>

#### **a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. Measurement in Period VII used SHINES as the primary source of data. Appendix B provides a summary of

<sup>69</sup> See p. 35, Outcome 18, of the Consent Decree.

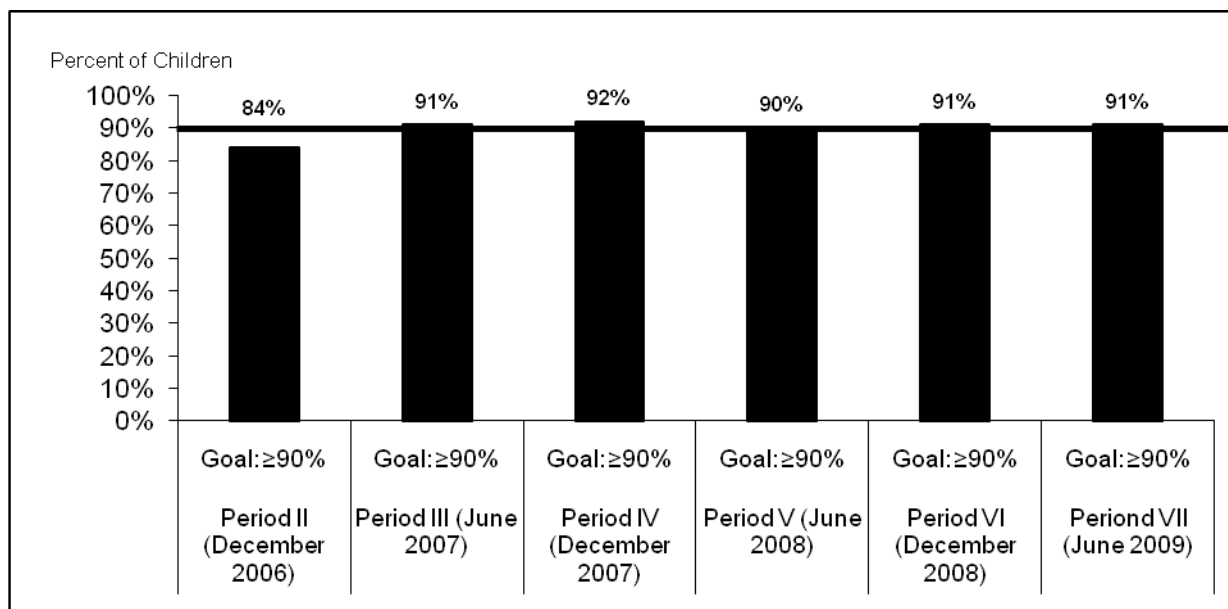
previously resolved interpretation and measurement issues. The measurement of Outcome 18 performance is based on the entire population of children in DeKalb and Fulton county custody on June 30, 2009.

**b. State Performance**

- **The State Met the Outcome 18 Threshold**

For Outcome 18, **91 percent** of the 1651 children in custody on June 30, 2009 had 2 or fewer placement case managers since July 1, 2008, once the allowable exceptions were taken into account. This performance is the same as in Period VI. The performance threshold for this outcome is 90 percent. Figure V-2 illustrates the State's performance on this outcome over the six reporting periods to which the Consent Decree standard applied.

**Figure V-2**  
**State Performance on Outcome 18: Children with 2 or Fewer Placement Case Managers**  
**in Prior 12 Months**  
**Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: State systems: SHINES and county records

## ***Outcome 20 – Case Manager Visits with Children***

Visits are an opportunity to engage children and assess their safety and well-being and address the trauma they are experiencing or from which they may be healing. Frequent quality visits can increase the case manager's knowledge about the children and inform how best to pursue permanency for them. As stipulated in the Consent Decree, visits should be used to monitor and document the *“child's adjustment to placement, the appropriateness of placement to meet the child's needs, the receipt of appropriate treatment and services by the child, the child's safety, and service goals.”*<sup>70</sup>

To achieve the Outcome 20 performance threshold, case managers must have at least two visits per month with children in foster care, each and every month of the previous 12 months in custody and the nature of the twice monthly visits are defined very specifically. At least one of the visits is to be a “private face-to face visit with the child *in the child's home/placement.*”<sup>71</sup>

### **a. Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 20 performance is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009.

### **b. State Performance**

- **The State Fell Short of the Outcome 20 Threshold**

Case managers met the Outcome 20 criteria for twice-monthly visits each and every month of the previous 12 months for 93 children (51%) of the 181 children included in the placement sample for Period VII. This is a slightly higher proportion than the 48 percent found in Period VI, but the observed change is within the sample's statistical margin of error. The threshold for this outcome is 95 percent. Table V-3 displays the number of months in which visits meeting the Outcome 20 definition were conducted for 181 children, with adjustments for those children who were actually in custody less than 12 months. Figure V-3 illustrates the State's performance on this outcome over the five of six reporting periods to which the Consent Decree standard applied.<sup>72</sup> The figure shows both the percentage that met the visitation requirements fully and the proportion for which the twice monthly visitation requirement was missed for only one month of the previous 12. Further analysis reveals that overall, 130 children (72%) received an average of two visits per month.

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<sup>70</sup> Ibid.

<sup>71</sup> See p. 19, Section 5D of the Consent Decree

<sup>72</sup> The case manager-child visitation analysis was slightly different in Period II, therefore there is not a comparable set of data points to include in Figure V-3.

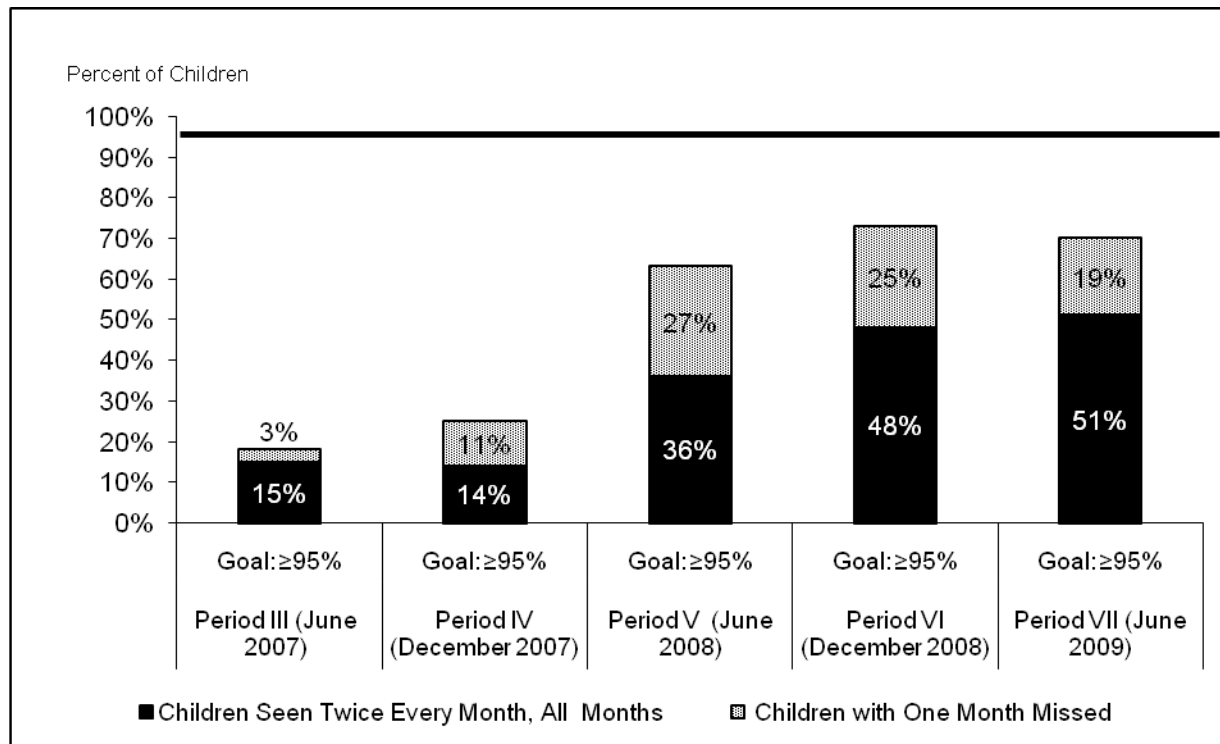


**Table V-3**  
**Case Manager Visitation with Children as Stipulated in Outcome 20:**  
**Visitation Pattern over the 12 months prior to**  
**June 30, 2009 or last date of custody**  
**n= 181**

<b>Number of Months Achieving Two Visits per Month That Meet the Outcome 20 Definition</b>	<b>Number of Children</b>	<b>Percent</b>	<b>Cumulative Percent</b>
12 of 12 months	93	51%	
11 of 12 months	35	19%	70%
10 of 12 months	27	15%	86%
9 of 12 months	8	4%	90%
8 of 12 months	7	4%	94%
7 of 12 months	0	0%	94%
6 of 12 months or less frequent visitation meeting the requirement	9	5%	99%
No months of meeting the visitation requirement (both children were in custody 28 days, one received one in-placement visit and the other received 3 out-of-placement visits. )	2	1%	100%
<b>TOTAL</b>	181		

Source: Case Record Review, August-September 2009.

**Figure V-3**  
**State Performance on Outcome 20: Case Managers Visit Children Twice Monthly,**  
**Every Month**  
**Five Reporting Periods (January 1, 2007 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

### ***Outcome 22 – Case Manager Visitation with Substitute Caregivers***

The Consent Decree requires case managers to visit once a month with placement caregivers.<sup>73</sup> This includes foster parents, group home and institutional staff and others charged with the responsibility of caring for children in DFCS custody. In situations where the child has been returned home but remains in DFCS custody, “caregivers” refers to the birth parents or other reunification resources.

#### **a. Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 22 performance is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009.

<sup>73</sup> See p. 36, Outcome 22 of the Consent Decree

**b. State Performance**

**• The State Fell Short of the Outcome 22 Threshold**

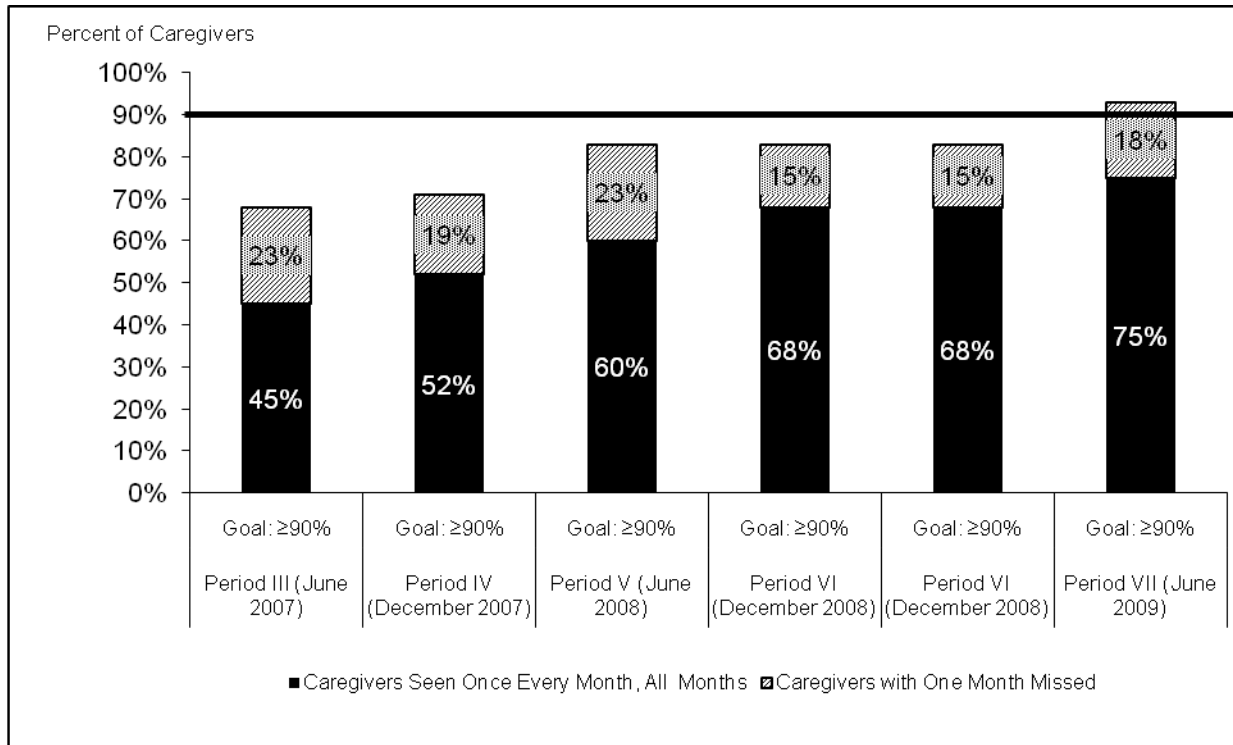
For Outcome 22, 135 children (75%) of the sample of 181 children had caregivers who were visited by case managers at least once each and every month in the 12 months prior to June 30, 2009 or the last date in custody. The performance threshold for this outcome is 90 percent. The Period VII performance is an improvement over the Period VI performance of 68 percent, but the observed change is within the sample's statistical margin of error. Table V-4 summarizes the pattern of case manager visitation with caregivers. Figure V-4 illustrates State performance over the five reporting periods to which the Consent Decree standard applied.

**Table V-4**  
**Case Manager Visits with Placement Caregivers over the 12 months preceding**  
**June 31, 2009 or Last Date of Custody**  
**n=181**

<b>Proportion of Monthly Case Manager Visits with Substitute Caregivers</b>	<b>Number</b>	<b>Percent</b>	<b>Cumulative Percent</b>
All required sequential monthly visits	135	75%	
All but one monthly visit (missed one month among applicable months)	33	18%	93%
All but two monthly visits (missed two months among applicable months)	7	4%	97%
Some Visits	6	3%	100%
No visits	0	0%	
Total caregivers	181	100%	

Source: Case Record review, August-September 2009.

**Figure V-4**  
**State Performance on Outcome 22: Case Managers Visit Substitute Caregivers Monthly,**  
**Every Month**  
**Five Reporting Periods (January 1, 2007 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

## 2. Children and Youth Receive the Services They Need: Outcomes 24 and 30

### *Outcome 24 – Educational Achievement of Youth Leaving Foster Care at age 18 or Older*

Outcome 24 sets increasing targets over a baseline year for the percentage of youth who are “discharged from foster care at age 18 or older ... who have graduated from high school or earned a GED.”<sup>74</sup> By the end of the fourth period (December 2007), this Outcome called for the State to increase by 20 percentage points the proportion of youth who achieve a high school diploma or a graduate equivalency diploma (GED) over a pre-Consent Decree baseline year.

The baseline revealed that 65.7 percent of the youth 18 years old or older who left DFCS care in the baseline year had earned a high school diploma or GED. At the end of Period II, 34.4 percent the youth who left DFCS care at age 18 or older between October 27, 2005 and December 31, 2006 achieved a GED/ High School Diploma. At the end of Period VI, the State

<sup>74</sup> See p. 36, paragraph 24 of the Consent Decree

reported that 46.8 percent of the youth who left DFCS care at age 18 or older between January 1 and December 31, 2008 were graduated from high school or achieved a GED. The next measurement of this outcome will be at the end of Period VIII.

### ***Outcome 30 – Meeting the Needs of Children as Identified in their Case Plans***

The Consent Decree specifies that the needs to be considered for achieving Outcome 30 are those medical, dental, mental health, educational and other needs identified in the child's most recent case plan.<sup>75</sup> As noted in Part IV, case plans are to be developed within 30 days of a child's entry into foster care and updated every six months thereafter.

#### **a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The measurement of Outcome 30 performance is based on the sample of 181 children in foster care at any time between January 1 and June 30, 2009.

Among the 181 children in the sample, 171 children had one or more case plans in their records. All 10 children who did not have case plans in the files had been in custody less than 60 days and 7 of the 10 had been in custody less than 30 days on June 30, 2009. Of the 171 plans, 149 (87%) had been developed within the seven months prior to June 30, 2009 or the child's discharge date. Another 16 (11%) were seven to 12 months old and three plans (2%) were older than 12 months. Two (2) children had plans that did not have identified needs, thus the outcome performance is based on 169 children who had plan-identified needs.

#### **b. State Performance**

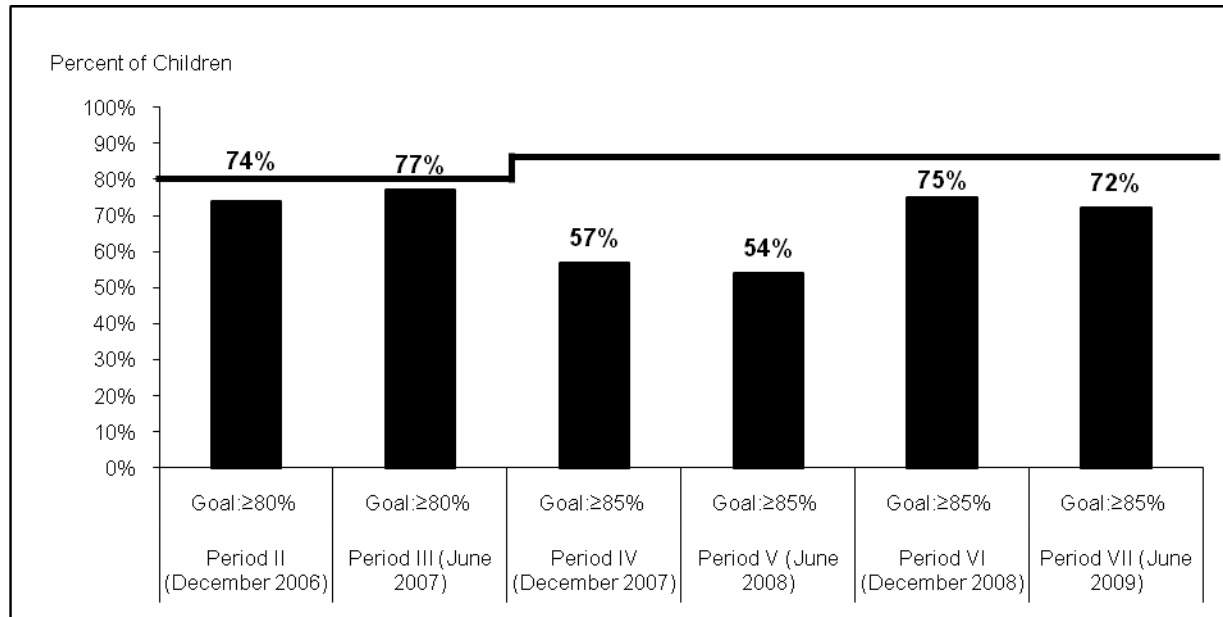
- **The State Fell Short of the Outcome 30 Threshold**

Based on case file documentation and reviewer judgment, **122 children (72%) of 169 children** with needs identified in their case plans had all the plan-identified needs met. The performance threshold for this outcome is 85 percent. This is a slightly lower proportion than found in Period VI, but the difference is within the statistical margin of error for the sample. Figure V-5 displays the State's performance over the six reporting periods to which the Consent Decree standards applied.

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<sup>75</sup> See p 38, Outcome 30 of the Consent Decree

**Figure V-5**  
**State Performance on Outcome 30: Children with All Plan Identified Needs Met**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Reporting Period Foster Care Case Record Reviews

Among the 171 plans analyzed for period VII, 169 had at least one routine or child-specific need identified. Nearly all children had at least routine medical and dental health needs cited in their plans. These routine needs include timely health and dental "well child" check-ups. The percentage of children who appear to have mental health needs documented declined for the second consecutive reporting period and the magnitude of the decrease was greater than the sample's statistical margin of error. As reflected in Table V-5, the State has again been more successful in ensuring services are delivered for identified educational/developmental and mental health needs than other types of need. The majority of plans identify the need for routine health and dental care. Therefore, performance on this outcome could be improved by better documentation of routine dental health care.

**Table V-5**  
**Needs Identified in Most Recent Case Plans and Degree Needs Met as of**  
**June 30, 2009 or last Date of Custody**

<b>Children with Case Plans n=171</b>			<b>Children Received/Receiving Services n varies depending on need identified</b>		
	Number	Percent		Number	Percent of identified need
One or More Need Identified (routine or child- specific)	169	99%	<b>All Identified Needs Met (n=169)</b>	<b>122</b>	<b>72%</b>
Frequency of different identified needs			Frequency of different needs being met		
Medical	169	100%		151	89%
Dental	166	98%		134	81%
Mental Health	122	72%		114	93%
Educational/ Developmental	167	99%		159	95%
Other	13	8%		13	100%

Source: Case Record Review, August-September 2009

## **B. The Placement Experience**

This section describes characteristics and placement practices identified in the case record review of 181 children in foster care during the period January 1 through June 30, 2009. This includes the placement environment, the use of temporary placement settings, and case manager visits to children in new placements. Congregate care for children under the age of 12 is based on actual population data.

### **1. Placement Setting**

There have been no significant changes to the placement process from that reported in the first monitoring report. Table V-6 provides the distribution of children among placement settings found in the case record review. When the different family settings are combined, 145 children (81%) in the sample were in family settings on June 30, 2009 or the last day of DFCS custody. These settings include family foster homes, relative foster homes, relative homes, and the homes of birth parents and guardians. Thirty-two children (18%) were in congregate care settings including residential treatment facilities, group homes, skilled nursing facilities and special psychiatric hospitals. Three youth (2%) were in detention/correctional facilities.

**Table V-6**  
**Placement Settings of Children in DFCS Custody**  
**on June 30, 2009 or the last day of custody (or before running away)**  
**(n= 181)**

<b>Placement Type</b>	<b>Frequency</b>	<b>Percent</b>	<b>Category Percent</b>
<b>Family Settings</b>			81%
Foster Home (DFCS or Private Agency Supervised)	105	58%	
Relative Home (Foster and non Foster Home)	32	18%	
Parents/Guardian/Fictive Kin	9	5%	
<b>Congregate Care Settings</b>			18%
Emergency Shelter/Assessment Center	0	0%	
Group Home	22	12%	
Residential Treatment Facility/ Child Caring Institution/ Specialty Hospital	10	6%	
<b>Other</b>			2%
Regional Youth Detention Center (RYDC)/ County Jail,	3	2%	
<b>Total</b>	181	100%	

Source: Case Record Review August-September 2009.



## **2. Efforts to Minimize Emotional Trauma When Children Enter New Placements**

Seventy-nine children (44%) in the sample of 181 children in foster care experienced a new placement setting or at least one move during Period VII. There was evidence that case managers attempted to minimize the emotional trauma of the most recent move for 45 of the 79 children (57%). Thirty-two of the 74 children experienced more than one new placement setting in Period VII. Among these 32 children, it appeared that case managers attempted to reduce the trauma of the earlier move for 10 children (31% of 32). Trauma minimizing efforts included keeping children placed with relatives who had been the safety resource prior to entering foster care; conducting transition interviews and transition visits; explanatory conversations with the children, case managers and foster parents getting special instructions from hospital staff, and immediate follow-up with placement setting caregiver.

## **3. Use of Emergency or Temporary Placements**

The Consent Decree has several requirements addressing placement appropriateness. It requires that “no child shall be placed in an emergency or temporary facility....for more than 30 days.” It also stipulates that no child shall spend more than 23 hours in a County DFCS office or any facility providing intake functions.<sup>76</sup>

The case record review found that 2 children, possibly 4, (3%-5%) of the 79 children in the foster care sample who entered care and/or changed placements during January 1 through June 30, 2009 experienced some time in one of the counties’ assessment centers. Documentation indicated that two children spent more than 23 hours in the facilities.<sup>77</sup> Documentation was insufficient to determine the length of stay for two other children who did experience some time in one of the emergency facilities. Four additional children (5% of 79) were placed in temporary settings. One child under psychiatric care was moved among two different mental health facilities and a hospital at her physician’s recommendation for a total of 54 days. Two of the remaining four children were in private provider group homes and the fourth child was in a foster home used for emergency placements.

## **5. Informing Caregivers and Providing Appropriate Clothing**

The Consent Decree stipulates that DFCS will ensure available information concerning a specific foster child will be provided to foster parents before the child is placed.<sup>78</sup> As the Accountability Agents learned in Period III, the files of children do not contain an adequate picture of what information is given to foster parents. Although it is improving with the use of SHINES, there is still limited available information in the records of children. Most of the

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<sup>76</sup> See p. 16, paragraph 5C4.c of the Consent Decree

<sup>77</sup> One youth was in the Fulton County Resource Center (FRC) for 7 days and one youth was in the FRC for approximately 48 hours.

<sup>78</sup> See p. 19, paragraph 5C.6d of the Consent Decree

available information is maintained by the designated placement units in each county and an assessment based solely on children's records misrepresents actual case practice. The additional files maintained by the placement units were not reviewed for Period VII. Among the 76 children who had an initial and/or a new placement during the period (excluding children returned to parents) in the sample of 181 children in foster care, case managers appeared to have provided medical information to the substitute caregivers of 23 children (29% of 76) and a range of information including psychological and developmental assessments to 13 care givers (18% of 76). Case managers appeared to have reviewed the clothing needs and taken the necessary steps to ensure that the children had appropriate clothing in the new placement setting for 26 (32% of 81) children.

#### **6. Case Manager Visitation with Children Who Experienced a New Placement**

The Consent Decree stipulates a frequent case manager visit schedule for the first eight weeks of a new placement.<sup>79</sup> Children are to have at least one visit in the first week and one visit between the third and eighth weeks with six additional visits at any time within the eight week period; essentially, weekly visitation. This visitation requirement was applicable for 74 of the 79 children in the sample who entered and/or changed placements during the reporting period. The circumstances of five children precluded starting the required visits during the review period.<sup>80</sup> Of the 74 children, the file documentation indicated that the requirements were met for 14 children (19% of 74). Another 6 children (8% of 74) missed one of the required additional visits. The majority of children (62% of 74) had at least one of the two required in-placement visits and some additional visits. Seven children (10% of 74) had some or all the required weekly visits, but none appeared to be in private, in placement. One child does not appear to have received any visits in the 10 days between his new placement and discharge to a relative. The visitation pattern is arrayed in Table V-7.

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<sup>79</sup> See p. 19, paragraph 5D.1 of the Consent Decree

<sup>80</sup> One child had placement change on June 29, 2009; one child was moved out of state through ICPC arrangements, two children were on run-away status; and one child was actually in a foster care placement less than 5 days before returning home.

**Table V-7**  
**Pattern of Case Manager Visits with Children in the First 8 Weeks**  
**of a New Foster Care Placement**  
**n=74**

Degree of Required Visits	Number of Children	Percent
All requirements met for period of time child in placement	14	19%
Missed one week of requirement (equivalent of 5 visits in addition to the two required in-placement visits over the 8 week period)	6	8%
Some requirements met (one or both in-placement visits and some portion of additional visits)	46	62%
One or more visits, but none met the in-placement criteria for the period of time child in the placement	7	10%
No Visits (child was in new placement 10 days before exiting custody to care of relative)	1	1%
Total	74	100%

**Source:** Case Record Review, August-September 2009.

#### **4. Use of Congregate Care**

The Consent Decree has several restrictions related to the use of group care.<sup>81</sup> Between January 1 and June 30, 2009, the counties continued to limit use of congregate care for young children.

A total of 14 children under the age of 12 were placed in congregate care during Period VII. Ten of the 14 children (71%) were infants or toddlers placed with their mothers in a group care setting designed for teen mother transitional living. One medically fragile infant (7%) was placed in a facility operated by a university medical center. The remaining three children (21%), ranging in age from eight to 10 years, were placed in child care institutions because of their special needs.

Some children were moved from congregate care settings or reached age 12 before June 30, 2009. Therefore, on June 30, 2009, 26 children under the age of 12 remained in group care settings with 10 children in facilities with more than 12 beds. Among the 26 children, 16 (62%) were young children placed with their teenage mothers, three (12%) were medically fragile infants, and seven (27%) were ages eight to 11 years. DFCS has supplied documentation to the Accountability Agents that these placements have been reviewed and certified to meet the

<sup>81</sup> See p. 16-17, paragraph 5C.5f of the Consent Decree

needs of the children.<sup>82</sup> Table V-8 summarizes the State's actions with regard to the Consent Decree stipulations.

**Table V-8**  
**Children Younger Than Age 12 in Group Care Settings**  
**January 1 through June 30, 2009**

Children under the age of 6						
Reason for placement	Number placed as of December 31, 2008		Number newly placed between January 1 and June 30, 2009		Number still placed as of June 30, 2009	
	Bed Capacity		Bed Capacity		Bed Capacity	
	≤12	12>	≤12	12>	≤12	12>
With mother	11	2	6	4	12	4
Service Need	2		1		3	
Total	15		11		19	
Children aged 6 to 12						
	Number placed as of December 31, 2008		Number newly placed between January 1 through June 31, 2008		Number still placed as of June 30, 2009	
	Bed Capacity		Bed Capacity		Bed Capacity	
	≤12	12>	≤12	12>	≤12	12>
	1	10	1	2	1	6
Total	11		3		7	

Source: State reported data, waivers and documentation of need reviewed by Accountability Agents.

<sup>82</sup> The Accountability Agents did not verify the appropriateness of these placements or the certification of need.

### ***C. Meeting the Needs of Children, Youth, and Families***

In addition to safe, appropriate, and stable placement settings, DFCS policy and the Consent Decree stipulate that DFCS will provide for the physical, developmental, and emotional needs of children in its custody.<sup>83</sup> As a means of “*strengthening and rebuilding families to bring about the child’s early return*”<sup>84</sup> DFCS is also responsible for providing services to birth families. Finally, it is responsible for supporting and assisting foster parents to more effectively address the needs of the children in their care. This section of the report reflects on the State’s practice as gleaned through state and county reported data, and the case record review.

#### **1. Assessment of Needs at Foster Care Entry**

Once a child enters custody, one of the earliest opportunities for assessment of family strengths and needs is a Family Team Meeting (FTM), to be held within three to nine days of entry.<sup>85</sup> Other initial activities include health and dental screening and a mental health or developmental assessments.<sup>86</sup> All of these activities form the basis of the first case plan used to guide the case to permanency.

##### **a. Family Team Meetings**

During Period VII, the State used SHINES data to report that 474 children entered custody and were in custody nine days or more as of June 30, 2009. Figure V-6 displays the proportion of timely meetings. According to the county tracking systems, timely Family Team Meetings (within 3 to 9 days) were convened for 414 of the 474 children (87%). Another 42 children (9%) had Family Team Meetings but they were not convened within the first nine days. Another 18 children (4%) did not appear to have had a FTM. The proportion of FTMs that was timely was lower than Period VI level of 89 percent, but the proportion of children that had a Family Team Meeting convened was slightly higher, 96 percent in Period VII compared to 94 percent in Period VI.

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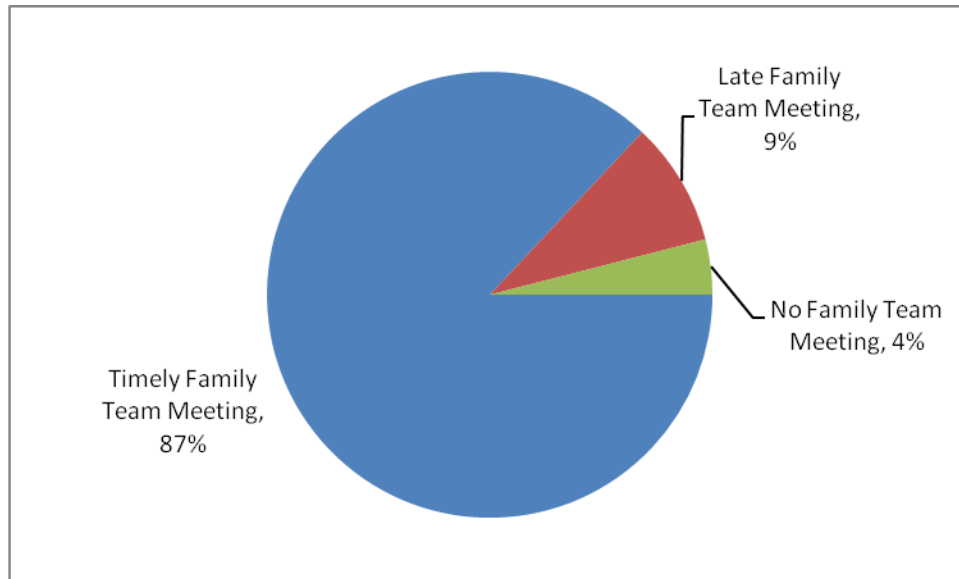
<sup>83</sup> See p. 4, principle 7; pp. 20-21, section 6; p.38, Outcome 30 of the Consent Decree; See also Social Services Manual Section 3060, Georgia Department of Human Resources.

<sup>84</sup> See Social Service Manual 3060, Georgia Department of Human Resources.

<sup>85</sup> See pp 5-7, section 4A of the Consent Decree.

<sup>86</sup> See p. 20, Section 6.A. of the Consent Decree.

**Figure V-6**  
**Initial Family Team Meetings at Foster Care Entry**  
**January 1 – June 30, 2009**  
**N=474 (all children remaining in custody 9 days or more)**



Source: County records

**b. Initial Health and Dental Screenings**

The State's overall performance around initial health and dental screening is measured by the subsample of children who entered care and had been in custody at least 10 days. In the Period VII sample of 181 children, there was a subsample of 40 children who entered during the period and remained at least 10 days. However, four children were excluded from the analysis because when they entered care, they were already under medical care and remained so for most of the reporting period. The statistical margin of error for a subsample of 36 children is approximately +/-16 percent. As in previous reports, caution should be exercised in interpreting these and other results drawn from the subsample of children who entered care because the sample size is very small and they were not selected from the entire population entering custody during the period. The initial screening performance overall appears to be about the same as in Period VI.

Of the children in this subsample of 36, nine (25%) had documented health screens within 10 days of entering care (this compares to 69% in Period VI). When the ten-day time frame is relaxed, 29 children (81% of 36) received an initial health screen. For those whose health screen fell outside the 10-day window,, the elapsed time ranged from 11 to 32 days.

Eight children (22% of 36) had a documented dental screen within 10 days. This is about the same as in Period VI. The total proportion receiving an entry dental screening within any timeframe was 50 percent (of 36) compared to the 50 percent (of 35) documented in Period VI. The children who received their initial dental screens late received them 16 to 45 days after entering. Among the 18 children who do not appear to have received their initial dental screen during Period VII, nine were under age three.<sup>87</sup>

**Table V-9**  
**Initial Health and Dental Exams at Foster Care Entry:**  
**January 1 – June 30, 2009**  
**n=36**

<i>Screen</i>	<b>Number</b>	<b>Percent</b>	<b>Cumulative</b>
<b><i>Initial Health Screen At Foster Care Entry</i></b> (n=36 from sample)			
Received within 10 days	9	25%	
Received, but not within 10 days (14 to 32 days)	20	56%	81%
No initial health screen received	7	19%	100%
<b>Total</b>	36	100%	
<b><i>Initial Dental Screen At Foster Care Entry</i></b> (n=36) (includes infants for a “gum check”)			
Received within 10 days	8	22%	
Received, but not within 10 days (16-48 days)	10	28%	50%
No initial dental screen received (9 children were under the age of 3)	18	50%	100%
<b>Total</b>	36	100%	

Source: Case record review, August-September 2009

### **c. Initial Mental Health/Developmental Assessment**

The Consent Decree requires that all children under the age of four years receive a developmental assessment within 30 days of placement in compliance with EPSDT standards.<sup>88</sup> Children four years of age or older are expected to receive a mental health screening within 30 days of placement in compliance with EPSDT standards.<sup>89</sup> Within the sample of 181 foster children in Period VII, there were 16 children who were younger than age 4 and were in custody at least 30 days after entering care. There were also 16 children in the foster care sample who entered DFCS custody in the last half of 2009 and remained in care 30 days or more who were age 4 or older. This information is included in Table V-10.

<sup>87</sup> The Consent Decree stipulates that “all children shall receive a dental screening within in 10 days of placement...” (p. 20, Section 6.A.2), thus children under the age of 3 are included in the analysis and an inspection of the child’s mouth and gums is expected.

<sup>88</sup> See p. 20, paragraph 6A.3 of the Consent Decree.

<sup>89</sup> See p. 20, paragraph 6A.3 of the Consent Decree.

Among the 16 children under the age of four, 11 (69%) had completed developmental assessments and all these were completed within the first 30 days. Four of the five children who did not have completed assessments were infants who were less than a month old when they entered custody and the fifth child was 34 days old at entry. This is about the same as Period VI performance.

Two of the 16 children over the age of four that would otherwise be expected to have a mental health assessment entered with special circumstances. One child was medically fragile and was initially in a hospital and then moved to a skilled nursing facility and the other child was already under psychiatric care upon entering DFCS custody. Among 14 remaining children, 11 (79% of 14) had completed mental health assessments. Nine (9) were completed within 30 days and two were completed within 54 days. This is about the same as Period VI performance.

**Table V-10**  
**Initial Developmental or Mental Health Assessments at Foster Care Entry:**  
**January 1 – June 30, 2009**  
**n=varies depending on the assessment**

<i>Assessment</i>	<b>Number</b>	<b>Percent</b>	<b>Cumulative</b>
<b><i>Initial Developmental Assessment</i></b> (children younger than age 4) (n=16)			
Received within 30 days	11	69%	
No initial Developmental Assessment received	5	31%	100%
Total Initial Developmental Assessment	16	100%	
<b><i>Initial Mental Health Assessment</i></b> (children age 4 and older) (n=14)			
Received within 30 days	9	64%	
Received, but not within 30 days (33, 54 days)	2	14%	79%
No Initial Mental Health Assessment	3	21%	100%
Total Initial Mental Health Assessment	14	100%	

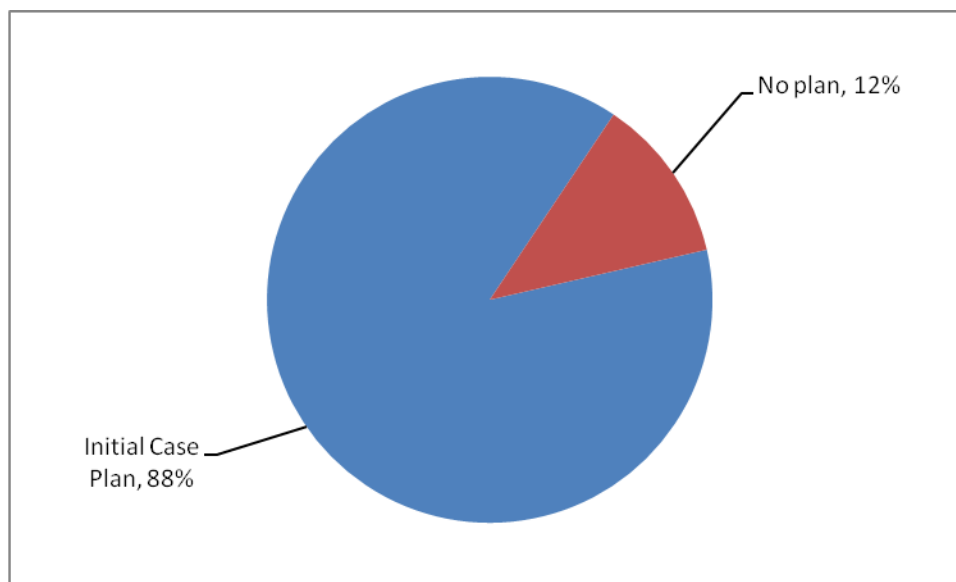
Source: Case record review, August-September 2009

#### **d. Initial Case Plans**

Among the 33 children entering custody during the reporting period and remaining in custody more than 30 days, 29 (88% of 33) had an initial case plan developed by June 30, 2009 or their last date in custody. The remaining four children had been in custody 33 to 41 days with no documented initial case plan in file. This is an improvement over Period VI performance of 70 percent and the observed change exceeds the sample's margin of statistical error.



**Figure V-7**  
**Initial Case Plans for Children Entering Foster Care and in Custody 30 days or More**  
**January 1 – June 30, 2009**  
**n=33**



Source: County records and Case record review, August-September 2009

## 2. Periodic Health and Dental Screening

In addition to requiring health and developmental assessments when a child enters foster care, the Consent Decree requires all children to receive periodic health screenings<sup>90</sup> in accordance with the Early Periodic Screening, Diagnostic and Treatment Program (EPSDT)/Georgia Health Check Program standards.<sup>91</sup> DFCS' performance with respect to meeting these standards is discussed below. The case record review of 181 children in placement collected information about the timeliness of the required routine health and dental examinations provided (often referred to as "well-child" care) during their time in custody.

Routine health screening was assessed for 177 children because four (4) children had medical or psychiatric conditions that placed them under on-going medical oversight. For the remaining 177, health screens appeared to be on schedule for 141 children (79%). In Period VI, the comparable rate was 63 percent. However, 12 exams (9% of 141) may have been missing a required EPSDT component. These 12 exams were most often missing documentation of required laboratory work or vision and hearing testing. The remaining 36 children (20% of 177) appeared to be overdue for an exam, even if they had received one or more in Period VII. This percentage is about the same as in Period VI (24%) and Period V (27%). The observed changes

<sup>90</sup> See p. 30, paragraph 13A in the Consent Decree.

<sup>91</sup> See p. 20, paragraphs 6A 1 and 2, and p.21, 6B, paragraphs 1-8 of the Consent Decree

are all within the subsample's margin of statistical error. The specific findings are provided in Table V-11.

**Table V-11**  
**Children Receiving Periodic Health Screening**  
**January 1 through June 30, 2009**  
**n=177**

Component and Action	Number	Percent	Cumulative Percent
No EPSDT health screen required during period, children current with health check-ups during entire period	45*	25%	
Children receiving a health screen according to EPSDT schedule or standards (exams received timely)	96**	54%	79%
Children receiving one or more of the required health screens between January and June 2009, but were still behind schedule as of June 30, 2009	8	5%	84%
Required well child health screen(s) in Period VII not received	28	16%	100%
<b>TOTAL</b>	177	100%	

\*Seven exams appeared to be missing some EPSDT components or compliance could not be determined. \*\*Five exams appeared to be missing some EPSDT components or compliance could not be determined.

Source: Case record review, August-September 2009

Routine dental screening was assessed for 123 children because two (2) children had medical or psychiatric conditions that placed them under on-going medical oversight and 56 children were under the age of three through June 30, 2009.<sup>92</sup> For the 123 children,<sup>93</sup> dental screens appeared to be current for 88 children (72%). Another 18 children received a dental screen during Period VII that was more than 12 months since the previous screen. All of the dental exams received in Period VII appeared to be in compliance with EPSDT standards, or there was insufficient documentation to clearly determine. The specific findings are provided in Table V-12.

<sup>92</sup> The Consent Decree stipulates that "all children age 3 and over shall receive at least one annual screening in compliance with EPSDT standards..." see Section 6B paragraph 8 on p.21. Children younger than age 3 may have oral exams as part of their regular well-child visits, but documentation of this is rarely found in the description of services rendered in an exam.

<sup>93</sup> The margin of error for a subsample of 123 is +/-9%.

**Table V-12**  
**Children Age 3 and Over Receiving Periodic Dental Screening**  
**January 1 through June 30, 2009**  
**n=123**

Component and Action	Number	Percent	Cumulative Percent
No annual EPSDT dental exam required during period, children current with annual requirement during entire period	45	37%	
Children receiving a timely annual EPSDT dental exam during period (includes initial exams of children age 3 and over)	43	35%	72%
Children receiving a dental exam, but more than 12 months since last exam EPSDT schedule (unable to determine EPSDT compliance)	18	15%	86%
Required annual dental exam not received as of June 30, 2009	17	14%	100%
<b>TOTAL</b>	123	100%	

Source: Case record review, August-September 2009

### **3. Periodic Developmental and Mental Health Assessments**

During Period VII, 30 children had developmental assessments in addition to the 11 children who received an initial assessment. Another 23 children had mental health assessments in addition to the 11 children who received the initial assessment. One child who received an initial assessment received an additional assessment during the review period.

### **4. Response to Assessment/Screening Identified Needs**

Responsiveness to health needs remains an area for continued State focus. Approximately two-thirds of the children with assessment/screen identified needs of one type or another in Period VII were receiving appropriate services by June 30, 2009. Evidence from the case record review provides the following specific findings for Period VII:

- 43 (41%) of the 104 children who received regular (initial and on-going) health screening during Period VII had health needs identified. Among these 43 children, the documentation in their files indicated that 34 (79%) had received appropriate treatment, or treatment was scheduled, for all the needs identified during Period VII. Two children (5% of 43) appeared to have had some, but not all needs met. Seven of the 43 children (16%) did not have follow-up treatment documented in the case record. This proportion of children with potentially unmet health needs as identified in the routine health screenings appears to be smaller than

found in Period VI (29%), but the difference is within the subsample's margin of statistical error.<sup>94</sup> The needs that appeared to be unmet included nutrition for anemia, dental exam, poor vision, and a urological examination. Two (2) children had needs identified in what was their discharge medical and there was no time for DFCS to follow-up. However, these needs do not appear to have been discussed with caretakers when the children were discharged.

- 13 (21%) of the 61 children who had a dental health screening during Period VII had dental needs identified. This is about the same proportion with needs identified as in Period VI. Nine children (69% of 13) had all their needs met, again this is about the same proportion found in Period VI. Cavities were the primary issue for three of the remaining children. One child needed to return to the dentist to get the second of two cavities filled. Another child had seven cavities identified and not all had been filled by June 30, 2009. This child also had a referral to a periodontist that did not appear to have occurred. The third child, age 15, refused treatment for his cavities. The fourth child, age 3, was scheduled to have his teeth cleaned while sedated for another medical treatment, but there was no documentation that this occurred.
- 31 (74%) of the 42 children who had developmental or educational assessments in Period VII had identified needs. All of the needs for 30 of the 31 children (97%) were being addressed up through the end of the school year in June. Documentation was insufficient to determine if services were initiated for one child assessed in March and discharged in May 2009.
- 31(91%) of the 34 children who had mental health assessments in Period VII had identified needs. All of the needs for 24 of the 31 children (77%) were being addressed. Another three (10% of 31) had some of their needs addressed or services scheduled by June 31, 2008. Five children (16%) appeared to have none of their needs addressed. However, the assessments for three of these five had only been completed in June; therefore it may have been too early to expect to see services in place. No scheduling of services by June 30 was evident in these cases.

## **5. Response to Emerging Needs Between Routine Well-Child Visits**

A small portion of children may have episodes of acute illness or emerging needs between regular assessments. Case documentation suggests the State is generally more responsive to these emerging needs than those identified through routine exams. The sample sizes and resulting percentages are too small to draw conclusions as to the need for improvement.

- 52 children (29%) of the 181 children in the sample experienced emerging needs during the reporting period. Forty-nine (94% of 52) appear to have had these needs met. Two of the

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<sup>94</sup> Conclusions drawn from subsamples of 50 or less have margins of error of  $\pm 13$  percent or more.

three children who do not appear to have had their needs met had broken glasses and there was no documentation that replacement glasses had been obtained before June 30, 2009. A third child had had a jammed finger with swelling over a period of a few weeks that did not appear to receive medical treatment.

- Five children (3%) of the 181 children in the sample experienced acute dental needs during the reporting period and all five had those needs treated.
- 39 children (22%) of the 181 sample experienced acute mental health needs during the reporting period. Thirty-eight (97% of 39) appear to have received the treatment they needed either through new services or through the on-going therapeutic services they were receiving. The one child who appeared to have some unmet needs was a youth who was transferred from a hospital to a skilled nursing facility and did not receive her dialysis treatment for three or four days. The delay appears to have caused the youth to hallucinate. The day this behavior was observed was the same day the youth was discharged to her parents care.

#### **6. On-going Attention to Development and Education**

As previously noted, 31 children in the sample had one or more developmental and/or educational needs identified between January 1 and June 30, 2009. Academic assistance was needed by 15 children (48% of 31). Approximately a third of the children (11) needed therapy or other assistance for behavioral concerns, another third (10) had developmental delays and five children needed to be further evaluated. Other identified needs among the 31 children included day care, occupational therapy, physical therapy, and vocational training.

Other indicators of developmental or educational needs are Supplemental Security Income (SSI) benefits and Individualized Education Plans (IEP). Nine children in the sample appear to be receiving SSI benefits and 37 had IEPs. Twenty of the 37 IEPs appeared to be current (less than 12 months since the previous IEP).

Children aged 7 to 16 or older are required to be enrolled in school in Georgia. Within the foster care sample, 103 children (57% of 181) were age 7 or older by August 31, 2008 and were in DFCS custody sometime during a portion of the school year. Among the 103 children 84 (82%) were enrolled in school or a GED program in the first half of 2009 without any enrollment gaps. Twelve children (12% of 103) experienced gaps in school enrollment for different reasons. Four (4) children (4%) did not appear to be enrolled at all during the period. Forty-four of the children (56% of 78) younger than age seven were enrolled in a kindergarten, pre-school or other developmental program.

## **7. Services to Children in Foster Care 18 months or More**

The Consent Decree requires a specific focus on children in care 18 months or more by moving them to “Specialized” caseloads of no more than 12 children per case manager. These Specialized Case Managers are responsible for individualizing services to children and families by convening meetings, accessing funding, and making decisions about the appropriateness of permanency goals and effectiveness of services. In doing so, they are to partner with the county Independent Living Coordinator for those children aged 14 and older, consult with public and private professionals regarding permanency, and to engage in discharge planning “no sooner than 30 days prior to discharge.”<sup>95</sup>

The foster care case record review of 181 children collected some limited information on the experience of children who had reached their 18<sup>th</sup> month in custody before or during Period VII. Within the sample of 181 children, 77 (43%) had been in custody 18 months or more. Among the 77 children, 28 (36%) were aged 14 or older and eligible for Independent Living Program (ILP) services. Eighteen of the 28 (64%) appeared to be receiving such services. Another nine youth had Written Transitional Living Plans (WTLP) but did not appear to be receiving ILP services. The only youth without ILP services or a WTLP reached age 14 during Period VII.

Sixty-seven of the 77 children (87%) had meetings between January and June 2009 to review the appropriateness of their permanency goal and effectiveness of services they are receiving. Most of the meetings appear to be case plan reviews convened by the Judicial Citizen Review Panel. The meetings had a range of results. Meetings for 14 children resulted in a revised permanency goal, revised services, or a new placement. Meetings for 52 children (one child had at least two meetings in Period VII) had one or more recommendations or actions taken related to such things as permanency, termination of parental rights, and maintaining current services and placements.

Thirteen of the 77 children (17%) were discharged before June 30, 2009 and DFCS anticipated another two children would be discharged by the end of July 2009. Two of the 13 children were discharged by the court against the recommendation of DFCS. Among the 11 discharges and the two anticipated discharges, nine children appear to have had discharge planning. The discharge planning occurred through different mediums. Five children appeared to have discharge planning occur over a series of visits between the case manager and child, there was no single event identified. Four other children had an identified discharge meeting.

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<sup>95</sup> See pp 11 and 12, Section 4.F paragraph 3, of the Consent Decree.

#### **D. Curative Actions to Address Concerns about State Performance: Discharge Planning and Discharge Medicals for All Children**

While the Consent Decree specifically requires discharge planning for children in custody 18 months or more, it does stipulate that “DFCS will determine whether additional services are necessary to ensure the continued success of the discharge.”<sup>96</sup> It also stipulates that all children will receive a health screen within 10 days of discharge.<sup>97</sup> Discharge planning and discharge medicals have been identified as areas of practice needing more attention. As a result, the State is engaged in a curative action to improve performance. In Period VII, the Accountability Agents were able to augment the case record review data collection by randomly selecting 10% of the discharges each month January through June 2009. Information from this additional group of files was collected on-line from SHINES; the paper files for these children were not requested or reviewed. As of June 30, 2009, the counties were making progress recording everything in SHINES and/or having all external documentation scanned into SHINES. However, this was not always done timely. For example, the Accountability Agents have observed that external documentation from March or April 2009 had not been scanned into SHINES until October or November of 2009.

##### **a. Discharge Planning**

Among the 181 children in the sample, 55<sup>98</sup> children (30%) had been discharged by June 30, 2009 or were expected to be discharged by the end of July 2009. Thirteen children (24% of 55) discharged, however, were unexpected by DFCS as the presiding judge discharged the children without prior notice to DFCS. For the remaining 42 discharges or anticipated discharges, there was documentation of discharge planning for 27 children (64% of 55). In nine cases, the discharge planning took place over a series of visits with the children. Discharge planning for another 18 children occurred in some form of meeting – one-on-one meetings between case managers and children (9); or a family team meetings or multi-disciplinary meetings (9). Table V-13 provides a summary of the information collected from the case record review and the monthly data.

Ten percent of the randomly selected discharges in Period VII equaled 63 children. Of the 63, 39 discharges (62% of 63) appear to have been anticipated by DFCS. Thirty-one children and youth (79% of 39) had some form of discharge planning. Eleven of the 31 children and families had meetings with the case managers. Sixteen children and families appeared to be planning over a series of visits, three had a Family Team Meeting, and one case had a staffing with the State Assistant Attorney General, but neither the youth nor the family was present. This information is included in Table V-13. Two additional discharged children were discharged to

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<sup>96</sup> See p.10, Section 4.C.6 in the Consent Decree.

<sup>97</sup> See p. 21, Section 6.B.6 in the Consent Decree.

<sup>98</sup> This number includes the children who had been in custody 18 months or more.

After Care Services, but there was no evidence of discharge planning by the end of the review period.

While the information from each source of data is not entirely comparable, it does indicate that some type of discharge planning is occurring with or for a majority of children and families. However, it also indicates that there is a portion of children for whom discharge is anticipated but there is no documentation of what is being done to better ensure their successful transitions back into their families or living with relatives.

**Table V-13**  
**Discharge Planning in Period VII**

Discharge Planning	Anticipated Discharges in Sample of 181 n=42*		Anticipated Monthly Discharges n=39**	
	Number	Percent	Number	Percent
Discharge planning through one-on-meeting with case manager	9	21%	11	28%
Discharge planning in a Family Team Meeting	9	21%	3	8%
Discharge planning over a series of visits with children and family	9	21%	16	41%
Other type of meeting (internal staffing, staffing with State Attorney General			1	2%
No documented discharge planning	15	36%	8	21%
<b>TOTAL</b>	<b>42</b>	<b>99%</b>	<b>39</b>	<b>100%</b>

Source: \*Case Record Review, August-September 2009; \*\*SHINES, 10 percent of monthly discharges in Period VII  
Percentages do not equal 100% due to rounding

Both information sources indicated that discharge planning addressed school enrollment and education performance for ten children and on-going medical, dental, and ongoing mental health care for the majority of children. Other issues included permanency, services, and financial support. Specific services to support successful discharge included financial support through subsidies, employing wrap-around services and other therapeutic services.

#### **b. Discharge Medicals**

Among the 27 children in the case record review with discharge planning, 11 children (41%) had discharge medicals scheduled. Nine of the 35 discharges expected before June 30, 2009 had discharge medicals and they were all within 10 days of their discharge. Another three children



who were in custody 27 days or less had initial medicals that were within 10 days of discharge. The information is summarized in Table V-14.

Eighteen (46%) of the 39 monthly discharged children had discharge medicals. Scheduling a discharge medical was discussed in the discharge planning for another seven children (18%). The information is summarized in Table V-14.

As with discharge planning, the information from each source of data is not entirely comparable. It does indicate that efforts are being made to have a majority of the children obtain a medical exam at the time of discharge. However, it also indicates that discharge medicals are not even being discussed for possibly 36 percent to 45 percent of the children for whom discharge is anticipated.

**Table V-14**  
**Discharge Medicals in Period VII**

Discharge Medicals	Anticipated Discharges in Sample of 181 n=42*		Anticipated Monthly discharges n=39**	
	Number	Percent	Number	Percent
Discharge medicals scheduled during discharge planning	11	26%	7	18%
Evidence of discharge medicals received	12	29%	18	46%
No evidence of discharge medicals scheduled or received	19	45%	14	36%
<b>TOTAL</b>	<b>42</b>	<b>100%</b>	<b>39</b>	<b>100%</b>

Source: \*Case Record Review, August-September 2009; \*\*SHINES, 10% of monthly discharges in Period VII

## PART VI STRENGTHENING THE SERVICE DELIVERY INFRASTRUCTURE

Several of the Consent Decree requirements focus on DHR/DFCS organizational capabilities, with the intent of enhancing or creating capacity thought to be instrumental to the achievement of desired outcomes. This includes specialized staff, caseload sizes, workforce skill development, and having the resources and services to meet needs. This chapter reports on the progress of the State in meeting Outcomes 25, 26, 29, and 31 as well as capacity requirements.

### A. Outcome Performance

The Accountability Agents attributed four outcomes (25, 26, 29, and 31) to creating a stronger infrastructure for caring for the children in DFCS custody. Table VI-1 below provides the measured performance summary for each infrastructure Outcomes. The discussion following the table provides a more detailed description of State performance. This discussion includes a summary of Consent Decree requirements and interpretation and measurement issues associated with the outcomes. Contextual information about issues surrounding the work is provided for understanding the State's performance in Period VII. Charts are used to illustrate the performance trends emerging over seven periods.

**Table VI-1**  
**Strengthening Infrastructure Outcomes**

Effective Oversight of Placement Settings	Period VII Performance
<b>Outcome 25:</b> At least <b>98%</b> of all foster children in custody at a point in time during the reporting period shall be in placements that are in full approval and/or licensure status.	<b>99%</b>
<b>Outcome 31:</b> No more than <b>10%</b> of all children in foster homes shall be placed in foster care homes that exceed the capacity limits referenced in Section 5.C.4.e. of the Consent Decree, concerning the requirement that no child shall be placed in a foster home if that placement will result in more than three(3) foster children in that foster home, or a total of six (6) children in the home, including the foster family's biological and/or adopted children.	<b>3%</b>
Timely and Complete Court Orders for Placement Authorization	
<b>Outcome 26:</b> At least <b>95%</b> of foster children in custody at a point in time during the reporting period shall have all applicable language in court orders necessary to assess qualification for federal funding under Title IV-E of the Social Security Act. This outcome shall be measured for court orders entered after the entry of the Consent Decree.	<b>71%</b>
<b>Outcome 29:</b> No more than <b>5%</b> of all children in custody of DHR/DFCS for 12 months or more shall have lapse of legal custody within the prior 13 months.	<b>4%</b>

## **1. Effective Oversight of Placement Settings: Outcomes 25 and 31**

Two Outcomes (numbers 25 and 31) relate to the supervision of placement settings. Data for these outcomes were gathered from case record reviews, State administrative data systems, and site visits to private providers.

### ***Outcome 25 - Approved Placement Settings for Children***

Outcome 25 seeks to reduce the risk that children may be placed in harmful situations by requiring foster care placements to be evaluated and to be in full approval and/or licensure status. Outcome 25 stipulates that "...by the end of the fourth reporting period, at least 98% of all foster children in custody at a point in time during the reporting period shall be in placements that are in full approval and/or licensure status."<sup>99</sup>

#### **a. Interpretation and Measurement Issues**

There were no new interpretation or measurement issues encountered during Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. Measurement of Outcome 25 performance is based on the sub-sample of 134 children who remained in care on June 30, 2009, drawn from the sample of 181 children in the custody of DeKalb or Fulton County placed in out-of home care at any time between January 1 and June 30, 2009.

#### **b. State Performance**

- The State Surpassed the Outcome 25 Threshold**

At the end of Period VII, **99 percent** of the children in custody were in placements that were in full approval and/or licensure status. This represents the highest compliance rate measured thus far for Outcome 25 in any reporting period, and is the first time the Outcome 25 performance threshold of 98 percent was met or exceeded. The State's Period VI performance on Outcome 25 was 97 percent. Additional detail on this measurement appears in Table VI-2.

As in Period VI, compliance with the relevant approval processes remained at 100 percent for child-caring institutions, provider-supervised foster homes, and group homes. The approval rate of DFCS-supervised foster homes increased to 100 percent from the Period VI rate of 94 percent, and the approval rate for non-foster relative placements increased to 96 percent from the Period VI rate of 89 percent. Both results are within the statistical margin of error for the sample of foster homes. Figure VI-1 displays the State's performance on this outcome over the six reporting periods to which the Consent Decree standards applied.

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<sup>99</sup> See p 36, Outcome 25, of the Consent Decree

**Table VI-2**  
***Outcome 25 – Children in Placements in Full Approval Status***

Placement Type	Children in Placement Sample	Children in Placements on 06/30/09	Children in “Fully Approved” Placements on 06/30/09	Percent of Children in care on 06/30/09 in “Fully Approved” Placements
Relative Placement <sup>a b</sup>	35	23	22 <sup>c</sup>	96%
DFCS-supervised Foster Home <sup>d</sup>	42	31	31	100%
Provider-supervised Foster Home <sup>e f</sup>	62	49	49	100%
Group Home <sup>g</sup>	22	17	17	100%
Child Caring Institution <sup>g</sup>	9	7	7	100%
Other (no relevant approval process)	11	7	N/A	N/A
<b>Total</b>	<b>181</b>	<b>134</b>	<b>126/127 <sup>h</sup></b>	<b>99%</b>

<sup>a</sup> Data source: Placement file review.

<sup>b</sup> Data source for ICPC relative placements: Georgia’s ICPC records.

<sup>c</sup> The criteria specified in Section 1004 of the DFCS Policy Manual for approval of a relative placement are the Social Services Supervisor’s approval and completion of a satisfactory relative care assessment (RCA). For purposes of the file review, a judge’s signature was also accepted as evidence of supervisory approval.

<sup>d</sup> Data source: SHINES and Placement file review.

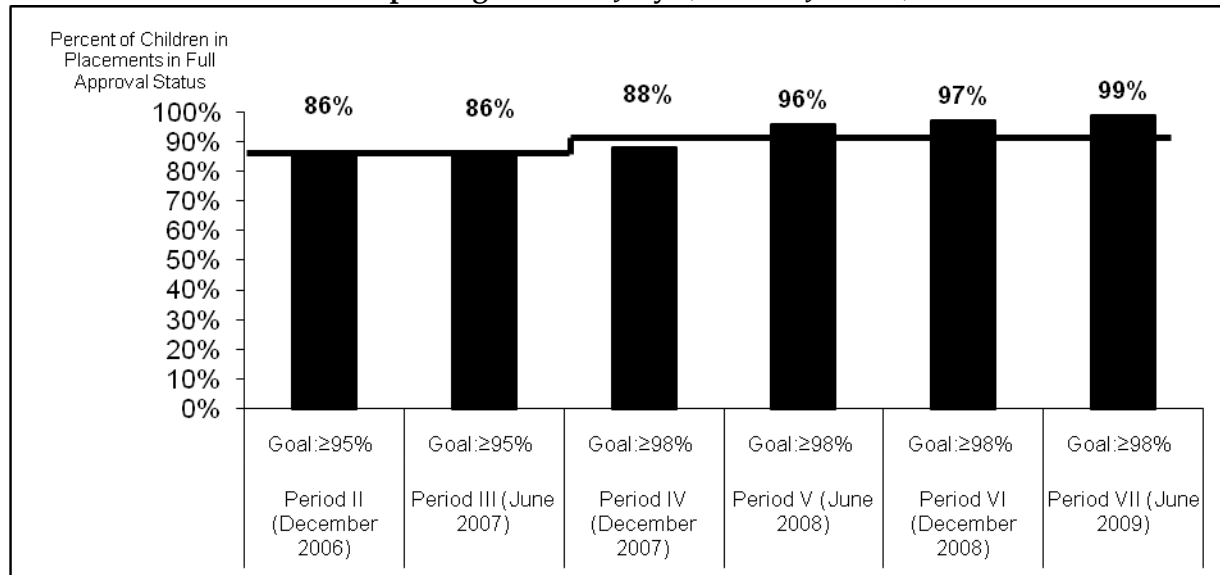
<sup>e</sup> Data source: Review of child-placing agency’s records.

<sup>f</sup> Data source for ICPC foster home placements: Georgia’s ICPC records.

<sup>g</sup> Data source: SHINES

<sup>h</sup> Excludes seven children in state custody on 6/30/2009 that were in settings with no relevant approval process including: placed with parents, hospitalized, or Youth Department of Corrections.

**Figure VI-1**  
**State Performance on Outcome 25:**  
**Children Placed in Settings that are in Full Approval and/or Licensure Status**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Foster Home Case Record Reviews

### ***Outcome 31 – Foster Home Capacity Limits***

Outcome 31 seeks to limit the number of children placed in individual foster homes. By the end of Period II, it stipulates that “...no more than 10% of all children in foster homes shall be placed in foster care homes that exceed... [specified] capacity limits....”<sup>100</sup> The capacity limits referenced in Outcome 31 are contained in Section 5.c.4.e of the Consent Decree.<sup>101</sup>

#### **a. Interpretation and Measurement Issues**

There were no new interpretation or measurement issues encountered during Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. The point-in-time used for measurement of Outcome 31 in Period VII was June 30, 2009. Measurement of Outcome 31 performance is based on the 80 children in the sample of 181 children in foster care that were in custody and placed in family foster homes on June 30, 2009. The statistical margin of error for this subsample is +/- 11 percent.

<sup>100</sup> See p. 38 of the Consent Decree

<sup>101</sup> See p. 16 of the Consent Decree. The Section 5.c.4.e capacity limits provide that “No child shall be placed in a foster home if that placement will result in more than three (3) foster children in that foster home, or a total of six (6) children in the home, including the foster family's biological and/or adopted children.... The only exception to these limits shall be circumstances in which the placement of a sibling group in a foster home with no other children in the home would exceed one or more of these limits.”

**b. State Performance**

- **The State Surpassed the Outcome 31 Threshold**

Two of the 80 children from the placement sample that were in care at the end of Period VII, or **3 percent**, had been placed in foster homes that exceeded the specified capacity limits. By comparison, eight percent of the children in foster homes on December 31, 2008 had been placed in foster homes that exceeded the specified capacity limits. In Period VII, both of the foster homes that exceeded the capacity limits did so due to the placement of sibling groups; however, they did not qualify for the exception enumerated in Section 5.c.4.e. because in one case, the home already contained a sibling group of two when another sibling group of two was placed there; and in the other case, a sibling group of six was placed in a home that already contained two birth children. Additional detail on this measurement appears below in Table VI-3. Figure VI-2 illustrates the proportion of foster children placed in foster homes exceeding the Consent Decree standards over the six reporting periods to which the standards applied.

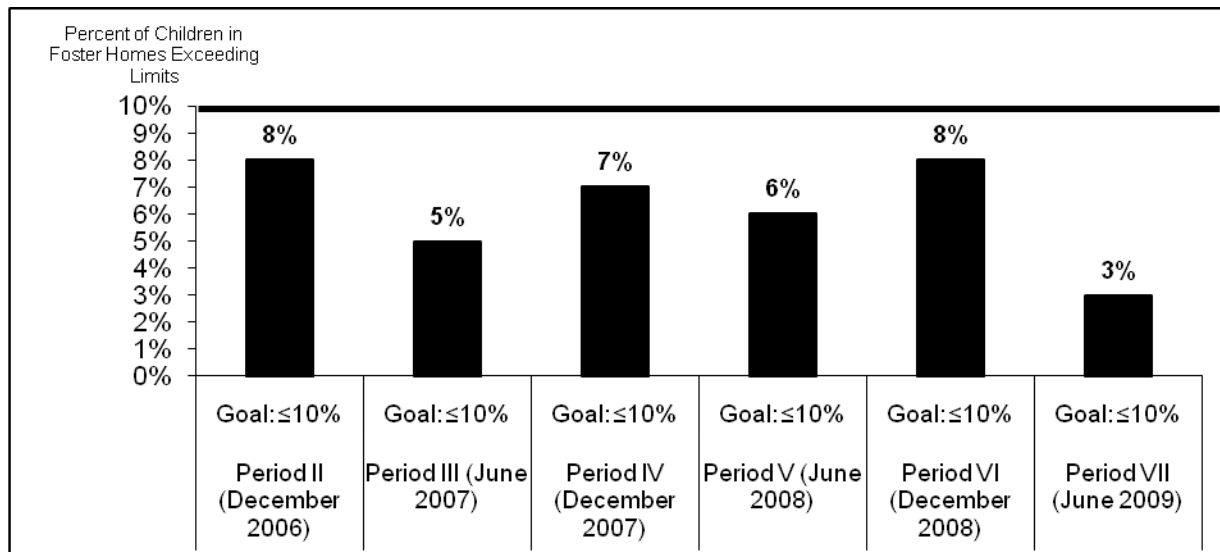
**Table VI-3**  
**Outcome 31 – Children in Foster Homes Exceeding Capacity Limits**  
**n=80**

Placement Type	Sampled Children in Foster Homes on 6/30/2009	Children Placed in Foster Homes Having 3 or More Foster Children	Children Placed in Foster Homes Having 6 or More Children in Total	Children Placed in Foster Homes Having 3 or More Foster Children and/or 6 or More Total Children
DFCS-supervised Foster Homes <sup>a</sup>	31	0	0	0%
Provider Supervised Foster Homes <sup>b</sup>	49	2	1	4%
<b>Total</b>	80	2	1	<b>3%</b>

<sup>a</sup> Data Source: SHINES

<sup>b</sup> Data Source: Targeted review of provider foster home files

**Figure VI-2**  
**State Performance on Outcome 31: Children are Not in Foster Homes**  
**Exceeding Licensed Capacity**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Case Record Reviews

## 2. **Timely and Complete Court Orders for Placement Authorization: Outcomes 26 and 29**

Two Outcomes (numbered 26 and 29) relate to strengthening the infrastructure by establishing benchmarks for practices that help support DFCS claims for federal reimbursement for services to children in custody and to ensure DFCS has documented custodial authority for the children in foster care.

### ***Outcome 26 – Required IV-E Language in Court Orders***

Outcome 26 relates to DFCS having the proper documentation in a child's file to support an appropriate claim for Federal reimbursement under the Title IV-E program.<sup>102</sup> For those children who entered care on or after October 27, 2005, judicial determinations regarding "...contrary to the welfare..." must be made in the first order that authorizes the State agency's action to remove the child from home. In practice, this is often the court order from the 72 hour hearing. In addition, there must be documentation of a judicial determination made no later than 60 days from the date of the child's removal from the home that "reasonable efforts" were made to prevent the child's removal from his/her family.<sup>103</sup> If either of these requirements is

<sup>102</sup> See pp 36-37, Outcome 26 of the Consent Decree

<sup>103</sup> Ibid.

not met, and the child's family meets the income test for Title IV-E, the State cannot claim federal reimbursement for the child's care the entire time the child is in custody.

All children in State custody after the Consent Decree should have a permanency hearing at least every 12 months with the appropriate language about "reasonable efforts" to achieve permanency included in the subsequent court orders. If these determinations do not occur timely or the language is not child specific, there is a gap in the child's eligibility until the determination is appropriately made and the State cannot claim federal reimbursement during the gap.

**a. Interpretation and Measurement Issues**

No new interpretation or measurement issues were encountered in the Period VII. Appendix B provides a summary of previously resolved interpretation and measurement issues. Measurement of Outcome 26 performance is based on the sample of 181 children in foster care. As in previous periods, the biggest challenge to measuring this outcome was the lack of legal documentation found in the child records. The Accountability Agents requested the State to provide the documentation if it was available in other records.

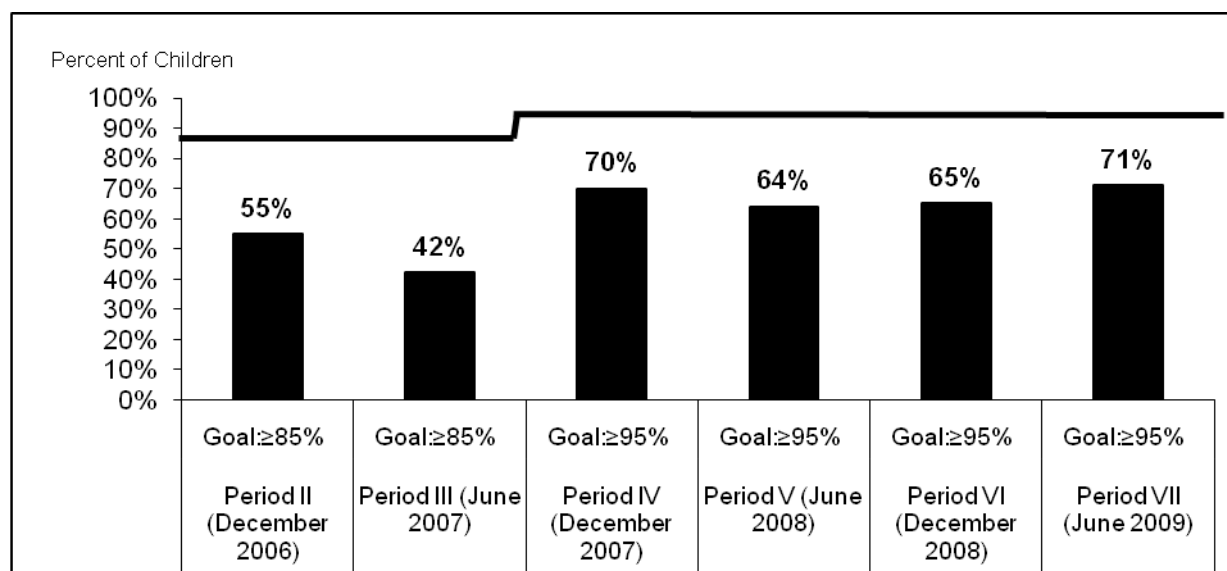
**b. State Performance**

- **The State Fell Short of the Outcome 26 Threshold**

For Outcome 26, 129 children (71%) of the 181 children in the Period VII placement sample had the required court orders with all the required language necessary to assess current eligibility for federal funding under Title IV-E. The threshold for this outcome is 95 percent. Figure VI-3 displays the State's performance on Outcome 26 over the six reporting periods to which the Consent Decree standards applied. Period VII performance was similar to that of Period IV (when the Accountability Agents worked closely with the DHR legal staff to obtain the necessary documentation) and represents the best performance measured thus far for Outcome 26. No similar intensive effort occurred in other periods.



**Figure VI-3**  
**State Performance on Outcome 26:**  
**Court Orders Contain Required Language to Support IV-E Funding Claims**  
**For Six Reporting Periods (July 1, 2006 to June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews

The primary reasons for falling short of the Outcome threshold remain the same as the Accountability Agents have identified in previous reporting periods: missing documentation or incomplete documentation. Among the 52 records that did not meet Outcome 26 standards, the following patterns emerged:

- 17 records were missing the initial removal orders that brought the children into DFCS custody. Most of the removal orders missing from the files (13 of 17) were from 2008 or earlier removals.
- 9 records had initial removal orders, but the orders were missing child-specific language.
- 6 records were missing evidence of 60-day judicial determinations or these determinations were not done within the required 60 days.
- 22 records were missing one or more Permanency Orders or the orders did not have the required language. Most of the missing permanency hearing documentation (15 of 22 files) was from 2008 or earlier permanency hearings.

### ***Outcome 29 – Lapses in Legal Custodial Authority***

The Consent Decree strives to limit the proportion of children for whom DHR/DFCS custodial authority lapses.<sup>104</sup> Outcome 29 stipulates that no more than 5 percent of all children should have a lapse in their legal custody within the most recent 13 months of their placement.

#### **a. Interpretation and Measurement Issues**

No new interpretation issues were encountered in Period VII. Measurement of Outcome 29 performance is based on 113 children in the sample of 181 children in foster care. These 113 children had been in custody 12 months or more and were still in the temporary custody of the State. The statistical margin of error for this subsample is +/- 9 percent. Measurement was again modified to allow the State to provide copies of court orders that were not found in the case record review. In Period VII, the Accountability Agents requested further follow-up from DFCS on nine records to complete the analysis because these records had insufficient information to determine custodial lapses. The State provided appropriate documentation for five records.

#### **b. State Performance**

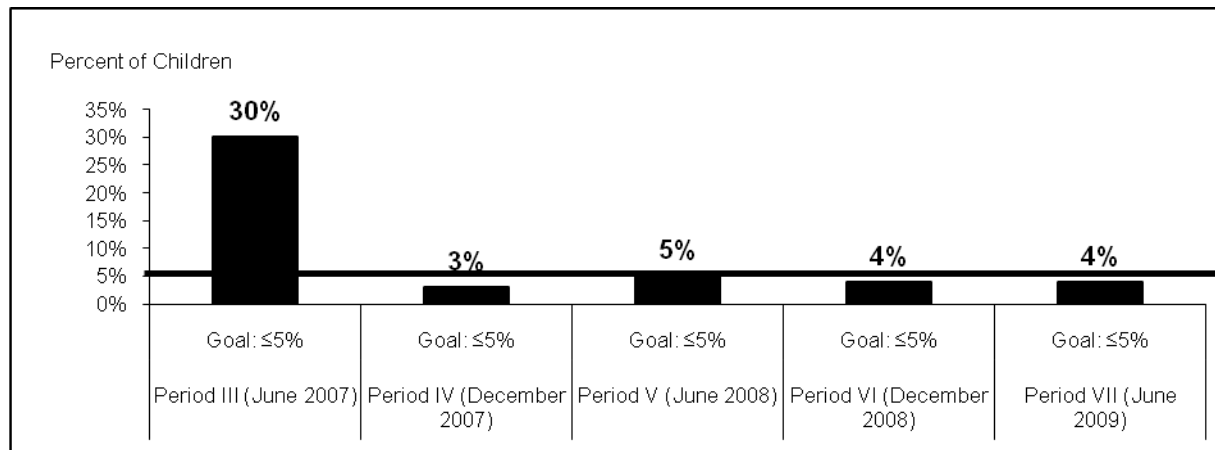
- **The State Surpassed the Outcome 29 Threshold**

In Period VII, it appears that DFCS had lapses in custody for four children out of 113 (4%). The outcome threshold is no more than 5 percent. This performance is the same as Period VI. Figure VI-4 illustrates the proportion of children in DFCS custody with custody lapses over the five reporting periods to which the Consent Decree standard applied.

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<sup>104</sup> See p 37, Outcome 29 of the Consent Decree

**Figure VI-4**  
**State Performance on Outcome 29: Children in Care With Legal Custody Lapses**  
**For Five Reporting Periods (January 1, 2007 – June 30, 2009)**



Source: Review Period Foster Care Case Record Reviews, Court documentation

## ***B. Lower Caseloads and Staff Qualifications***

### **1. Caseload Sizes**

There are six primary types of case managers responsible for direct interventions with children and families. The Consent Decree establishes caseload caps for five types. Table VI-4 displays the five different types of case managers, “case” definition, and the stipulated caseload caps.

**Table VI-4**  
**Case Manager Types and Respective Caseload Caps**

<b>Case Manager Function</b>	<b>Responsibility</b>	<b>Caseload Cap</b>
Child Protective Services Investigators (CPS Investigations)	Respond to and investigate reports of child maltreatment. These individuals may also respond to reports of families in need who are considered candidates for “diversion” services.	12 cases (the equivalent of 12 families)
Child Protective Services On-Going Case Managers also referred to as Family Preservation	Provide services to and supervise the safety of children who are not taken into state custody and remain in their own homes.	17 cases (the equivalent of 17 families)
Permanency Case Managers <sup>105</sup>	Provide services to the children and families of children who are in the State’s custody.	15 cases (the equivalent of 15 children)
Adoptions Case Managers	Provide services to children whose parents’ parental rights have been terminated and who have the permanency goal of adoption.	16 cases (the equivalent of 16 children)
Specialized Case Managers	Provide services to the children and families of children who have been in state custody 18 months or more.	12 cases (the equivalent of 12 children)

A sixth type of case manager may be referred to as a Diversion or Family Support Case Manager. These case managers are responsible for short-term intervention with families who come to the attention of DFCS because they are in need of services that will help them keep their families safe. In child welfare practice this strategy has come to be known as a “differential” or “alternative response” to either an investigation or totally “screening out” a report because the circumstances do not rise to the level of child maltreatment. Diversion case managers may handle child protective services investigations as well under two circumstances. One, if, upon meeting with the family and determining that the situation does rise to the level of possible abuse or neglect, the case designation is revised from “diversion” to “child protective services.” The second circumstance may be when all other investigative staff are busy and Diversion case managers are called on to conduct the investigation to ensure a timely response. Diversion cases and case managers are not covered by the terms of the Consent Decree. They are only included in the caseload analysis when they have responsibility for investigations or family preservation cases. When they are included, all of their cases are counted equally against the caseload caps -- diversion cases along with investigations and/or family preservation cases.

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<sup>105</sup> The State has newly designated “placement” case managers as “permanency” case managers to emphasize their primary purpose is to promote permanency in the lives of children.

**a. State Performance as of June 30, 2009**

On June 30, 2009, **89** percent of the case managers in DeKalb and Fulton Counties had caseloads that were at or under designated caps, as reflected in Table VI-5. This is a substantial improvement over the end of Period VI (December 2008) when 72 percent of the case managers had caseloads at or under the designated caps. Furthermore, this is the State's best performance since Period II (December 2006). In contrast to Period VI, all but the caseloads of Adoption case managers improved considerably. Three workers who were not fully certified by June 30, 2009 had caseloads exceeding DFCS-set limits. Fewer cases appeared to remain assigned solely to workers who had been promoted, left DFCS employment before June 30, 2009, or were on medical leave, or were temporarily assigned to supervisors in anticipation of formal assignment. In Period VI there were 66 such cases compared to 31 in Period VII. These cases are discussed below as part of the individual caseload discussions.

The Accountability Agents interviewed 56 foster care case managers in July 2009 to obtain supportive information about caseload sizes. The case managers were asked about their caseload sizes the day of the interview and the pattern they experienced in the six-month period January-June. In many instances the case managers reviewed the SHINES assignment reports with Accountability Agents and discussed any discrepancies between SHINES and the number of cases they were actually "working" on the day of the interview. The interviews confirmed the caseload sizes and supervisory ratios reported by the State.

**Table VI-5**  
**DeKalb and Fulton County Caseload Status on June 30, 2009**

Case Manager Function	Target Caseload Cap: Number of cases	Number of Active Staff on 6/30/09 <sup>1</sup>	Number of Active, On-leave Staff on 6/30/09 <sup>2</sup>	Actual Performance				
				Meeting Cap on assigned caseloads <sup>3</sup>		Not Meeting Cap on assigned caseloads		Cases assigned to separated/ on leave workers/ Supervisors
				Number	%	Number	%	Number
CPS Case Manager	12 families	31	1	29	91%	3	9%	
Ongoing Case Manager	17 families	42		41	98%	1	2%	1
Permanency Case Manager	15 children	67	3	61	87%	9	13%	3
Specialized Case Manager	12 children	52		48	92%	4	8%	27
Adoption Case Manager	16 children	36		28	78%	8	22%	
Total		228	4	207	89%	25	11%	31

Sources: SHINES; county personnel systems for leave and separation information

Notes:

<sup>1</sup>Active staff are those staff that were not on leave of absence on June 30, 2009 that was expected to be more than 30 days. Includes workers with mixed caseloads of CPS investigations and diversions. Excludes workers who had diversion cases only. Excludes case managers who have caseloads exclusively of children placed in Georgia through ICPC and not in DFCS custody

<sup>2</sup>Active staff on leave at June 30, 2009 but leave anticipated to be more than 30 days.

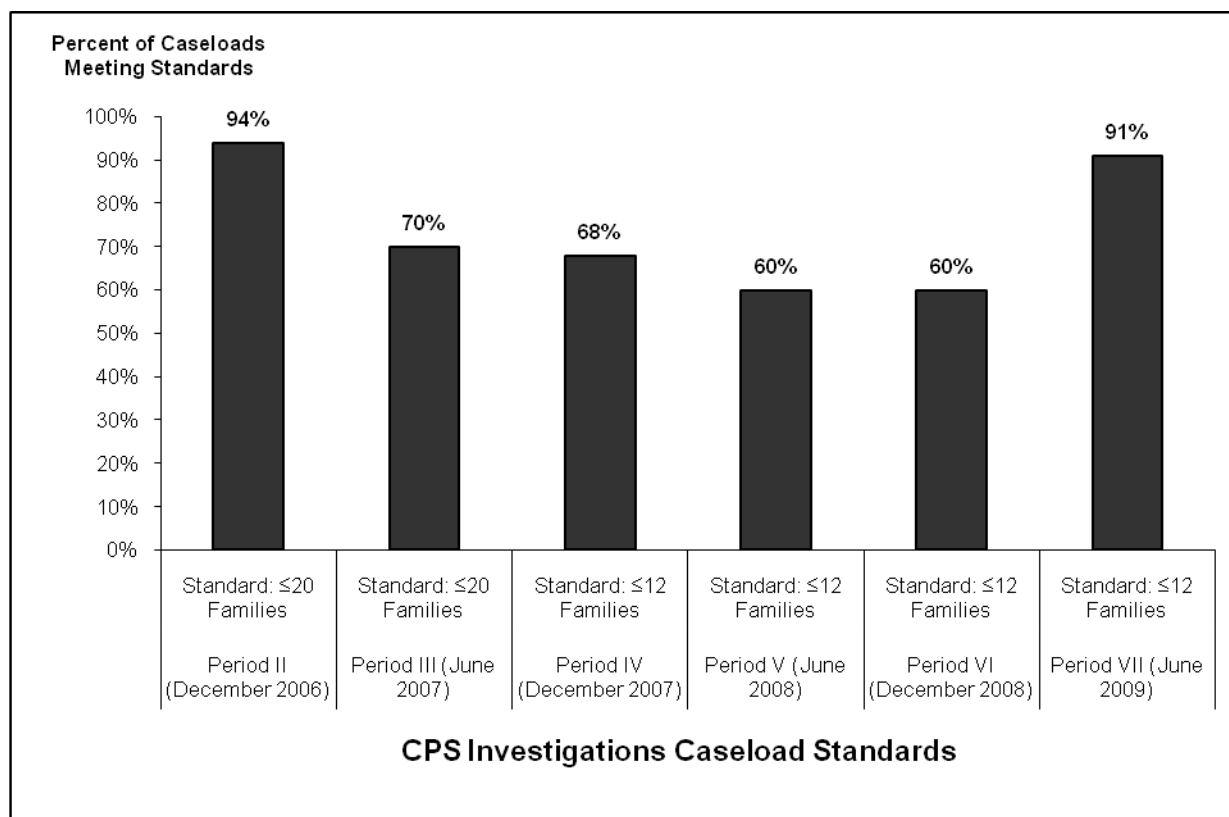
<sup>3</sup>Three provisionally certified workers had caseloads within the Consent Decree requirements but exceeding the 7 case limit established by DFCS. The caseloads ranged from 8 to 11.

### ***Child Protective Services Caseloads***

In June 2009, 91 percent of the *CPS investigation* caseloads were at or under the caseload cap of 12 families. This is a substantial improvement over Period VI and matches the State's performance in Period II when the caseload cap was higher: 20 families. None of the investigation staff had more than 20 cases. Of the three caseloads that were over the cap, one was a caseload of 13 investigations; another was a combined caseload of 1 investigation and 18 family support (diversion) cases; and the third caseload was one of 11 investigations assigned to a provisionally certified investigations case manager on June 30, 2009. Figure VI-5 illustrates

the proportion of CPS investigation caseloads meeting the Consent Decree standards over the six reporting periods to which the standards applied.

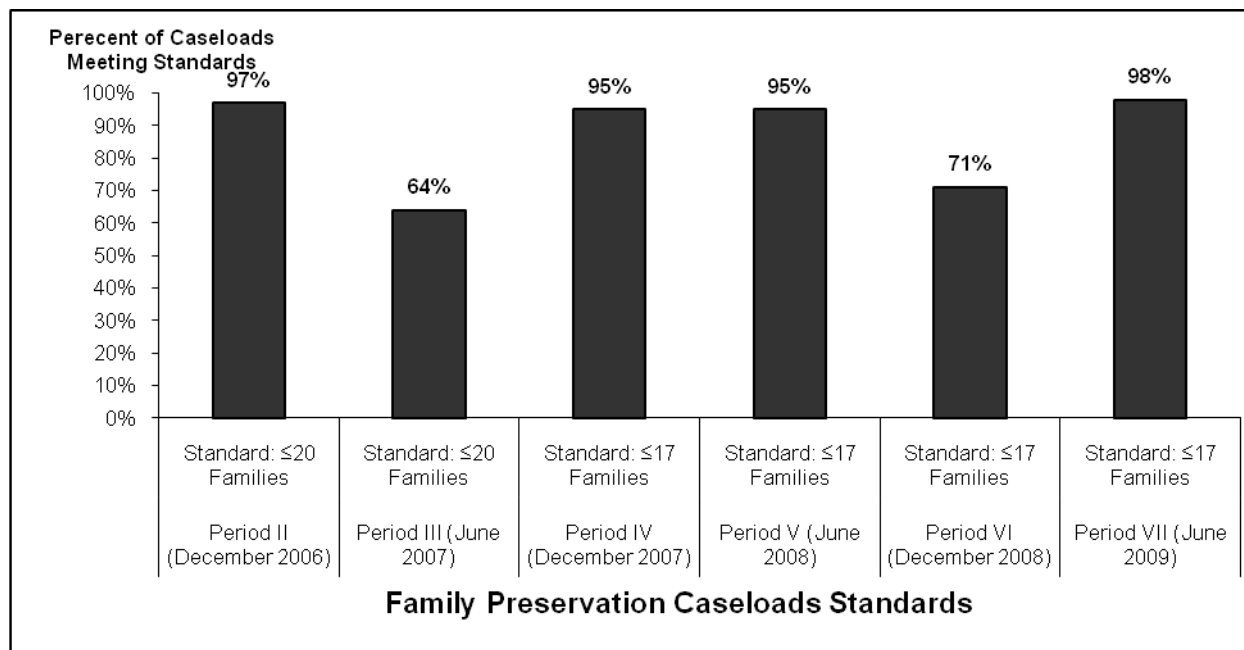
**Figure VI-5**  
**Percent of CPS Investigation Caseloads Meeting Standards**  
**At the end of Six Reporting Periods (July 2006-June 2009)**



Source: State data bases: IDS and SHINES; county personnel systems for leave and separation information.

Among the case managers who provide *family preservation (on-going, in-home child protective services)*, 98 percent had caseloads of 17 or fewer families. This is the State's best performance to-date in meeting the caseload caps for family preservation case managers. Although 97 percent of the Period II (December 2006) family preservation caseloads were at or under the cap, at that time the cap was 20 families. The one caseload that exceeded the cap of 17 families in Period VII was a combined caseload of three family preservation and 35 family support cases. Figure VI-6 illustrates the proportion of CPS on-going services caseloads meeting the Consent Decree standard over the six reporting periods to which the standards applied.

**Figure VI-6**  
**Percent of Family Preservation<sup>106</sup> Caseloads Meeting Standards**  
**at the end of Six Reporting Periods (July 2006-June 2009)**



Source: State data bases: SHINES; county personnel systems for leave and separation information.

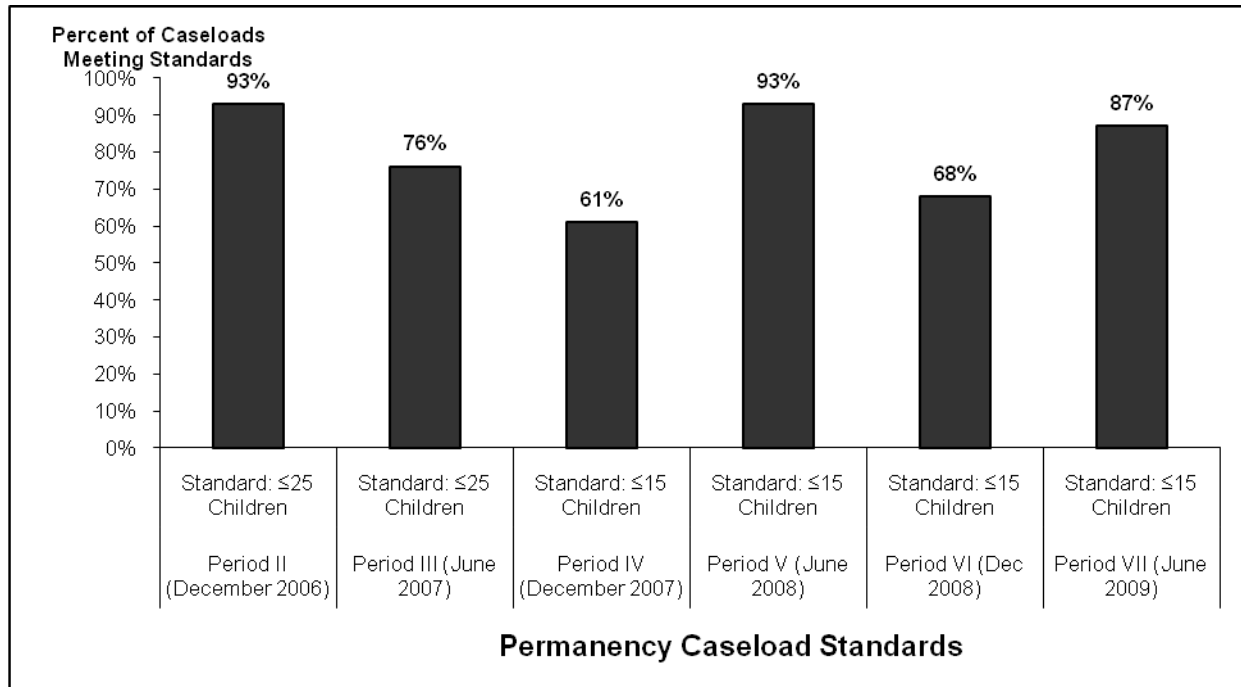
### ***Permanency Caseloads***

In Period VII, 87 percent of the “*regular*” *permanency caseloads* were at or under the caseload cap of 15 children. This is a substantial improvement from Period VI when 68 percent of the caseloads were at or under the cap. Five of the active case managers had caseloads of 16 to 18 children and one provisionally certified case manager had eight assigned children on June 30, 2009. Three caseloads had 20 to 23 children. Three case managers were on extended leave on June 30, 2009. One of these case managers did not have any assigned cases in the June report, but the other two did. Other case managers appear to have been assigned secondary responsibility for the majority of these cases. The secondary responsibility, however, did place a supporting case manager over the caseload cap. The remaining cases were reportedly being handled by other staff in the units. Figure VI-7 illustrates the proportion of regular permanency caseloads meeting the Consent Decree standards over the six reporting periods to which the standards applied.

<sup>106</sup>These cases were formerly referred to “on-going CPS”.



**Figure VI-7**  
**Percent of Regular Permanency Caseloads Meeting Standards**  
**At the end of Six Reporting Periods (July 2006-June 2009)**

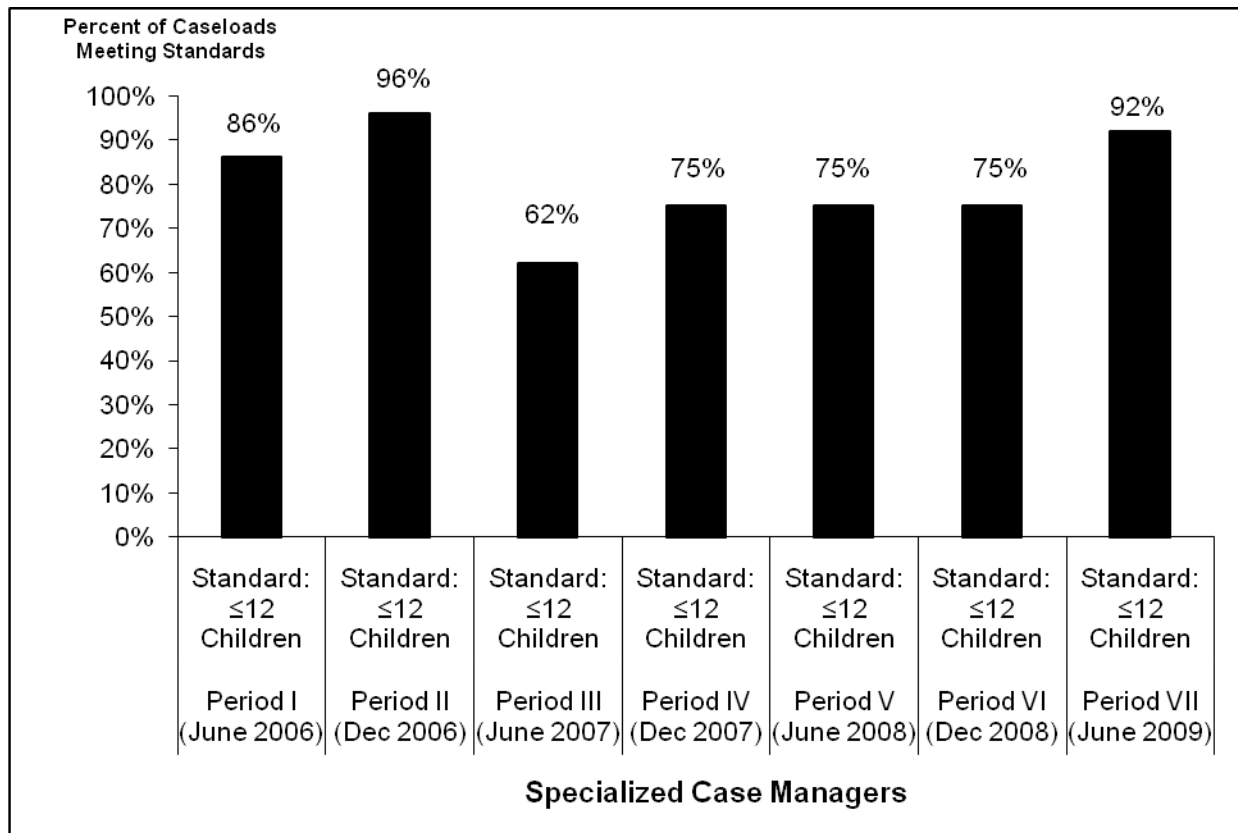


Source: State data bases: IDS and SHINES; county personnel systems for leave and separation information.

Some permanency case managers continue to have a few children who reach their 18<sup>th</sup> month in custody and remain on the regular permanency caseload at month-end when the case loads are reviewed. In June 2009, nine “regular” permanency caseloads included 25 children who had reached their 18<sup>th</sup> month in state custody. For some of these, the transfer to specialized caseloads appears to be a simple matter of timing. For other cases, the transfer had not yet occurred because the children were in sibling groups, were about to reach age 18, or, as in one case, the Permanency Round Table recommended the youth stay with the current case manager.

Compliance with the designated *specialized caseload* standard improved, with 92 percent of the caseloads having 12 or fewer children. In the previous three periods this proportion had stayed at 75 percent. Five case managers had caseloads ranging from 13 to 15 children. Twenty-one cases were still assigned to case managers who resigned in May and June and one supervisor still carried the six cases she had had before her promotion to supervisor. Figure VI-8 illustrates the proportion of specialized caseloads meeting the Consent Decree standard over the seven reporting periods to which the standard applied.

**Figure VI-8 Percent of Specialized Caseloads Meeting Standard  
At the end of Seven Reporting Periods (October 2005-June 2009)**

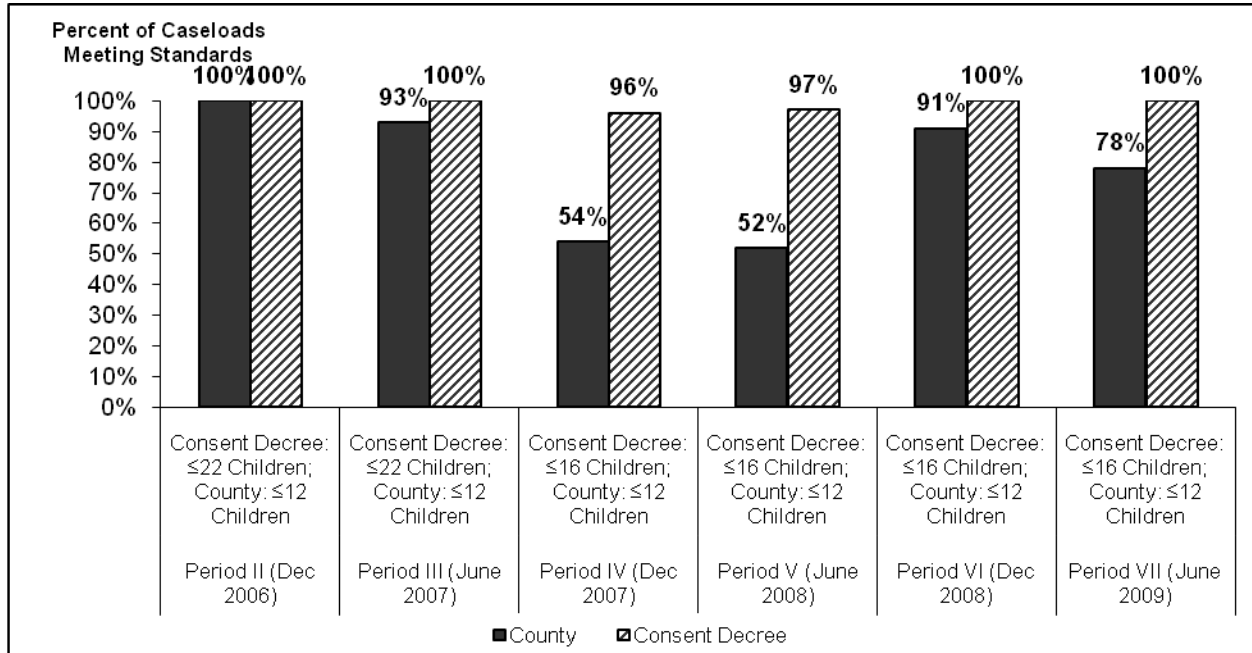


Source: State data bases: IDS and SHINES; county personnel systems for leave and separation information.

As previously noted, the *adoption* caseloads did not improve over Period VII. County performance as measured by the counties' self-imposed limits<sup>107</sup> reveals that 78 percent of the adoption caseloads have 12 or fewer children. This compares to 91 percent in Period VI. However, as measured by the Consent Decree requirement, all of the adoption case managers continued to have caseloads of 16 or fewer children for the second consecutive period. Five case managers had caseloads of 13, two had 14 children and one had 15 children. Figure VI-9 illustrates the proportion of adoptions caseloads meeting the Consent Decree standards over the six reporting periods to which the standards applied.

<sup>107</sup> The Consent Decree stipulates that all adoption case managers have caseloads no larger than 16 children. However, as the Counties set up the required Specialized Caseloads in the first reporting period, they elected to keep adoption caseloads at 12 or fewer children to be equivalent with the specialized case manager requirements

**Figure VI-9**  
**Percent of Adoption Caseloads Meeting Standards**  
**At the end of Six Reporting Periods (July 2006-June 2009)**



Source: State data bases: IDS and SHINES; county personnel systems for leave and separation information.

## 2. Supervisory Ratios

In addition to caseload caps, the Consent Decree establishes supervisory ratios. Each supervisor should supervise no more than 5 case managers at any one time.<sup>108</sup>

As shown in Table VI-6, on June 30, 2009, 98 percent of the supervisory units had a ratio of five workers or fewer to one supervisor. This is an improvement from Period VI when 84 percent had the required ratio and it is State's best performance to date. The one unit that did not meet the standard had six case managers. All supervisory vacancies appeared to be filled; however, two units were being supervised by a "Lead Worker." One supervisor was on extended leave on June 30 and the State reports that the unit was being supervised by a program administrator.

<sup>108</sup> See p. 23, Section 8.B.2 in the Consent Decree.

**Table VI-6**  
**DeKalb and Fulton County Supervisory Ratios at June 30, 2009**

Program/Service Area	Number of Units	Meeting 1 to 5 ratio		Not Meeting 1 to 5 ratio	
		Number	%	Number	%
Child Protective Services (Investigations and Family Preservation)	20	19	95%	1	5%
Permanency	17	17	100%	0	
Adoption	8	8	100%	0	
Specialized Case Management	13	13	100	0	
Total	58	57	98%	1	2%

Includes program administrator covering for a supervisor on-leave and two lead workers acting as supervisors.

Sources: State IDS, SHINES, and county personnel systems for leave and separation information

### ***C. Building Workforce Skills***

The Consent Decree has several training requirements.<sup>109</sup> In this report section, the Accountability Agents describe State efforts to continually improve its practice curricula, the qualifications of new supervisors and the State's compliance with pre-service and in-service training requirements.

#### **1. Education and Training Services Section**<sup>110</sup>

There have been no changes in the leadership of the Education and Training Services (ETS) section since the fourth reporting period. The State reports that the regional training system model implemented in January 2009 has been successful. In this model, trainers are specifically assigned to work with different regions and it gives the regional staff one contact person in ETS with whom to schedule any needed training. The trainers attend regional meetings, allowing them to stay current with the field's training needs.

#### **2. Staff Preparation and Professional Development**

During Period VII, the Education and Training Services reported working in cooperation with the GA SHINES Section to develop and deliver a SHINES refresher course for all case managers in DeKalb and Fulton counties: two days of foster care and one day for CPS case managers. A skills assessment was administered at the completion of the training, and each course

<sup>109</sup> See pages 25 and 26 of the Consent Decree for the complete description of the requirements.

<sup>110</sup> See Dimas, J.T. and Morrison, S. A. *Period I Monitoring Report, Kenny A. v. Perdue*, November 2006, for a description of the Education and Training Services Section.

participant was informed of their score. Scores were also sent to the training coordinator in each respective county.

During Period VII, the following courses were developed:

- *Family Centered Case Practice Model Training for Administrators and Supervisors* and the *Family Centered Practice Model Training for Case Managers*. These were piloted in Period VII and early Period VIII. Both trainings will be offered statewide beginning October 2009. Fulton County, as an Innovation Zone for implementation of the Family Centered Case Practice Model, is scheduled to receive the training in September 2009.
- *Skills and Strategies for Working with Fathers* for administrators and supervisors is currently available as an instructor-led training by request.
- New family team meeting (FTM) facilitator's training. This new training includes classroom training components, as well as a comprehensive field practice guide. In order for new facilitators to be approved to facilitate FTM's, they will need to complete the field practice guide and all activities, including observations and co-facilitations.
- *Using Psychological Evaluations in Case Planning*. This training is intended to assist case managers and supervisors in using Comprehensive Child and Family Assessments (CCFAs) as part of the case planning process with families. This training is currently offered by request.
- *Working with Immigrant Families*. This course examines legal issues, as well as practice issues with immigrant families.

### 3. New Supervisor Qualifications

As stipulated in the Consent Decree, case manager supervisors employed by the counties after October 27, 2005 must have, at a minimum, a Bachelor's degree in Social Work (BSW) and two years of experience.<sup>111</sup> Five individuals were promoted or newly employed as case manager supervisors January 1 through June 30, 2009. All either had a BSW or a Master's degree in Social Work (MSW). One individual who had a MSW had about 17 months of experience as a case manager instead of the required two years.

### 4. Pre-Service and On-going Training Hours

According to the county training and certification data reviewed by the Accountability Agents, it appears that new case managers are receiving the required number of hours of pre-service training. New supervisors appointed or hired in the last year appear to have received the

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<sup>111</sup> See p. 26 of the Consent Decree

supervisory pre-service training. However, it appears that 17 (7%) of the case managers did not have the required annual 20 hours of professional development. Almost half of the 17 were one or two hours shy of the requirement and all but two had some recorded training hours. Five (9%) of the supervisors had not received all of the required annual 20 hours of professional development, all five fell one or two hours short of the 20 hour requirement. The Accountability Agents discussed training opportunities and training received in interviews conducted with case managers and supervisors in July 2009. Their description of the training they had received was consistent with the training data provided by the counties.

## **5. Case Manager and Supervisor Certification**

The proportion of staff and supervisors who are fully certified has increased from Period VI. Table VI-8 summarizes the certification status available from the State at the end of June 2009 for social service case managers and supervisors in Fulton and DeKalb counties. As noted 218, (94%) case managers and 44 (77%) supervisors had achieved full certification as of June 30, 2009. This compares to 92 percent of the case managers and 67 percent of the supervisors in Period VI. There are still a number of supervisors who had completed some, but not all of the requirements for supervisor certification by the end of June. The Accountability Agents used the previously described case manager and supervisory interviews to obtain information to verify the reported certification status.

**Table VI-7**  
**Certification Status of Case Managers and Supervisors in**  
**DeKalb and Fulton County DFCS as of June 30, 2009**

<b>Position Title</b>	<b>Fully Certified</b>	<b>Results Pending</b>	<b>Provisional</b>	<b>Not Certified</b>	<b>Total</b>
<b>Case Managers</b>					
CPS Investigators	29		3		32
CPS On-Going Case Managers	40		2		42
Permanency Case Managers	66		4		70
Adoption Case Managers	35		1		36
Specialized Case Managers	48		4		52
TOTAL	218		14		232
<b>Supervisors</b>					
CPS (Investigations and On-Going)	16	2		2	20
Permanency	13	3		1	17
Adoption	8				8
Specialized Cases	7	5			12
TOTAL	44	10		3	57

Source: Compiled from data supplied by county training coordinators. The program administrator acting as a supervisor for a specialized case management caseload was not included. The two lead workers acting as supervisors are included, they are not certified.

**D. Assuring Needed Services Are Available**

During Period VII, the counties continued their foster home retention and recruitment efforts. Table VI-8 summarizes county progress by June 30, 2009 compared to the March 31, 2008 baseline. In order to better understand the total number of foster home beds available in the counties, the Accountability Agents asked the counties to provide the number of provider-supervised foster homes on June 30, 2009. These numbers, which have not previously been included in the totals, are included in Table VI-8. However, the counties do not currently have a system for collecting information about private agency recruitment and retention efforts; therefore the fluctuation in the number of private homes and beds is unknown over time.

Overall, the number of county-supervised foster home beds in each county has changed very little or declined since the Needs Assessment prepared by Hornby Zeller Associates. However, the number of children in foster care in each county has also declined, contrary to the Needs Assessment's forecasted increase. The Needs Assessment found that DeKalb County had 2.4 county-supervised foster home beds per child in custody and Fulton County had approximately 0.79 county-supervised foster home beds per child in its custody. Comparable numbers for June 30, 2009 indicate that the number of county-supervised foster homes in DeKalb County

provided 1.5 foster home beds per child in custody and the county-supervised homes in Fulton County provided 0.88 beds per child.

As indicated in Table VI-8, DeKalb County had fewer county-supervised homes and beds on June 30, 2009 than it did at the time of the Needs Assessment (March 2008) but the numbers are about the same as they were at the end of June 2008. Fulton County has more county-supervised homes and beds since March 2008 as shown in Table VI-8. Both counties have yet to reach the July 2009 capacity goals they set for themselves.

**Table VI-8**  
**DeKalb County and Fulton County Foster Home Capacity Building Progress**

County	Baseline – As of March 31, 2008		Status on June 30, 2009		Progress: Net Gain or (Loss)		Goals For July 2009 (total capacity)	
	Beds	Homes	Beds	Homes	Beds	Homes	Beds	Homes
<b>DeKalb</b>								
<i>County Supervised Homes</i>	418	209	409	207	(9)	(2)	798	308 to 339
<i>CPA Supervised Homes</i>			624	235				
<b>Total</b>			<b>1033</b>	<b>442</b>				
<b>Fulton</b>								
<i>County Supervised Homes</i>	504	238	526	257	22	19	594	328
<i>CPA Supervised Homes</i>			334	121				
<b>Total</b>			<b>860</b>	<b>378</b>				

Source: DeKalb and Fulton County reporting



## ***E. Placement Support***

In this section of the report, the State's performance is described regarding a number of issues related to the regulation and support of foster care providers. These issues are described in the Consent Decree in Section 5.C.4.e-i, 5.C.6<sup>112</sup> and Section 11.<sup>113</sup> The State performed well in Period VII and maintained or further advanced many of the significant improvements documented in Periods V and VI compared to earlier reporting periods.

Section 11 of the Consent Decree contains a variety of requirements with respect to the screening, licensing, and training of foster parents. Paragraph B of Section 11 requires a set of uniform standards to be in place for the approval or re-approval of all foster and pre-adoptive families. In Paragraph F, the State agrees not to allow the perpetrators of substantiated maltreatment to become or to remain foster parents. The State's performance against each of these requirements is considered below.

The file review of 156 foster homes sought evidence in each file that the home was in compliance with applicable standards at the end of the reporting period. Data from the foster file review are presented below. These data can be said to fairly represent the status of the sampled foster homes at the end of the reporting period, but may not accurately reflect the quality of the regulatory approval process. The reasons for this include changes that may occur in family circumstances or characteristics between the approval date and date the home's file was reviewed, aspects of the approval process that may have been underway at the end of the reporting period but had not yet been concluded and documented in the case record, and the practice among some child-placing agencies of keeping certain information such as health records and toxicology reports in separate, locked files rather than in the foster home file due to HIPAA and privacy concerns.

### **1. Regular and timely evaluations to ensure placement settings meet standards**

Successfully preventing maltreatment in care is aided by effective evaluation and reevaluation of care settings. In addition, foster caregivers need to be supported and well-trained to effectively care for and, when necessary, appropriately discipline the children in their care.

To ensure that foster homes are equipped to provide safe and appropriate care, DFCS has promulgated a uniform set of approval standards that are intended to apply to DFCS-supervised and provider-supervised foster homes alike. In addition, the Office of Regulatory Services has promulgated licensing rules that apply to the Child Placing Agencies that supervise private foster homes.

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<sup>112</sup> Ibid, pp. 16-19.

<sup>113</sup> Ibid, pp. 26-28.

However, the existence of uniform standards by itself cannot ensure children in care are safe and well. Therefore, the review of foster home files specifically sought evidence that the foster homes reviewed were in compliance with the DFCS approval standards. Overall, compliance was found to be very good and to be somewhat improved compared to Period VI, although it varied somewhat by requirement.

Table VI-9 summarizes the extent to which documentation was found in the foster home records reviewed indicating that these homes met specific approval standards, and compares the results for Periods VI and VII.

The foster home record review found completed initial/re-evaluation reports in 150 of 153<sup>114</sup> records (98%) in which they should have appeared, similar to the 98 percent found in Period VI. The file review found evidence that for most approval standards, 96 percent or more of the homes reviewed were in compliance. This is about the same as Period VI, for which most of the approval standards were met by 97 percent or more of the homes reviewed (although the change is within the sample's margin of error). Compliance appears to have improved on five of the 16 requirements (for four of these five the change was within the sample's margin of error), and remained about the same ( $\pm 2$  percentage points) for the remaining 11 requirements.

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<sup>114</sup> One provider-supervised foster home for which a re-evaluation was not completed because the CPA placed it on inactive status pending closure was excluded from this analysis.

**Table VI-9**  
**Foster Care Approval and Licensing Standards**

**n = 156**

Foster Care Screening, Licensing, Training, and Investigative Requirements	Documentation found indicating requirement met	
	Period VI	Period VII
Timely Criminal Record Checks for foster parents	97%	100%
Sex Offender Registry checked for foster parents	91%	100%
Family assessment completed	99%	99%
Pre-service foster parent training requirements met	99%	99%
CPS history has been checked	98%	98%
Gender of children in home never varied from that approved	99%	97%
No violations of agency discipline or other foster care policies	98%	97%
Timely annual re-evaluation (no lapses)	98%	96%
Ongoing foster parent training requirements met	90%	96%
Comprehensive medical report for each foster parent	97%	95%
Comprehensive Drug Screen for Foster Parents	95%	95%
Sex Offender Registry checked for other adults in the home	92% <sup>a</sup>	95%
Number of children in home never exceeded approved capacity	93%	91%
Timely Criminal Record Checks for other adults in the home	91%	93% <sup>a</sup>
Appropriate health statements for household members	80% <sup>a</sup>	93%
Age of children in home never varied from that approved	87%	92%

Source: Foster Home Record Reviews for Periods VI and VII.

<sup>a</sup> As these measures are based on a sub-sample of 40 foster homes, they have a margin of statistical error of  $\pm 15\%$ .

In each of the Accountability Agents' first four reports, there were three or four approval and licensing standards for which evidence of compliance was found in fewer than 80 percent of the foster home files reviewed. In those review periods, evidence of compliance had been found to be as low as 54 percent for certain requirements. Period V saw widespread and, in many cases, substantial improvement in evidence of compliance with these licensing and approval standards, much of it coming from provider-supervised foster homes. The Period VII record review demonstrates that the improvement documented in Periods V and VI has been maintained or further advanced for all of the approval and licensing standards. Period VII marked the first period in which the compliance rate for each of the 16 approval and licensing standards exceeded 90 percent.

## **2. Prohibition of perpetrators of substantiated maltreatment to be foster parents**

Section 11.F. of the Consent Decree specifies that DFCS will not allow perpetrators of substantiated maltreatment, those with policy violations that threaten child safety, or those who repeatedly or unrepentantly use corporal punishment to become or to remain foster parents.

The State's performance on this requirement was found to be excellent, and is considered in greater detail below.

The state's performance in preventing foster parents from using corporal punishment was found to be excellent. Of the 156 foster home files reviewed, none (0%) had confirmed incidents of corporal punishment during Period VII. There were two confirmed incidents of corporal punishment identified in the Period VI foster home sample. More detail on the State's performance in preventing the use of corporal punishment is discussed earlier in this report, in Part III.

To assess the State's performance in not allowing perpetrators of substantiated maltreatment to become or to remain foster parents, file reviewers performed a "look-up" in SHINES and the IDS Master Index for every foster home in the sample to determine if the home had any history of substantiated maltreatment. One home in the sample of 156 (0.6%) was found to have a prior substantiation of maltreatment and to be open during the reporting period. This is similar to Period VI, when one such home (0.6%) was found. This home is a DFCS-supervised group home that was also reviewed in Periods II, III, and IV as part of those foster home samples and the incident below is also described in the Accountability Agents' second, third, and fourth period reports.

- In September 2006 the home had an allegation of inadequate supervision substantiated. The foster parents were attending training in a neighboring county and their back-up resource failed to pick-up from school two of the siblings in their care. The supervising CPA developed a Corrective Action Plan that addressed back-up child care plans and updating the family's approved support system. The supervising CPA requested a waiver from the county office to allow the home to remain open and the county requested a waiver from central office.

Two other homes in the sample had allegations of maltreatment that were substantiated during the current reporting period. One of these foster homes was closed at the conclusion of the investigation, and the other was closed to DFCS placements, although a child in the custody of the Department of Juvenile Justice was allowed to remain in the home. (This is comparable to the Period VI sample which included two such homes.)

Given the importance of preventing perpetrators of substantiated maltreatment from becoming or remaining foster parents, the Accountability Agents vetted each of these three cases very carefully. In the first case (which was reviewed in previous reporting periods), it appears that reasonable and appropriate efforts were made to assure the safety of the children remaining in the home while, in their best interest, preserving the continuity of their placement arrangements. In the two cases that had substantiated reports during Period VII, the foster homes were closed, or closed to DFCS placements at the conclusion of the investigation.

Section 11.F. also stipulates that DFCS shall be able to identify DFCS-supervised or provider-supervised foster parents that have perpetrated substantiated maltreatment or had their home closed, and subsequently seek foster home approval from a CPA or a different CPA. The Provider Relations Unit uses SHINES, CPS-specific notes in the KIDSTAR data system, and an "issue" spreadsheet that is developed and distributed monthly by the office of Family Services Section Director to identify and to prevent such foster parents from attempting to do this.

**a. Operational Context**

Section 11. C. of the Consent Decree requires the process of licensing and approving foster homes to be carried out jointly by DFCS and the Office of Regulatory Services (ORS)<sup>115</sup>. This section describes the Accountability Agents' understanding of how DFCS and ORS collaborate in this process. It is based on interviews with staff of both these units as well as interviews with other central office and county staff.

ORS licenses Child Placing Agencies (CPAs) and other institutional providers. A CPA must be licensed by ORS before DFCS will execute a contract with them to provide foster care. In these private provider arrangements, the CPA conducts the approval process for the foster homes it supervises. For DFCS-supervised foster homes, the approval process is conducted by DFCS.

Section 5.C.4.i of the Consent Decree stipulates that DFCS will contract only with licensed placement contractors. To assess compliance with this requirement, data from the foster home file review were compared against the CPA licensing information available in SHINES. Of the 90 provider-supervised foster homes sampled that had a class member in care at any point during the reporting period, 90 (100%) were overseen by CPAs that had a valid license on June 30, 2009.

ORS licenses the CPAs themselves, not the foster homes supervised by the CPAs. ORS only gets involved with individual provider-supervised foster homes if they receive a complaint about a particular home. To receive a license, a CPA must allow ORS to review their policies and procedures for compliance with the ORS rules regarding such things as home studies and visitation. In deciding whether to grant, deny, or continue a CPA's license, ORS reviews a random sample of the files of individual children against the provider record to ensure the placement was an appropriate match for the child and conducts unannounced inspections of a sample of the foster homes supervised by each CPA. If rule violations are found in the course of these the CPA can be cited for licensure violations.

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<sup>115</sup> Effective July 1, 2009, the Office of Regulatory Services became the Office of Residential Child Care (ORCC) as part of the reorganization of DHR into the new Department of Human Services (DHS).

CPAs wishing to serve children in DFCS custody must, in addition to licensure by ORS, be approved by the DFCS Provider Relations Unit (PRU)<sup>116</sup>. The DFCS policy manual specifies a set of uniform standards that foster care settings must meet to be approved by DFCS – in the case of DFCS supervised homes – or by CPAs – in the case of provider supervised homes. These uniform standards became fully operational on July 1, 2007 with the implementation of amended provider contract language. Before arriving at an initial approval decision, PRU reviews the ORS licensing decision and follows up with ORS on any questions they have; performs a desk review and staffing of each application; and visits the CPA administrative office and three of the CPA's foster homes to interview the foster parents and to review the physical plant and other issues not covered by the ORS licensing process.

PRU also conducts quarterly site visits to a portion of CPAs and to foster homes they supervise to interview children, review files for compliance with contract provisions, and to inspect physical plant. In period VI, PRU visited virtually 100 percent of the administrative offices of large and small CPAs each quarter. However, in Period VII, quarterly visitation of CPA administrative offices fell to about 48 percent for small CPAs and 75 percent in the first quarter and 32 percent in the second quarter for large CPAs. During Period VI, approximately 30 percent of the foster homes supervised by large CPAs were visited each quarter; and about 65 percent of the foster homes supervised by small CPAs were visited each quarter. During Period VII, these rates fell to 9 and 35 percent, respectively.

### **3. Other Practice/Process Requirements Regarding Placement Support**

The Consent Decree contains a number of other requirements related to placement. These include restrictions on the capacity of foster and group homes; payment, training and support requirements pertaining to foster parents; and automating placement data.

#### **a. Foster Home Capacity Restrictions**

Section 5.C.4.e of the Consent Decree limits the capacity of foster homes to three foster children or a total of six children (including the family's biological or other children) absent the written approval of the Social Services Director unless these capacity limits are exceeded in order to accommodate the placement of a sibling group and there are no other children in the home. It also prohibits any placement that would result in more than three children under the age of three residing in a foster home, unless the children in question are a sibling group. Data from the foster home file review indicate that the state performed extremely well in meeting these requirements.

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<sup>116</sup> Effective July 1, 2009, the Provider Relations Unit became the Office of Provider Utilization & Outcomes Management (OPUOM) as part of the reorganization of DHR into the new Department of Human Services (DHS).

Of the 101 foster homes sampled that had a child in care on June 30, 2009, 99 (98%) were within the Consent Decree's capacity limits at that point in time. Ninety-four of these foster homes (93%) had three or fewer foster children in them on June 30, 2009 and six homes (6%) had more than three foster children but met the Consent Decree's sibling exception (they had sibling groups of more than three in placement and no other children in the home). With respect to the limit of six total children, 100 of the 101 foster homes reviewed that had a child in care on June 30, 2009 (99%) were within that limit. Finally, all of the foster homes (100%) with a child in care on June 30, 2009 had three or fewer children under the age of three in them. These capacity compliance rates are similar to the Period VI rates of 99 percent for three or fewer foster children and 100 percent for six or fewer total children and 100 percent for three or fewer children under the age of three.

**b. Foster Care Maintenance Payments**

Section 5.B.1. of the Consent Decree established specific foster care per diem rates to become effective July 1, 2005 (State fiscal year 2006). It also stipulates that the DHR Commissioner is to propose a periodic increase in foster care rates in subsequent fiscal years. For fiscal year 2008, a cost-of-living-type increase of approximately 3 percent in foster care per diem rates was proposed and implemented. The per diem rates that went into effect July 1, 2007 for fiscal year 2008 were: for children aged 0-6, \$14.60; for children aged 7-12, \$16.50; and for each child aged 13 and older, \$18.80. In the fiscal year 2009 DFCS budget request, the Commissioner again proposed a 3 percent cost-of-living adjustment to the foster care per diem rates. This request was not approved in the budget review process so the fiscal year 2008 rates remained in effect. For fiscal years 2010 and 2011 DHR, along with all other State agencies, was required to make widespread and substantial budget cuts in response to the State's declining revenues during the economic recession. However, DHR successfully protected foster care per diem rates from these cuts. The above cited foster care rates are expected to remain in effect through FY2011.

**c. Foster Parent Training and Support**

Sections 5.C.6. and 11.D. of the Consent Decree stipulate that foster and pre-adoptive parents will receive uniform pre-service training prior to being approved or having a child placed in their home; and that they will be required to complete ongoing, annual training as part of the annual re-approval process. Section 5C6 further stipulates that foster parents will be able to contact DFCS 24 hour a day, seven days a week with their questions or concerns. The Accountability Agents found DFCS' performance on these requirements to be excellent.

The foster home case record review found evidence in the files of 99 percent of the foster homes reviewed that the pre-service training requirements had been met. This is similar to the Period VI rate of 99 percent.

With respect to ongoing annual training, documentation supporting that the requirements had been met was found in 96 percent of the files of the 129 foster homes sampled to which the

requirement applied. This represented an improvement from the Period VI rate of 90 percent, although the change is within the sample's margin of statistical error. With respect to the 24/7 phone support requirement, Resource Development staff in the counties report that they provide foster parents with the phone number of their assigned monitoring worker whom they can call during work hours, and the phone number of an on-call worker they can reach after hours.

## ***F. Supervision of Contract Agencies***

Sections 5.B. 9, and 10.B. of the Consent Decree contain various provisions regarding provider reimbursement rates and contracts, specific language to be included therein, data submission, training, and the licensing and inspection of provider-supervised placement settings. The Provider Relations Unit (PRU) has assumed an oversight role focusing on the quality of provider-delivered services and provider compliance with the terms of their contracts.

### **1. Reimbursement Rate Task Force**

Section 5.B.2-7 of the Consent Decree stipulates that a Reimbursement Rate Task Force (RRTF) be established within 60 days of the entry of the Consent Decree to recommend changes to the Level of Care system and to design a rate structure based on measurable outcomes for children.<sup>117</sup> The RRTF was established within the required timeframe and held at least three face-to-face meetings, ten teleconferences, and three video conferences. However, while the State waited to learn the fate of its service proposal to CMS (see previous report) the RRTF members, one-by-one resigned. The parties re-established the RRTF with a revised scope of work in June 2009. The first meeting of the reconstituted RRTF was in June 2009 and invited DFCS leadership, Georgia provider association members and support staff from the University of Georgia to attend the meeting. The group discussed goals and deliverables. The RRTF requested additional fiscal and program data from the DFCS units to assist the Task Force members in their analysis. Subsequent meetings were planned for September, October, and November 2009.

### **2. Data Requested from Private Providers**

Section 9.C. of the Consent Decree stipulates that DHR must ensure that all private agencies that provide placements or services to children in foster care report accurate data to DHR at least every six months. The Provider Relations Unit (PRU) receives weekly detailed spreadsheets about the composition of each home from Child Placing Agencies (CPA) and child rosters from Child Caring Institutions (CCI). The data from CPAs include the following information for each CPA approved home:

- Number of adults in the household

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<sup>117</sup> See pp. 14-15, paragraphs 2-7 of the Consent Decree



- Number of non-foster children in the household
- Status of completing foster parent curriculum
- Date of initial approval
- Date of re-evaluation and whether it was completed timely
- Date(s) of satisfactory criminal records check for all adults and whether it was completed timely
- Completion of a CPS History check(s)
- Completion of Reference check(s)
- Completion of Comprehensive Drug screens
- Completion of Comprehensive Medical report(s) and whether it was completed timely

Interviews with PRU leadership and staff indicate that all providers report these data weekly, and that when incomplete data is submitted, the PRU specialist assigned to that provider follows up with them immediately. This information is validated by PRU through quarterly site visits and reviewing a sample of the files the CPAs and CCIs maintain. PRU reports using this information in training with CPAs and sharing it with the State Office of Family Services to strengthen policy and practice.

### **3. Case Management and Training**

Section 10.B.4 stipulates that private providers who provide placements for children in DFCS custody shall be “required, through contract provisions, to certify that employees providing case management or supervisory services for DFCS”<sup>118</sup> meet certain criteria including educational credentials, pre-service training, certification, and on-going professional development. State efforts to ensure compliance with this requirement have proceeded slowly. The Accountability Agents believe this is because the process relies heavily on gathering information from providers, comparing it to the DFCS training and certification requirements and making provider-specific decisions. Multiple requests have been made of the private agencies to provide the following information for creating a “baseline” from which to design the next steps to take in the process:

- A description or list of all case management activities being performed by the agency’s employees;
- A list of employees performing case management;
- A list of all employees’ credentials that have contact with children;
- The names of the governing bodies through whom they are accredited; and,
- Their accreditation body’s training requirements (initial and annual).

An initial survey of providers was extended beyond its initial goal date in March 2008 in an effort to obtain a 100 percent response from providers. By the end of Period VI, PRU indicated that the baseline was complete for about 70 percent of private providers. Interviews with PRU leadership and staff indicate that at the end of Period VII, the baseline remained about 70

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<sup>118</sup> See Section 10.B. 4.a.-d. in the Consent Decree, pp 25 and 26.

percent complete. PRU plans to collect baseline data for the missing 30 percent of providers and for any newly contracted providers during scheduled provider site visits during the first four months of 2010. A plan will be developed to turn over all provider baseline data to the Education and Training Section after the collection process is complete. The Accountability Agents will continue to monitor the State's efforts to achieve compliance with Section 10.B.4 of the Consent Decree.

#### **4. The Office of Regulatory Services Continues to Conduct Unannounced Visits of Licensed Placement Settings**

Interviews with ORS leadership and staff indicate there were 82 Licensed Child Placing Agencies (CPAs) in Georgia as of the end of June 2009. During the period January 1 through June 30, 2009, ORS conducted 41 re-licensure inspections that included 138 unannounced Foster Home visits. This represents a decrease in the number of unannounced visits of nine percent compared to the 151 such visits conducted during Period VI (it should be noted, however, that the number of licensed CPAs declined by five percent during this interval, from 86 in Period VI to 82 in Period VII). According to ORS, these inspections and visits suggested a need for improved matching by CPAs of children with foster parents; and improved communication among foster parents, CPA staff, and DCFS staff on such things as discharges and disruption protocols.

#### ***G. Improving Automated Support: SACWIS Implementation***

The federally supported Statewide Automated Child Welfare Information System (SACWIS) is known as SHINES in Georgia. SHINES is now the data base of record for Georgia child welfare.

The State continued to enhance SHINES during Period VII. The major enhancement incorporated the formerly separate Adoption data base. Reports that were previously generated by the Office of Adoption's data base are now generated from SHINES.

Other enhancements include

- Revisions to selected standard reports to allow data reports by region and state as well as by county;
- Additional report for tracking Parent Involvement in Case Planning in Family Preservation cases for the Federal Child and Family Service Review tracking;
- Relative Care invoicing changes and other fiscal component changes;
- Improved edits for federally required Adoption and Foster Care Reporting System (AFCARS);
- An electronic case review tool for County Administrators.

Additional training was delivered to DeKalb and Fulton counties in May 2009. A SHINES user group is convened quarterly to review SHINES challenges and enhancement priorities.

Implementation continues to receive federal oversight with the oversight team making periodic site-visits and making recommendations for system improvements before it meets federal criteria for final federal reimbursement.

The development team reported efforts to address some of the challenges the Accountability Agents identified in the Period VI report, but many remain as case managers learn the system and more features become available. These challenges and the current resolutions include the following:

- *Challenge:* data may not be easily retrieved for reporting purposes because there may not be just one field or set of fields from which to extract the information.

*Resolution:* By July 2010, the SHINES development team intends to make some additional fields mandatory, generate “alerts” for others, and delete some available options in order to improve data entry in the appropriate places. These changes have begun and are on-going.

- *Challenge:* Some features designed to enhance data collection and tracking of key activities do not appear to be widely used by staff for day-to-day documentation.

*Resolution:* The SHINES team has provided additional training on features such as the Health log to help the case managers and other users understand how to use the feature for documenting case activities.

- *Challenge:* individuals may inadvertently be assigned more than one “unique” Person Identification Number (or “person ID”). Data outputs and analyses that rely on the person ID to link records across case-types or over time are potentially affected by this.

This challenge, also discussed in Part III, involves intake workers inadvertently creating duplicate person identification numbers during the processing of new maltreatment reports. DFCS standard operating procedure at intake is for the intake worker to perform a search on the name of all alleged victims associated with a new report to determine if they have any previous DFCS history. If the search identifies any previous DFCS involvement of the child, the intake worker is to use the unique person ID that previously was assigned to the child to “associate” the child with the new report. When this is properly done, it allows all the cases a child is involved in (e.g., the CPS case that brought a child into care, a child’s foster care case, any subsequent CPS reports involving the child while in care) to be linked and easily retrieved and reviewed in SHINES.

However, if the intake worker’s search for the child is not correctly or thoroughly executed, the intake worker may fail to detect a child’s previous DFCS history and

erroneously assign the child a second “unique” person ID. This problem is abetted by the search logic employed by the SHINES search engine. When conducting a person search in SHINES, one method is to search on the name of the person. SHINES will return a search list of potential matches, listed from the highest to the lowest probability that includes the calculated probability that that person is the person of interest along with the age, gender, race/ethnicity, city and county of each person on the list. The SHINES search engine appears to accord higher probability to exact spelling matches of a person’s surname than to such things as race/ethnicity or gender. For example, if an intake worker conducting a search misspells the name “Jamie Davies” – Black (non-Hispanic) Female – as “Jamie *Davis*” – Black (non-Hispanic) Female, SHINES will return a list of potential matches that rank “James Davis” – White (non-Hispanic) Male, “Davis James” – Black (non-Hispanic) Male, “Jayme Davis” – White (non-Hispanic) Female, “Unknown Davis” – White (non-Hispanic) Male, and “Davis Unknown” – Race/Ethnicity unknown, as higher probability matches than “Jamie Davies” – Black (non-Hispanic) Female. If the intake worker fails to work their way carefully down the list, they might erroneously conclude that this is the first case for Jamie Davies and generate a new (duplicate) person ID that will not be linked with the child’s previous CPS or foster care cases.

*Resolution:* DFCS reports that a number of procedural changes are being planned in addition to training interventions to address the issue:

- At intake, all reports of maltreatment in care that originate from DFCS staff, will require that the foster care worker supply the intake worker with the correct Person ID of the child(ren) involved;
- A training packet showing the process for correctly entering Special Investigations cases into SHINES should be available mid-January for distribution to all intake and investigative staff;
- Intake and investigative supervisors will be instructed to check to make certain that the correct Person ID that links the child in the investigation to the foster care case is used and will merge ID’s as required;
- A “de-duping” unit will be assigned the task of identifying and then merging duplicate person ID’s statewide;
- The issue of duplicate person ID’s will become a part of the weekly cadence calls;
- Monthly data runs will be compared with the County-maintained special investigation logs to make certain that investigations are linked to children in care;
- Queries will be run monthly to identify potential mismatched Person ID’s through the use of names, dates of births, SSN’s, etc. Once identified, these instances will be referred back to the appropriate county for correction and merging.

The SHINES development team may also review and adjust the SHINES search engine file matching algorithms.

- *Challenge:* Redundant data entry can be time consuming for case managers.

*Resolution:* The SHINES development team has provided more training on the copy features that reduce redundant data entry. This feature, for example, allows the contact information to be entered one time and copied into each sibling's record as appropriate.

- *Challenge:* Lack of user-defined reporting capability.

*Resolution:* User defined reporting capability is being added to SHINES. This capability allows a SHINES user to generate a report that has several different pieces of information. The user can then combine the information to answer different questions of interest. This gives the users more ability than the standard available reports to conduct their own analysis. The capability became available in June 2009 for Investigation, Family Preservation, and Adoption. The team intends to have the same capability for Resource Development implemented in September 2009 and Foster Care implemented in October 2009.

As part of the federal requirements for provider access and interface with provider systems, SHINES is being enhanced to allow private agency case managers to enter information directly into SHINES records. Implementation of this feature is expected in November 2009.

## **H. Quality Assurance**

The State and County quality assurance units are actively involved in monitoring and assisting the counties with the requirements of the Consent Decree. Staff from the Data Analysis, Accountability, Research and Evaluation Division's Program and Evaluation and Analysis Section assist the Accountability Agents with all case record reviews. County quality assurance staff review visitation documentation and prepare monthly data reports for County leadership.

## **I. Maximizing Federal Funding <sup>119</sup>**

The Consent Decree contains requirements for DHR/DFCS to 1) maximize available federal funding through Titles IV-B and IV-E of the Social Security Act, and 2) not supplant state dollars for foster care services with any federal increase that results from the maximization efforts.<sup>120</sup> A number of the outcomes (Outcomes 26, 28, and 29) pertain to actions and documentation required to support and to enhance claiming IV-E reimbursement for Foster Care expenditures. State IV-E reimbursement performance is often referred to as the "IV-E penetration rate." This rate is a percentage calculated as follows:

<sup>119</sup> See Dimas, J.T. and Morrison, S. A. *Period I Monitoring Report, Kenny A. v. Perdue*, November 2006 for background on Title IV-E

<sup>120</sup> See p. 31, Section 14 of the Consent Decree

<p style="text-align: center;">The number of children in out-of-home care who are considered eligible for support through Title IV-E <i>divided by</i> The total number of children in out-of-home care.</p>
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A child's IV-E eligibility is based on several different variables and the percentage of children in foster care who are IV-E eligible can fluctuate. The higher the percentage, the more federal reimbursement is available to the state for the administrative costs it incurs to provide safe and stable placements and work to achieve permanency for children in its custody. Consultants hired by the Department in 2007 suggested that the State should strive to increase the penetration rate from its 28 percent level at that time to 45 percent, and suggested some strategies for doing so (including converting relative care homes to licensed foster care homes and ensuring that court orders relating to foster children are consistently in conformity with federal requirements).<sup>121</sup>

The State reports modest incremental increases in the State's Title IV-E penetration rate between July 2008 and May 2009.<sup>122</sup> Figure VI - 6 illustrates the gradual progress the State made during state fiscal year 2009. As a whole, the State's penetration rate is about 35 percent, up from 32 percent. Individual counties have higher or lower rates. In May 2009, the State reported that DeKalb and Fulton had about 29 percent and 30 percent penetration rates, respectively. Both levels reflect slight increases over State fiscal year 2008, with DeKalb's rate increasing the most from approximately 23 percent.

The State reported that discussions with the Administration for Children and Families (ACF) of the U.S. Department of Health and Human Services has resulted in a revised policy that will allow more children in foster care to be deemed eligible for IV-E reimbursed services.<sup>123</sup> Since 2001, DFCS has denied IV-E eligibility when the child was removed from a specified relative who did not have custody. This denial was based on a policy that had been approved by ACF. However, in June 2009, ACF reviewed the policy as part of a review of SHINES and provided clarification. ACF's current guidance is that a child's removal from a specified relative does "not require that the relative have legal custody in order to meet IV-E eligibility criteria." The staff responsible for determining IV-E eligibility has been trained on the policy revision. The State did not provide an estimate of the impact this change may have on the IV-E penetration rate.

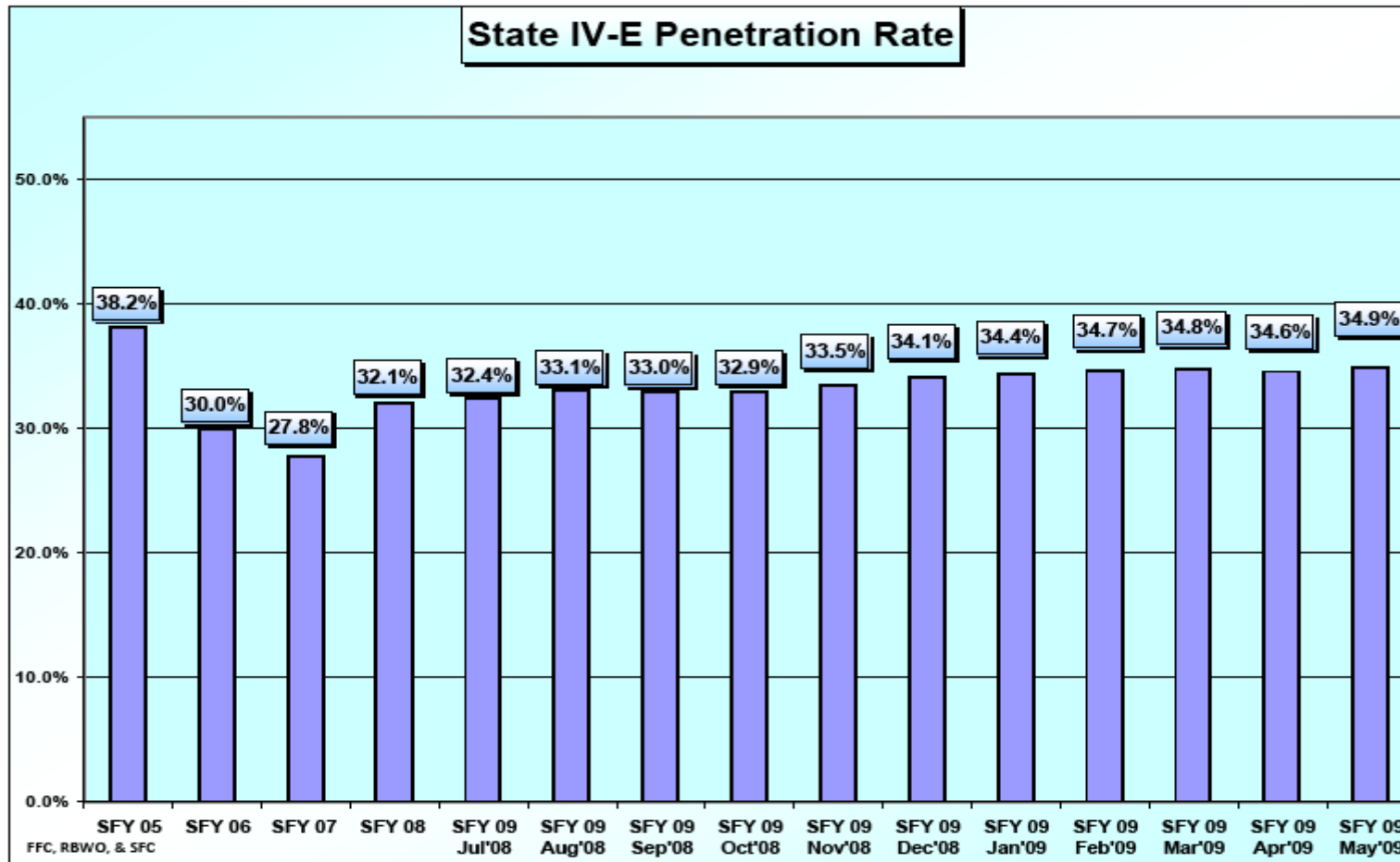
<sup>121</sup> Hornby Zeller Associates, Inc., *Georgia's Use of Title IV-E*, August 2007.

<sup>122</sup> Most recent data available from State

<sup>123</sup> September 22, 2009 email correspondence between DFCS and the Accountability Agents.

Figure VI-6  
State IV-E Penetration Rates  
SFY 2005 through May 2009

IV-E - 6.0



Note: 2-month delay in reporting. SFYs 2005 -2008 stated as of the end of each SFY. Based on payments processed.  
8/25/2009

Source: COSTAR  
Data Analysis, Accountability, Research, and Evaluation

## PART VII MISCELLANEOUS PROVISIONS

Section 20 of the Consent Decree contains the Agreement's miscellaneous provisions. Two provisions, contained in Section 20G, contain substantive data reporting requirements.<sup>124</sup> These are covered in this part of the report.

### *A. Repeat Maltreatment Data*

Section 20.G.1 of the Consent Decree requires DHR to provide the Accountability Agents data and information sufficient to enable them to verify data reported by the State on the number of children in DeKalb and Fulton Counties during the reporting period (other than those in foster care) that experienced repeat maltreatment. This is operationalized in the Consent Decree as follows:

- The number of children in each county who, during the reporting period, experienced substantiated maltreatment;
- The number and percentage of children in the first item who also experienced maltreatment during the preceding 12 month period. These data, as reported by the State, are reproduced in Table VII-1, below. The Accountability Agents' verification approach is discussed in Appendix B.

<i>Table VII-1 Repeat Maltreatment</i>			
<i>Reporting Period: January 1, 2009-June 30, 2009</i>			
		DEKALB	FULTON
a) Number of children during the reporting period experiencing substantiated maltreatment		432	969
b) the number of children in a) of this item who also experienced maltreatment during the preceding 12 month period		8	50
Percentage of children who had substantiated maltreatment during the preceding 12 months		1.85%	5.16%

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<sup>124</sup> See pp. 45-46 of the Consent Decree,



## ***B. Diversion Data***

Section 20.G.2 of the Consent Decree requires DHR to provide the Accountability Agents data and information sufficient to enable them to verify data reported by the State on the number of children in DeKalb and Fulton counties during the reporting period (other than those in foster care) that experienced substantiated maltreatment within 11-365 days after being referred to DHR's diversion program. These data, as reported by the State for the period January 1, 2008 – June 30, 2008 are reproduced in Table VII-2, below. (Due to the 11-365 day follow up period for the diversion statistics, the diversion data reported here is for Period V.) The Accountability Agents' verification approach is discussed in Appendix B.

<b><i>Table VII-2 Diversions with Subsequent Substantiated Maltreatment</i></b>			
<b><i>Reporting Period: January 1, 2008 – June 30, 2008</i></b>			
		DEKALB	FULTON
a) Number of cases in each county during the reporting period in which there was a referral into DHR's diversion program		595	431
b) the number of cases in a) in which there was substantiated maltreatment within 11-365 days after referral to DHR's diversion program		15	26
Percentage of cases in which there was substantiated maltreatment within 11-365 days of referral into DHR's diversion program		2.5%	6.0%

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**Appendix A**  
**Kenny A. v. Sonny Perdue Consent Decree Outcomes**

Section 15 of the Consent Decree requires 31 outcomes. These outcomes are grouped in the categories of Safety, Permanency, Well-Being, and Strengthened Infrastructure

**SAFETY**

**1. Children in Foster Care are Safe From Maltreatment**

- **Outcome 1:** By the end of the first reporting period, at least 95% of all investigations of reports of abuse or neglect of foster children shall be commenced, in accordance with Section 2106 of the Social Services Manual, within 24 hours of receipt of report.
- **Outcome 3:** By the end of the first reporting period, at least 99% of all investigations of reported abuse or neglect of foster children during the reporting period shall include timely, face-to-face, private contact with alleged victim, including face-to-face contact with a child who is non-verbal due to age or for any other reason.
- **Outcome 2:** By the end of the first reporting period, at least 95% of all investigations of reported abuse or neglect of foster children shall be completed, in accordance with Section 2106 of the Social Services Manual, within 30 days of receipt of report.
- **Outcome 5:** By the end of the first reporting period, no more than 1.27% of all children in foster care shall be the victim of substantiated maltreatment while in foster care. By the end of the second reporting period, no more than .94% of all children in foster care shall be the victim of substantiated maltreatment while in foster care. By the end of the fifth reporting period, no more than .57% of all children in foster care shall be the victim of substantiated maltreatment while in foster care.
- **Outcome 6:** By the end of the second reporting period, 90% of all foster homes will not have an incident of corporal punishment within the previous six months. By the end of the third reporting period, 98% of all foster homes will not have an incident of corporal punishment within the previous 12 months.

**PERMANENCY**

**2. Children in Placements Maintain Family Connections**

- **Outcome 7:** By the end of the second reporting period, at least 70% of all foster children entering care shall have had a diligent search for parents and relatives undertaken and documented within 90 days of entering foster care. By the end of the fifth reporting period, at least 95% of all foster children entering care shall have had a diligent search for parents and relatives undertaken and documented within 60 days of entering foster care.
- **Outcome 16:** By the end of the second reporting period, at least 70% of all foster children who entered foster care during the reporting period along with one or more siblings shall be placed with all of their siblings. By the end of the fourth reporting period, at least 80% of all foster children who entered foster care during the reporting period along with one or more siblings shall be placed with all of their siblings.
- **Outcome 19:** By the end of the second reporting period, at least 70% of all children in

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care shall be placed in their own county (the county from which they were removed) or within a 50 mile radius of the home from which they were removed, subject to the exceptions in Paragraph 5.C.4.b(ii) and (iii). By the end of the third reporting period, at least 80% of all children in care shall be placed in their own county (the county from which they were removed) or within a 50 mile radius of the home from which they were removed, subject to the exceptions in Paragraph 5.C.4.b(ii) and (iii). By the end of the fourth reporting period, at least 90% of all children in care shall be placed in their own county (the county from which they were removed) or within a 50 mile radius of the home from which they were removed, subject to the exceptions in Paragraph 5.C.4.b(ii) and (iii).

- **Outcome 21:** By the end of the third reporting period, 75% of all the children with the goal reunification shall have had appropriate visitation with their parents to progress toward reunification. By the end of the fourth reporting period, 85% of all the children with the goal reunification shall have had appropriate visitation with their parents to progress toward reunification.
- **Outcome 23:** By the end of the second reporting period, at least 80% of children in the Class at a point in time during the reporting period who have one or more siblings in custody with whom they are not placed shall have had visits with their siblings at least one time each month during the prior 12 months in custody, unless the visit is harmful to one or more of the siblings, the sibling is placed out of state in compliance with ICPC, or the distance between the children's placement is more than 50 miles and the child is placed with a relative.

### 3. Children Achieve Permanency

(permanency= reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.)

*Children in care at the time of the Consent Decree:*

- **Outcome 12:** For children whose parental rights have been terminated or released and the child has an identified adoptive or legal guardian resource at the time of the entry of the Consent Decree, 90% shall have had their adoptions or legal guardianships finalized within six months after the entry of the Consent Decree.
- **Outcome 13:** For all children for whom parental rights have been terminated or released at the time of entry of the Consent Decree, and the child does not have an identified adoptive resource, 95% shall have been registered on national, regional, and local adoption exchanges, and have an individualized adoption recruitment plan or plan for legal guardianship within 60 days of the Consent Decree.
- **Outcome 15:** Permanency efforts (15/22): By the end of the second reporting period, at least 80% of all foster children who reached the point of being in state custody for 15 of the prior 22 months, shall have had either (1) a petition for the termination of parental rights filed as to both parents or legal caregivers as applicable OR (2) documented compelling reasons in the child's case record why termination of parental rights should not be filed.

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By the end of the fourth reporting period, at least 95% of all foster children who reached the point of being in state custody for 15 of the prior 22 months, shall have had either (1) a petition for the termination of parental rights filed as to both parents or legal caregivers as applicable OR (2) documented compelling reasons in the child's case record why termination of parental rights should not be filed..

- **Outcome 9:** Children in custody for up to 24 months and still in custody upon entry of the Consent Decree (children in the "24 backlog pool"): For all children in the 24 month backlog pool, by the end of the second reporting period, at least 35% shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship. For all children in the 24 month backlog pool, who remain in custody at the end of the second reporting period, by the end of the third period at least 40% shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship. For all children in the 24 month backlog pool, who remain in custody at the end of the third reporting period, by the end of the fourth reporting period at least 40% shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.
- **Outcome 10:** Children in custody for more than 24 months and still in custody upon entry of the Consent Decree (children in the "over 24 backlog pool"): For all children in the over 24 month backlog pool, by the end of the second reporting period, at least 35% shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship. For all children in the over 24 month backlog pool, who remain in custody at the end of the second reporting period, by the end of the second reporting period, by the end of the third reporting period, at least 35 percent shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship. For all children in the over 24 month backlog pool, who remain in custody at the end of the third reporting period, by the end of the fourth reporting period at least 35% shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.

*Children entering custody after Consent Decree:*

- **Outcome 8a:** Of all the children entering custody following the entry of the Consent Decree, at least 40% shall have had one of the following permanency outcomes within 12 months or less after entering custody: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.
- **Outcome 8b:** Of all the children entering custody following the entry of the Consent Decree, at least 74% (1) shall have had one of the following permanency outcomes within 12 months or less after entering custody: reunification or permanent placement with relatives; or (2) shall have had one of the following permanency outcomes within

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24 months or less of entering custody: adoption, permanent legal custody, or guardianship.

*Permanency actions after Consent Decree:*

- **Outcome 11:** By the end of the second reporting period, for all children whose parental rights have been terminated or released during the reporting period, 80% will have adoptions or legal guardianships finalized within 12 months of final termination or release of parental rights.
- **Outcome 4:** By the end of the second reporting period, no more than 8.6% of all foster children entering custody shall have re-entered care within 12 months of the prior placement episode.
- **Outcome 14:** No more than 5% of adoptions finalized during the reporting period shall disrupt within the 12 months subsequent to the reporting period.

*Court reviews of permanency actions*

- **Outcome 27:** By the end of the second reporting period, at least 80% of foster children in custody for six months or more shall have either had their six-month case plan review completed by the Juvenile Court within six months of their prior case plan review, or DFCS shall have submitted the child's six-month case plan to the Juvenile Court and filed a motion requesting a six-month case plan review within 45 days of the expiration of the six-month period following the last review. By the end of the third reporting period, at least 85% of foster children in custody for six months or more shall have either had their six-month case plan review completed by the Juvenile Court within six months of their prior case plan review, or DFCS shall have submitted the child's six-month case plan to the Juvenile Court and filed a motion requesting a six-month case plan review within 45 days of the expiration of the six-month period following the last review. By the end of the fourth reporting period, at least 95% of foster children in custody for six months or more shall have either had their six-month case plan review completed by the Juvenile Court within six months of their prior case plan review, or DFCS shall have submitted the child's six-month case plan to the Juvenile Court and filed a motion requesting a six-month case plan review within 45 days of the expiration of the six-month period following the last review.
- **Outcome 28:** By the end of the second reporting period, at least 95% of foster children in custody for 12 or more months shall have either had a permanency hearing held by the Juvenile Court within 12 months of the time the child entered foster care or had his or her last permanency hearing, or DFCS shall have submitted the documents required by the Juvenile Court for and requested a permanency hearing within 45 days of the expiration of the 12-month period following the time the child entered foster care or had his or her last permanency hearing.

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## WELL BEING

### 4. Children Experience Stable Placements and Worker Continuity.

- **Outcome 17:** By the end of the second reporting period, at least 86.7% of all children in care shall have had 2 or fewer moves during the prior 12 months in custody. By the end of the fourth reporting period, at least 95% of all children in care shall have had 2 or fewer moves during the prior 12 months in custody.
- **Outcome 18:** By the end of the second reporting period, at least 90% of all children in care at a point in time during the reporting period shall have had 2 or fewer DFCS placement case managers during the prior 12 months in custody. This measure shall not apply to cases that are transferred to an adoption worker or Specialized Case Manager; case managers who have died, been terminated, or transferred to another county; or case managers who have covered a case during another case manager's sick or maternity leave.
- **Outcome 20:** By the end of the second reporting period, at least 95% of children in care at a point in time during the reporting period shall have had at least one in-placement visit and one other visit, as defined in Section 5.D, each month by their case manager. During the prior 12 months in custody.
- **Outcome 22:** By the end of the second reporting period, at least 90% of all children in care at a point in time during the reporting period shall have had visits between their DFCS placement case manager and their foster parent, group care, institutional or other caretaker at least one time each month during the prior 12 months in custody.

### 5. Children and Youth Receive the Services they Need

- **Outcome 24:** By the end of the second reporting period, the percentage of youth discharged from foster care at age 18 or older with a high school diploma or GED will increase over baseline by 10 percentage points. By the end of the fourth reporting period, that percentage shall increase by an additional 10 percentage points.
- **Outcome 30:** By the end of the second reporting period, at least 80% of children in care shall not have any unmet medical, dental, mental health, education or other service needs, according to the service needs documented in the child's most recent case plan. By the end of the fourth reporting period, at least 85% of children in care shall not have any unmet medical, dental, mental health, education or other service needs, according to the service needs documented in the child's most recent case plan.

## STRENGTHENED INFRASTRUCTURE

### 6. Capacity to Support Placement Process

- **Outcome 25:** By the end of the first reporting period, at least 85% of all foster children in custody at a point in time during the reporting period shall be in placements that are in full approval and/or licensure status. By the end of the second reporting period, at least 95% of all foster children in custody at a point in time during the reporting period shall be in placements that are in full approval and/or licensure status. By the end of the fourth reporting period, at least 98% of all foster children in custody at a point in time

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during the reporting period shall be in placements that are in full approval and/or licensure status.

- **Outcome 31:** By the end of the second reporting period and continuing thereafter, no more than 10% of all children in foster homes shall be placed in foster care homes that exceed the capacity limits referenced in Section 5.C.4.e. of the Consent Decree, concerning the requirement that no child shall be placed in a foster home if that placement will result in more than three(3) foster children in that foster home, or a total of six (6) children in the home, including the foster family's biological and/or adopted children.

#### 7. **Timely and Complete Court Orders**

- **Outcome 26:** By the end of the second reporting period, at least 85% of foster children in custody at a point in time during the reporting period shall have all applicable language in court orders necessary to assess qualification for federal funding under Title IV-E of the Social Security Act. By the end of the fourth reporting period, at least 95% of foster children in custody at a point in time during the reporting period shall have all applicable language in court orders necessary to assess qualification for federal funding under Title IV-E of the Social Security Act
- **Outcome 29:** By the end of the third reporting, no more than 5% of all children in custody of DHR/DFCS for 12 months or more shall have lapse of legal custody within the prior 13 month.

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## **Appendix B Methodology**

The Accountability Agents used several methodologies to arrive at the judgments, conclusions and recommendations contained in this report: (i) review of written materials and data supplied by the State and Counties; (ii) interviews; (iii) extensive case record reviews; and (iv) strategic engagement of State and county personnel for pro-active, hands-on monitoring through biweekly meetings known as the "G2." This appendix describes these data sources and methods and also catalogues and explains interpretation and measurement issues that were addressed and resolved during the first reporting period.

### ***A. Data Sources and Methodology for Measuring State Performance in Reporting Period VII***

Four primary sources of information were used to assess the State of Georgia's progress during Period VII, January-June 30, 2009. The challenge for data collection and analyses in Period VII was the continued need to use both SHINES, the statewide automated child welfare system and paper files. Fulton and DeKalb Counties implemented SHINES in June 2008 and ended all new data entry into the previous system, IDS, on May 28, 2008. Children who entered custody before the conversion to SHINES may have extensive paper files and even those entering after the switch to SHINES have paper files with external documentation that has not been scanned into SHINES. Scanning external documentation into SHINES appears to lag for several months. This circumstance required reviewers to have both the paper records and SHINES access to complete all data collection.

#### **1. State Data Systems**

The first source of information is the DFCS administrative data that is actually housed in two separate systems for different portions of the review period. For measurements requiring a 12-month view, the previous automated system, IDS, and the new system, Georgia SHINES, had to be used. These two data systems were used by the State to complete the data generation for several outcomes (numbered 4, 8, 9, 10, 11, 14, and 15). SHINES alone was used to generate data for Outcomes 16 and 18.

##### **a. Addressing Data Integrity Issues**

Like all information systems, the accuracy of IDS and SHINES data is a function of the accuracy with which data are coded and input into the system. Previous evaluations have noted some significant discrepancies between the information contained in case records and data produced by IDS. These discrepancies appear to be caused by human error. Typically, mistakes in interpretation and coding of the facts contained in the case record or data entry result in erroneous data being entered into the system.



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SHINES appears to suffer from similar errors. However, there are more “edit-checks” built into SHINES that limit the errors. In addition, the Accountability Agents have direct access to SHINES which allows for direct inquiry into cases to confirm or reject the reported information. However, the Accountability Agents continue to be selective about which data from IDS and/or SHINES to rely on for assessing compliance with the Consent Decree’s provisions. Most of the data in this report was generated by file and case record reviews conducted specifically for this purpose.

## **2. Document Review and Interviews**

During the monitoring period, the Accountability Agents collected written reports and materials regarding foster care and adoption policy, budgets, licensing, provider reporting, worker training and certification. At the local county level, interviews included supervisors and case managers responsible for investigating reports of maltreatment in care, placement, and foster parent training and support. The Accountability Agents worked directly with State and County Quality Assurance staff to analyze data collected and tracked at the local level such as caseloads, visitation, determinations for children in care 15 of 22 months, and staff certification.

## **3. Structured Case Record Reviews**

A second source of information is systematic case record reviews (CRRs.) Four case record reviews were conducted: 1) investigations of maltreatment in care; 2) foster home approval and capacity; 3) children in foster care placements who entered foster care at anytime up to June 30, 2009, and 4) children who entered foster care between July 1 and December 31, 2008 and remained in custody 60 days or more. Table B-4 summarizes sample characteristics of each review. The following discussion provides more detail on the sampling approach, the review instruments development, review logistics, reviewer qualifications and quality assurance, and analytical process.

### ***a. Sampling Approach***

As indicated in Table B-1, 100 percent of the investigations of maltreatment in care between January 1 and June 30, 2009 were read. Therefore, errors in these results would reflect case record reviewer differences or errors rather than differences within the universe.

For the three other case record reviews, random samples were drawn from three different universes:

- All foster homes that had a DeKalb or Fulton child placed in the home at anytime between January 1 and June 30, 2009. This included private agency supervised homes as well as DFCS supervised homes.
- All children who entered foster care in DeKalb and Fulton counties any time between July 1 and December 31, 2008 and remained in custody 60 days or more.

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- All foster care cases (children) active in DeKalb and Fulton counties any time between January 1 and June 30, 2009.

For each of these reviews, samples were drawn such that the findings would have a +/- 7% error rate at a 95% confidence level. This level of precision is for frequencies reported for the sample as a whole. Data provided on subsets of the sample are less precise; where appropriate, separate margins of error for the different subsets have been calculated and noted in the body of the report. As described later in this appendix, a certain number of records included in the original samples could not be read and were rejected based on pre-determined criteria. To achieve the minimum number of records for each review, small additional, random replacement samples were drawn.

**Table B-1**  
**Case Record Review Sample Size and Associated Margin of Error**

<b>Target of Review</b>	<b>Universe of cases</b>	<b>Desired Maximum Sample Size</b>	<b>Actual Number Reviewed</b>	<b>Margin of Error</b>
Maltreatment in Care Investigations	111	111	111	+/- 0.0 percent
Foster Homes	847	160	156	+/- 7 percent
Children in Foster Care	2471	180	181	+/- 7 percent
Children who entered foster care between July 1 and December 31, 2008 and were in custody 60 days or more	466	135	135	+/- 7 percent

***b. Instrument Design***

Four separate data collection instruments were developed, one for each sample. They were developed in conjunction with the DFCS Evaluation and Reporting Section (E&R) and consultants from Georgia State University (GSU) schools of public administration and social work. The instruments were field tested and reviewed by Counsel for the Plaintiffs and by the State; many changes recommended by the reviewers were incorporated into the final instruments. As is typical with case record reviews, reviewers encountered some problems with some of the questions. Learning from each iteration is incorporated into the next case record review.

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*c. Data Collection Schedule and Logistics*

Planning for the data collection effort began in May 2009 with discussions with E&R and GSU regarding formatting data instruments for efficient data capture and analysis. As in previous periods, each of the review guides was set up as a SAS-based form for electronic information entry directly into a data base through a GSU secure web site. This eliminated a separate data entry step. However, it did rely on the ability of the reviewers to be consistently linked to the internet. Occasional connectivity problems interfered with some data entry. This required some work to be repeated. As the reviews progressed, portions of guides were revised as necessary to accommodate unforeseen circumstances found in the records. In addition, the reviewers had the capability to make extensive comments to explain responses and provide more background on the case.

Data collection began in July 2009 with the maltreatment in care investigations. The foster care and diligent search file reviews began in August 2009 and the foster home file review in September 2009. Records selected from private agencies were reviewed at the respective private agencies. The remaining records for investigations, foster care, and DFCS supervised foster homes were reviewed at the county offices where the active cases are maintained. Closed records were brought to these sites for review.

*d. Review Team Qualifications and Training*

Twelve E&R staff were the primary case readers. These staff members average 25 years of experience in DFCS and are very familiar with the DFCS's policies and practices. They were selected for this task based on their skills, experience, and knowledge.

There were training sessions before commencing each record review. The training consisted of reviewing and discussing the wording and meaning of each question on the data collection instruments. Additional changes were made to the guides as a result of these discussions. Given the pace of the necessary semi-annual reporting schedule, it has been difficult to extend the training time. On-going training between reviews is taking place.

DFCS reviewers were provided with digital files containing a "Handbook" and a copy of the Consent Decree for reference. In addition, reviewers had personal copies of the instruments in hard copy on which they made notations regarding the discussions about definitions, responses, and where within the case records to locate certain pieces of information.

*e. Quality Assurance*

Reading accuracy and inter-reader reliability was addressed by an extensive quality assurance process that included constant "calibration" and a "second read" of the records. Two senior E&R reviewers were designated team leaders. They were responsible for responding to

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reviewer questions regarding clarification or how to interpret information contained in the record. These team leaders shared with one another the questions being asked and the responses they were giving to reviewers so as to assure consistency. In this way, patterns among questions were monitored and instructions were clarified for all reviewers as necessary. Team leaders reviewed each reviewer's work at the completion of each review. The Accountability Agents were also on-site several days during the review and provided another resource for questions and clarification in addition to reviewing some files. Finally, reviewers were encouraged to provide explanatory comments for their responses if they felt the situation they found did not adequately fit the question being asked or additional detail for some critical questions was desired. These comments were invaluable to the Accountability Agents as they reviewed the data collected and made judgments about response recodes when necessary.

An additional level of Quality Assurance (QA) was provided by the Georgia State University (GSU) project coordinator and three research assistants with master's degrees in social work or a related field and backgrounds in child welfare and case record review. The GSU QA team reviewed the following percentages of case records: 32 percent of Maltreatment in Care Investigations; 29 percent of the 181 placement case records; 33 percent of the 135 placement records in the sample for diligent search measurement; and 40 percent of the DFCS Supervised Foster Homes in the sample of 156 foster homes. The records were randomly selected from each reviewer's completed set. Review guides that had different responses from the GSU QA staff and the E&R reviewers were set aside, investigated and resolved as possible by the GSU project coordinator and E&R team leaders, often in consultation with the Accountability Agents, and any changes were made to the data set. Time was set aside in the schedule to review the completed review guides in question and do any necessary clean up.

To calculate inter-rater reliability GSU selected variables from all three files (CPS Investigations, Foster Homes, and Foster Care) where both the reviewers and the QA reviewers had access to the same information in the case file. Each response was not tested for inter-rater reliability. Correlations between the reviewer results and the QA reviewer results were calculated using Microsoft Excel and a Cronbach's Alpha statistic was calculated for each. Cronbach's Alpha measures how well a set of items, in this case the reviewer responses and the QA reviewer responses, correlate or match. Cronbach's Alpha is not a statistical test - it is a coefficient of reliability (or consistency). Note: when a Cronbach's Alpha is used in a Social Science research situation, like the *Kenny A.* case review, a reliability coefficient of .70 or higher indicates that there is an almost zero probability that the reviewer and QA reviewer would achieve these results by chance.

The Cronbach's Alpha coefficients for each of the data sets are provided in Table B-2, below. All measures are above the threshold of .70.

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**Table B-2**  
**Cronbach's Alpha Measure of Inter-Rater Reliability**  
**for Each Case Record Review**

Sample	Cronbach's Alpha Measure
CPS Investigations	.934
Foster Homes	.908
Diligent Search	1
Foster Care	.965

A final check on quality came during the analysis. When the analysis identified a discrepancy that could not be explained by the reviewer comments, the Accountability Agents requested a reviewer to go back to the file in question and collect more specific information on which to make a judgment.

*f. Data Analysis*

Microsoft Excel was used for analyzing the collected data and calculating inter-rater reliability. GSU staff assisted in creating descriptive statistics for the Accountability Agents.

*g. Records in Sample that Were not Read*

Not all records included in the original samples were reviewed. Before the reviews began, we established a set of reasons for why a case record may not be read. Table B-3 provides a summary distribution of the cases that were not read with the reasons for not reading them. Files that could not be located for the review were reported to county leadership.

**Table B-3**

**Case Records Drawn for Original Sample, Not Revieweded**

<b>Target of Review</b>	<b>Number of cases sampled but not read as part of the review and reason why they were not read</b>	
<b>Maltreatment in Care Investigations</b>	Investigation not completed between January 1 and June 30, 2009	2
	Coding error, this is not a maltreatment in care referral/report	13
	Case was "opened on report" (no maltreatment was alleged)	1
	Case record cannot be located	0
	No child in the legal custody of Fulton and Dekalb Counties was involved in this report	4
	Other	4
	<b>Total</b>	<b>24</b>
<b>Foster Homes</b>	Coding error in SHINES, this home was not open between January 1 and June 30, 2009	0
	No children were placed in this home between January 1 and June 30, 2009	2
	No children in the legal custody of Dekalb or Fulton County DFCS were placed in this home between January 1 and June 30, 2009	0
	Private agency did not supply necessary files	0
	Case record cannot be located	1
	Oversight of foster home transferred to another county	0
	Other	10
	<b>Total</b>	<b>13</b>

**Table B-3, continued**  
**Case Records Drawn for Original Sample, Not Reviewedd**

<b>Target of Review</b>	<b>Number of cases sampled but not read as part of the review and reason why they were not read</b>	
<b>Children in Foster Care</b>	Child not in foster care anytime January 1 and June 30, 2009	1
	Child not in the legal custody of Fulton or Dekalb counties January 1 and June 30, 2009	0
	Child's file has been sealed as result of finalized adoption	2
	Child living in another state, file has insufficient information to review adequately.	2
	Child age 18 before January 1, 2009.	16
	Case timeframe too short (child in care 8 days or less)	4
	Case record cannot be located.	1
	Case record provided too late to be included in review.	0
	Incomplete case file provided – missing important volumes.	0
	Child placed out of state through ICPC the entire review period.	4
	This is a duplicate of child in sample.	0
	Other	3
	<b>Total</b>	<b>33</b>
<b>Diligent Search Elements</b>	Child entered care prior to review period (before July 1, 2008)	0
	Child not in foster care anytime between July 1 and December 31, 2008.	0
	Child not in the legal custody of Fulton or Dekalb counties between July 1 and December 21, 2008	0
	Case record cannot be located	0
	Case record provided too late to be included in review	0
	Incomplete case file provided – missing important volumes	0
	Other, specify	5
	<b>Total</b>	<b>5</b>

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#### 4. Meetings with the management teams of Fulton and DeKalb County DFCS (G2)

The Accountability Agents met once to twice each month with Fulton and DeKalb directors, senior management, supervisors and case managers, and senior central office staff. These meetings allowed for hands-on monitoring and data verification. Specifically, the purpose of the G2 has been fourfold:

- Engage Fulton and DeKalb County senior management teams in tracking their own progress in achieving the Consent Decree outcomes;
- Have “real-time” communication about successes and areas of concern regarding the progress of reform;
- Establish a clear understanding of the relationship between practice, process, and infrastructure enhancements and outcome achievements; and,
- Integrate the settlement outcomes and required practice and process into other initiatives the Counties are engaged in, such as the Program Improvement Plan (PIP) to help develop and articulate the “big picture” of reform.

The process during the G2 starts with using administrative data to prompt the group to develop hypotheses about underlying problems that threaten the achievement of critical outcomes, and about potential solutions. Fresh data that shed light on the validity of those hypotheses are then brought back to a subsequent meeting. Based on the group’s examination and discussion of the fresh data, a given hypothesis may then be rejected, accepted, or refined and retested. For hypotheses that are accepted, in-depth “So What?” conversations take place during which best practices among field staff may be highlighted, operational strategies that leverage the learning that has transpired are devised, resource allocation decisions may be made by DFCS leadership, and parties responsible for implementation identified.

#### ***B. Interpretation and Measurement Issues***

The following discussion highlights the interpretation and measurement issues that arose during the previous reporting periods that were accepted by the parties and also apply to Period VII.

##### **1. Safety Outcomes**

**Outcomes 1, 2, and 3** use the same “*By the end of the first reporting period...*” language used in Outcome 5, but the standard remains fixed at the period 1 level for all subsequent reporting periods. These outcomes, therefore, do not raise the same point-in-time vs. cumulative measurement issue raised by Outcome 5.



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Section 12.A. of the Consent Decree requires that maltreatment in care investigations be conducted by trained child protective services staff.<sup>125</sup> As indicated above, DFCS policy regards the commencement of an investigation to be the point at which an alleged victim child is seen by the investigator. For measurement purposes Outcome 1 was operationalized as the percentage of cases in which any alleged victim had face-to-face contact with a CPS investigator or police within 24 hours. Outcome 3 was operationalized as the percentage of alleged victims that had face-to-face contact with a CPS investigator within 24 hours.

**Outcome 5** was operationally defined as the percentage of children in care during the reporting period that experience maltreatment in care during the reporting period. Performance was measured by a cumulative look across the entire reporting period, not just at one point in time during the reporting period. The interpretation and measurement issues considered are described below.

- The interpretation issue centers on the meaning attributed to the words “...*shall be the victim of substantiated maltreatment while in foster care.*” This could be interpreted to mean that any child who had *ever* experienced maltreatment while in foster care (even if it was years ago) should be counted in this percentage. Although this is perhaps the most obvious and literal interpretation of these words, such an interpretation would be unhelpful to the cause of improving Georgia’s child welfare system.

A central precept of the Consent Decree is that it will bring about improvements in Georgia’s child welfare system. Interpreting this measure in a way that places it beyond the influence of the State’s *current and future* efforts to improve would be incongruous with this precept.

- The measurement issue inherent in Outcome 5 derives from the words “*By the end of the [number] reporting period...*” Taken literally, these words seem to suggest that this is a point-in-time measure to be taken on the last day of the first reporting period. In other words, what percentage of the children in care on December 31, 2007 had experienced maltreatment while in care? In the child welfare field, such a point-in-time approach is a common method of obtaining a census of children in care. The use of the word “By” could be construed to grant the state the entire length of the reporting period to produce improvements in this outcome.

However, operationalizing this as a point-in-time measure might create perverse incentives (i.e., schedule children who had experienced maltreatment in care for discharge before the end of the month). Although it is not believed the State would actually use this approach, the Accountability Agents believe that when the Consent Decree language is less than definitive, it should be construed to avoid establishing incentives that are inconsistent with spirit of improving Georgia’s child welfare system.

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<sup>125</sup> See p. 28 of the Consent Decree

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**Outcome 6** operationalizes the Consent Decree’s use of the phrase “...all foster homes....”<sup>126</sup> as all foster homes with a class member in custody during the reporting period for measurement purposes.

## **2. Permanency Outcomes**

**Outcome 4** is measured using a calculation based on data from the State’s information system (IDS) and Georgia SHINES. The Accountability Agents used several steps, described below, to verify the information from SHINES in Period VI and repeated these steps as necessary in subsequent periods.

First, the State generated a list of all children who exited custody between January 1, 2007 and June 31, 2008. This list came from both SHINES records (discharges since June 2008) and the previous State data system (discharges January 2007-May 2008). A second list of all children who entered custody between January 1, 2008 and June 31, 2008 was produced from SHINES. These lists were compared to identify children who had both exits and entries in a 12 month time frame. Second, county Quality Assurance staff compared these lists to the data they maintain about exits and entries and corrections needed to SHINES. Using this information, the counties identified additional children with re-entries in the period. In addition, this comparison identified some duplicate records on the discharge and entry lists. In a third step, the Accountability Agents used the record review of the 180 children in the foster care sample to identify children in the sample who had experienced re-entry within 12 months of their last foster care episode. Finally, the Accountability Agents compared county logs of entry Family Team Meetings in Period VI to the list of re-entries and identified one child who re-entered custody in the last few days of June 2008. In all, 12 children were added to analysis for Outcome 4 as children who had re-entered custody within 12 months of being discharged.

Investigating these few discrepancies among the various lists and sources revealed two types of errors that can be attributed to the change from one information system to another and a third discrepancy appears to be the result of data entry error. All of these discrepancies were corrected before the final Outcome 4 analysis. The Accountability Agents believe that these discrepancies reflect an expected learning curve on a new management information system. The Accountability Agents have therefore employed multiple reviews to ensure the reliability of the SHINES data.

**Outcome 7** considers the policy requirements and intent, the flexibility allowed in policy to tailor the search to individual circumstances, and the outcome’s language, applies the following standards to determine if a diligent search was “undertaken and documented”:

1. A “minimum full search” included evidence in the reviewed case files of the following minimum activities:

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<sup>126</sup> Ibid, p. 32

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- a. Children were interviewed, excluding children under the age of four under the presumption that the child would not have sufficient communication skills to provide useable information.
    - b. Family members were interviewed.
    - c. Other relatives and/or significant others involved in the family were contacted, whether it was to obtain more information or to assess placement suitability.
    - d. There was evidence that the minimal information gathering produced identified potential placement resources for the child.
    - e. There was evidence that potential resources were contacted.
  2. If the some of the above steps were missing or not clearly documented, but the child was placed with relatives or such placement was pending (waiting for ICPC approval, home evaluation approval, etc), it was presumed to be an “abbreviated search.”
  3. Documentation included DFCS forms for recording basic family information, case narratives, Comprehensive Child and Family Assessments (CCFAs), Family and Multidisciplinary Team Meeting notes, case plans, county and state forms for documenting diligent searches, and court documentation.

According to DFCS policy, “at a minimum,” the case manager is to conduct the diligent search by identifying, the child’s parent(s), relatives, and “other persons who have demonstrated an ongoing commitment to the child.”<sup>127</sup> Search steps include:

- Interviewing the child and his/her family about extended family members and other significant individuals in the child’s life;
- Reviewing the basic information worksheet (Form 450) initiated during the investigation of maltreatment allegations;
- Using the Family Team Meeting, case planning meetings, or Multi-disciplinary Team Meetings as an opportunity to identify individuals and collect contact information;
- Reviewing the Family Assessment portion of the Comprehensive Child and Family Assessment (CCFA);
- Checking various DFCS data systems;
- Contacting other individuals involved with the family such as day care or school staff, court appointed special advocates, ministers, etc.
- Making direct contact with individuals to determine their interest and suitability as a placement resource.

In practice, these “steps” are not mutually exclusive, sequential, or, in some circumstances possible. For example, Family Team and other meetings provide an opportunity for interviews and contact with family members and others of significance to the child. In addition, direct contact with individuals to assess placement interest and suitability may lead to information about other potential resources. Not all of these activities are easily documented in case records, such as the act of reviewing documents or checking data systems. Furthermore, DFCS policy also stipulates that the individual circumstances of the case “may dictate how and to

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<sup>127</sup> Social Services Manual, Chapter 1000, Section 1002.3.1 Georgia Department of Human Resources

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what extent the search is conducted.”<sup>128</sup> Therefore, these steps may be abbreviated at the caseworker’s discretion if, for example, a child is quickly reunified with the family member from whom he or she was removed or quickly placed with a relative or other family resource.

**Outcomes 8, 9, and 10** performance reported for outcomes 8a, 9, and 10 is based on IDS /SHINES data and documentation of relatives who have signed “an agreement for long-term care.”<sup>129</sup> The outcome data from IDS was not independently validated by the Accountability Agents. However, the Accountability Agents had direct access to SHINES and did use this capability to review the status of cases to confirm the State’s reporting. The Accountability Agents also participate with County leadership in monthly review of the data and the State’s efforts to safely discharge children to permanent families. Furthermore, removal dates and discharge dates were collected for children in the foster care sample and compared to what was in IDS/SHINES and any discrepancies were reviewed and discussed with DFCS.

**Outcome 11** is similar to the Federal measure<sup>130</sup> for expeditious adoption following termination of parental rights and method used to calculate this outcome is consistent with the Federal method.

**Outcome 14** includes those children who return to the custody of DFCS/DHR after their adoption has been finalized. This includes children who are in the temporary custody of the Department while reunification is attempted and those children who return to the Department’s permanent custody because the adoption has been dissolved.

Measurement issues include timing and case identification. In terms of timing, the first cohort of children for whom this outcome can be measured were those children who were adopted during the first reporting period, October 27, 2005 to December 31, 2006. In terms of case identification, it is difficult to link case records of children who are returning to foster care from an adoption to their previous case records because key identifying information has changed and adoption records have been sealed. An adopted child always receives a new last name and social security number. In some cases, the child also receives a new first name. In addition, adoptive parents may live or move out of Georgia after the adoption and the disruption or dissolution may occur in another state. Furthermore, children who are discharged to relatives for the purposes of private adoption will not necessarily be reflected in the case files or data system as an adoption. Case identification, therefore, currently relies on a case manager’s familiarity with the family through on-going post adoption communication, and comparing adoption dissolution actions that occur in the state to the adoptions that occurred in the state. In March 2007, the State established new procedures for collecting information about prior adoption activity as children enter care. This change requires case managers to record in

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<sup>128</sup> Social Services Manual, Chapter 1000, Section 1002.3.2 Georgia Department of Human Resources

<sup>129</sup> See p. 3, Definition T, of the Consent Decree

<sup>130</sup> See either of the following Federal internet sites: [http://www.acf.hhs.gov/programs/cb/cwmonitoring/data\\_indicators.htm](http://www.acf.hhs.gov/programs/cb/cwmonitoring/data_indicators.htm); or [http://www.acf.hhs.gov/programs/cb/cwmonitoring/tools\\_guide/statewidetwo.htm#Toc140565117](http://www.acf.hhs.gov/programs/cb/cwmonitoring/tools_guide/statewidetwo.htm#Toc140565117).

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IDS/SHINES, 1) whether the child was ever adopted, 2) type of adoption – public or private, 3) country of adoption, 4) state of adoption, and 5) if a Georgia adoption, the county of adoption.

**Outcome 15** is measured using county tracking systems. Each county has a data base for tracking children who have reached or are approaching their 15<sup>th</sup> month in care within the most recent 22 months. The counties add to this data base by extracting information regarding length of stay and “TPR status” from the State’s IDS/SHINES system. County data, therefore, was used as the primary source of information to evaluate the continued progress on this outcome. Information found in the sample of placement records is used to independently validate the county data.

The Accountability Agents review and validate the county data as follows.

- First, independent of the county data, the case record review of children in foster care collects information about permanency plans and barriers. This information is compared to the tracking information.
- Second the Accountability Agents reviewed all of the compelling reasons cited in the data bases and compared them to Federal and State policy guidance. This effort frequently involves requesting more information about the circumstances of the case that led to the compelling reason.

Final measurement of the State’s performance uses the population of children to whom the Federal regulatory exceptions did not apply. In other words, if a child was placed with a relative or there was a judicial indication in the child’s record that the State had yet to make “reasonable efforts to reunify the family,” the child was removed from the analysis.

**Outcome 16** uses the definition of, “children who entered foster care ... along with one or more siblings” those siblings who entered on the same day. In Periods II and IV, a targeted case record review was used to measure the performance on this Outcome. In Period VI, the Accountability Agents were able to use data produced for the whole population from SHINES.

The Accountability Agents were able to change the measurement approach in Period VI because of SHINES implementation. At the request of the Accountability Agents, the State produced a report containing the list of all children who entered foster care in Period VI as well as all those children who remained in care on December 31, 2008. This information included the number of siblings a child had in custody and how many siblings were placed with the child. Not all of this information was accurate, however, and the Accountability Agents conducted on-line reviews or “look ups” of the SHINES file of each child who had entered care during Period VI. Through this process, the Accountability Agents were able to confirm the number of siblings and placement settings of sibling group members. This also allowed identification of reasons for separate placements if sibling groups were separated. The analysis excluded children who were in custody less than eight days.

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**Outcome 19** is measured through information collected through a record review of 180 randomly selected children. When the record does not indicate that the child was placed within the county, either DeKalb or Fulton, from which he or she was removed, the case record review team used the on-line program “MapQuest” to determine “shortest drive time distance” between the address of the child’s placement and the address of the home from which the child was removed. This is the default option in “MapQuest” and is generally used by the placement facilitators and case managers to determine the placement distance.

**Outcome 21** language refers to “*appropriate visitation*”<sup>131</sup> between children and parents “*to progress toward reunification*”<sup>132</sup> where the goal is reunification. The issues with this language include 1) who has a permanency goal of reunification; 2) with whom is reunification intended; and 3) what is appropriate visitation to make progress toward reunification.

Permanency goals are established by court order with consideration of DFCS recommendation. During the first 12 months, before the first permanency hearing, the presumed goal is reunification or a concurrent goal of reunification and another goal such as adoption or custody to a relative. For purposes of this outcome, children with a presumed goal of reunification (in care less than 12 months) are included in the analysis. Exceptions would be instances where the Department is clearly not working toward reunification given case circumstances such as abandonment. Children with concurrent goals, presumed or court ordered, are also included in the analysis unless it is clear in the case documentation that the Department is working toward achieving the alternate permanency goal.

In some cases, the child has the goal of reunification, but the parent is not always available to visit regularly or take advantage of the visiting opportunities. Missed visits are often supporting evidence to change the goal from reunification in order to proceed with another permanency plan. Reunification may not be the appropriate goal and the department is working to change it.

Although the Consent Decree specifies visitation between parent(s) and children, in some cases the child was removed from a relative and that relative is the reunification resource. In these cases, the record review considered the reunification resource equivalent to the parent(s).

DFCS policy and practice provides a frame of reference for determining “appropriate” as it establishes several requirements with regard to parental-child visitation. First, “if possible” a child should have a family visit in the first week after removal.<sup>133</sup> Second, a plan for parental visitation should be a part of every Case Plan.<sup>134</sup> Third, “when agency resources allow, visitation shall be scheduled at two-week intervals unless the court has specified another

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<sup>131</sup> See p. 36, Outcome 21, of the Consent Decree

<sup>132</sup> Ibid.

<sup>133</sup> Social Services Manual, Section 1009.3 Georgia Department of Human Resources

<sup>134</sup> Social Services Manual, Section 1009.4 Georgia Department of Human Resources

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visitation arrangement.”<sup>135</sup> Finally, established practice in the field requires a minimum of monthly visits when “agency resources do not allow” and the court does not dictate otherwise. Given these policy requirements, the case record review was designed to gather information on both the planned schedule for visitation and the actual visitation. In the absence of a schedule dictating otherwise the performance of the state was assessed according to the minimum monthly visitation standard. In addition, the Accountability Agents reviewed the cases to further assess the appropriateness of the visitation given the individual case circumstances. For example, a monthly visit might be missed due to a parent’s incarceration, but the parent re-establishes contact after exiting jail and begins again to work toward reunification.

Measurement issues included the limitations of case documentation, how to address those children living with relatives and those children who were reunified during the reporting period but whose records contained little or no documentation relating to parent child visits. Case documentation often does not include precise dates of visits because case managers are not always present for the visits. The visits may be supervised by other DFCS staff or private agencies or foster parents. Visits may also be unsupervised as the case progresses toward reunification. However, case managers may record what they learn from foster parents, parents and children about the visits. As a result, in a portion of the cases the reviewers can often determine “regular” visitation is occurring because of the information shared, but cannot match the pattern of visits to the schedule established in the case plan or Family Team Meetings. That is, there may not be a reference to an exact date of the visit, but a reference to the visit occurring within a span of time, such as “last week.” Or, another example of notation may be “children have unsupervised visits every weekend.” Such cases were counted toward the achievement of the outcome.

A portion of the children in the sample live with relatives. These circumstances may allow for frequent visitation between parents and children.<sup>136</sup> Again, however, the dates and frequency may not always be reported to the case manager and, therefore, documented. These children were included in the denominator for measurement of the outcome, but not the numerator unless there was documentation of a visitation pattern.

Finally, a small number of children achieved reunification without any or with few documented visits with parents or their reunification resource. Again, this does not mean that the children did not have contact with their parents. The contact that they did have was sufficient to “progress toward reunification” as the ultimate goal – reunification -- was achieved. Or, the children were in custody a short period of time before being reunified. These children were included in the analysis.

**Outcome 23** is measured using information collected directly from the documentation in children’s records. To measure this outcome, the record reviewers looked for documentation

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<sup>135</sup> Social Services Manual Section 1009.5, Georgia Department of Human Resources

<sup>136</sup> Annie E. Casey Foundation, Elders as Resources Fact Sheet, *Basic Data: Kinship Care*, 2005, found at <http://www.aecf.org/upload/PublicationFiles/FactSheet.pdf>,

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indicating that children saw at least one sibling in custody from whom they were separated at least once a month during each of the previous 12 months in custody.

**Outcome 27** is measured using information collected directly from the documentation in children's records. Children in custody less than six months are excluded from the analysis.

**Outcome 28** is measured using information collected directly from the documentation in children's records. Children in custody less than 12 months are excluded from the analysis.

### 3. Wellbeing

**Outcome 17** is similar, but not identical to the federal standard for placement stability. The federal standard is applied to the number of placements, not moves, and suggests that at least 86.7 percent of children should experience no more than two placements in the most recent 12 months in custody. Therefore, for comparison purposes the number of moves is equivalent to the number of placements minus one.

**Outcome 18** performance measurement is based on data drawn from SHINES for children in DeKalb and Fulton Counties' custody on a point in time during the period and updated by the counties as to the reasons for case manager changes in the previous 12 months. Exemptions noted were case manager changes that resulted from 1) transfers to a Specialized Case Manager or Adoptions Case Manager, 2) case manager deaths, terminations, and transfers to another county or, 3) temporary assignments to cover cases during a maternity or sick leave.<sup>137</sup> Resignations and promotions were not exempted because they were not specifically identified as such in the Consent Decree. SHINES requires a child to be assigned to a case manager, supervisor, or administrator at all times. Therefore, when a new case is opened, it will initially be assigned to a supervisor or program administrator who is responsible for assigning the case to a case manager. This "pass through" process may only last a period of minutes or hours, but it might last a period of days. If a case is opened on a Friday, it may not be officially assigned to a case manager until Monday morning. The same process is in effect when a case manager leaves or goes on leave: cases are temporarily assigned to supervisors or program administrators. This is a dynamic process and a report generated at any point in time will reflect a different set of cases assigned to supervisors or administrators. To address this issue, a supervisor or program administrator was not counted as the primary individual responsible for the case if the case was associated with the supervisor or administrator for 5 business days or less. If the period was longer, the supervisor or administrator was counted as one of the case managers a child had in the 12-month period.

State performance on this outcome does not reflect staff turnover rates. Children may still experience more than two case managers in a 12-month period if they are assigned to a series of case managers who leave as a result of terminations or transfers. This Outcome does encourage

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<sup>137</sup> See p. 35, paragraph 18, of the Consent Decree.



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the counties to minimize reassignment of children among case managers for other reasons. The county data was reviewed by the Accountability Agents for consistency with the appropriate reasons and compared to monthly caseload data to verify resignations, terminations, transfers, and promotions.

**Outcome 20** is measured through information collected from the case record review. The number of visits a child received each month from his or her case manager as well as whether the requirement for two monthly visits as defined by the Consent Decree was met is collected. In addition, it is important to note that these results represent visitation for 12 sequential months prior to and including the last date of the reporting period or the last day the child was in custody – not for the 6-month reporting period. If a child was in custody for less than 12 months as of the last day of the reporting period or the last date of custody, visitation was counted only for the applicable months of custody. Months that children were on run away status were also excluded from the analysis.

Factors affecting measurement include the following. First, the outcome measure's continuity feature (each and every month of the previous 12) means that if one visit is missed in any month, that child will not meet the requirement for a full twelve months from the missed month. This makes the measure one that takes a long time to improve. Second, while case documentation clearly indicates where the visits take place, it is often difficult to determine in a case review if there was any private time spent with the children during the visit. Third, the case documentation often does indicate that case managers are having private conversations with the children, but these conversations are taking place outside of the child's placement. They may be taking place at school, in court, in DFCS offices, and at locations used for Family Team Meetings or sibling and/or parent visitation.

**Outcome 22**, case manager-caregiver visitation, has a similar measurement issue to case manager-child visitation. Again, the Consent Decree only counts case manager visits with caregivers if they happened at least once a month, each and every month, for 12 sequential months preceding the end of the reporting period. Again, if a child was in custody for less than 12 months as of the end of the reporting period or the last date of custody, visitation with the caregiver was counted only for the applicable months of custody.

**Outcome 24**, educational attainment, uses county records of diplomas and GED certificates as well as the records of the educational attainment of Georgia residents maintained by the Georgia Departments of Education (DOE) and the Technical College System of Georgia (formerly the Department of Technical and Adult Education). The baseline year was October 27, 2004 to October 26, 2005. The first measurement year was October 27, 2005 to December 31, 2006 in order to place subsequent measurement on a calendar-year basis. The second measurement year was January 1 to December 31, 2007 and the third measurement year was January 1 to December 31, 2008.

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**Outcome 30** uses the current case plan format used by DFCS is part of the Case Plan Reporting System (CPRS.) This format allows case managers to include routine goals and responsibilities for DFCS and others for parents when reunification is the goal. Although DFCS pre-service training provides guidance on tailoring the case plan and the initial case plan should be a product of a Family Team Meeting, multi-disciplinary meeting and the insights from the Comprehensive Child and Family Assessment, the CPRS format does not appear to be conducive to tailored plans without a good deal of modification. Child-specific need and treatment information therefore is often limited in the plans.

For purposes of determining whether needs identified in the most recent case plans were being met, children are excluded if they are in custody less than 30 days and would not be expected to have a case plan and if no plan is found in their case records.

To better align the case record review with the CPRS format, reviewers were asked to categorize the needs found in the plan as being “routine” or “child-specific.” Routine needs included regular medical appointments, school enrollment, educational progress or grade completion. These routine needs are likely to be standard for every child. Child-specific needs included information about chronic conditions, prescribed treatment follow-up, placement requirements, and special education or academic assistance. Both types of needs were combined in the analysis for Outcome 30.

To measure whether the identified needs were being met the sample of case files were reviewed for evidence that services had been delivered or were being delivered to respond to the need. This information was gathered from any and all sources found in the files.

### **3. Strengthening Infrastructure**

**Outcome 25** presents a difficult measurement challenge. This outcome contains the phrase “*By the end of the first reporting period...*” and adds the phrase “*....children in custody at a point in time during the reporting period...*” This makes it quite clear that it is intended as a point-in-time measure to be taken at the end of the reporting period. To operationalize the measure as specified in the Consent Decree, data on the current approval status of individual foster placements on a particular date must be linked to data about the number of class member children in those individual homes on that same date. Existing data sources are unable to accomplish this linking with satisfactory rigor.

By agreement of the parties and the Accountability Agents, measurement of this outcome is based on a subset of the 180 records sampled for the foster care placement file review. The full foster care placement file review is based on the universe of children in foster care at ANY time in the reporting period. The subset used for measurement of Outcomes 25 represents the children from the sample of children who were in foster care on the last day of the reporting period. For each child in this subset, the Accountability Agents “followed-back” the child’s

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placement setting to its relevant approval status on the last day of the reporting period, using a variety of data sources.

**Outcome 26** data was collected from the case records of the sample of children in foster care. The Outcome 26 analysis is applicable to those children who had entered DFCS custody after the Consent Decree was entered on October 27, 2005. Permanency Court Orders with the appropriate language are counted toward meeting the outcome even if the Permanency Hearings were not timely.

**Outcome 29** data was collected from the case records of the sample of children in foster care. The outcome 29 analysis is applicable to children who had been in custody 12 months or more and were still in the temporary custody of the Department.

**Outcome 31** is intended as a point-in-time measure. This measure specifies “*children in foster homes*” as the unit of analysis and requires these data to be linked with point-in-time data on the census of individual foster homes. By agreement of the parties and Accountability Agents, measurement of Outcome 31 for this report is based on the subset of children from the placement sample that were in foster home placements on the last day of the reporting period. Outcome 31 references the capacity limits enumerated in Section 5.c.4.e of the Consent Decree, “...concerning the requirement that no child shall be placed in a foster home if that placement will result in more than three (3) foster children in that foster home, or a total of six (6) children in the home, including the foster family’s biological and/or adopted children.”<sup>138</sup> Section 5.c.4.e. also enumerates certain exceptions to these capacity limits.<sup>139</sup> The parties further agreed that for purposes of measuring compliance with Outcome 31, the only exception that will pertain is that provided for the placement of a sibling group when there are no other children in the home.

### ***C. Methodology for Verifying Caseload Data***

SHINES is able to produce reports on individual case manager caseloads and the Accountability Agents starting using SHINES produced reports in Period VI for assessing State progress in meeting the caseload requirement of the Consent Decree as reported on in Section VI. As with the previous reports produced by IDS, the Accountability Agents took several steps to ensure the accuracy and completeness of these reports. Training, certification, and leave data are all maintained in separate data systems. All of this data was cross-referenced or reconciled with the SHINES caseload data. This allowed the Accountability Agents to determine the caseload sizes of those on leave, separated from the Agency, and provisionally certified. Discrepancies were discussed and resolved with the counties. Finally, a sample of case managers are interviewed at least once a reporting period and asked about their caseload size during the period. In many instances, the case managers are asked to produce supporting documentation.

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<sup>138</sup> See Kenny A. Consent Decree, p. 38.

<sup>139</sup> Ibid, p.16.

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As a result of gaining direct access to SHINES, the Accountability Agents also have the ability to generate caseload reports at any time for review and follow-up with the State and counties.

*D. Methodology for Verifying State Data on Repeat Maltreatment and Maltreatment Subsequent to Diversion*

Section 20 G of the Consent Decree requires DHR to provide the Accountability Agents data and information sufficient to enable the verification of data reported by the State on the number of children in DeKalb and Fulton counties during the reporting period (other than those in foster care) that experience repeat maltreatment or substantiated maltreatment within 11-365 days after being referred to DHR's diversion program. Due to the 11-365 day follow up period for the diversion statistics, this Period VI report is the fourth time diversion data has been reported. The DHR data on repeat maltreatment and substantiated maltreatment subsequent to diversion in DeKalb and Fulton Counties are presented in Section VII. Following is a discussion of the approach the Accountability Agents used.

The validity of the State statistics on repeat maltreatment and substantiated maltreatment subsequent to diversion rest on the accuracy of the data coding and data input associated with maltreatment investigations and diversion cases, and the validity and rigor of the file matching algorithm. These are considered separately below.

1. Data Capture and Input

Data fields that are quantitative or less complex (e.g., whether or not an allegation was substantiated) are less prone to coding errors and produce data with a higher degree of reliability. Data fields that are more complex, qualitative, or ambiguous are more error prone and demonstrate greater problems of reliability. Data on the results of maltreatment investigations and on whether or not a CPS report is "diverted" fall into the former category.

When a report of maltreatment is received, it is reviewed by CPS intake staff, logged into the County's tracking system, and if it meets the criteria to be investigated, an investigation is initiated. Pertinent data about the report are entered into the SHINES intake "stage." A casework supervisor reviews the completed SHINES intake stage and when they are satisfied with the quality of the intake information, they approve it in SHINES and close the intake stage. If the report meets the criteria for an investigation, the investigation "stage" is opened in SHINES and a casework supervisor uses SHINES to assign it to an investigator and to indicate the required response time.

If the report does not meet the criteria for a CPS investigation and it manifests issues that are primarily economic in nature, it may be considered for "diversion," also called Family Support Services. Diversion cases are not opened as CPS investigations, but the family is usually connected with community-based resources that can help meet the family's economic or other needs with the intent of helping the family keep their children safely in their own home.

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Based on interviews with county investigations staff and the experience of reviewing 100 percent of the investigations of maltreatment in care, the Accountability Agents have confidence that SHINES captures virtually 100 percent of the investigations that are conducted.<sup>140</sup>

With respect to diversion cases, the Accountability Agents are satisfied that the “stages” construct in SHINES effectively precludes diversion cases from being miscoded as CPS investigations or screen-outs, and vice versa. Moreover, each county maintains an intake log that captures pertinent information about each report received, and its disposition as: accepted for CPS investigation, diverted, or screened-out. The Kenny A. file review staff begins each maltreatment in foster care file review by reviewing the county’s intake log against the data contained in SHINES to ensure that all CPS investigations and diversions are accurately reflected in SHINES. Any inconsistencies between SHINES and the county intake log are identified, brought to the attention of county management staff, and rectified.

## 2. File Matching Algorithms

To produce the data on repeat maltreatment required by the Consent Decree, the DFCS Data Analysis and Reporting Unit used the following algorithm:

- Data for DeKalb and Fulton counties were extracted from SHINES and from the state Protective Services Data System (PSDS), a component of IDS, depending on the date the report was logged (reports logged on or after May 28, 2008 were extracted from SHINES; reports prior to May 28, 2008 were extracted from PSDS);
- Children with substantiated maltreatment were selected from two timeframes -- the reporting period and the preceding 12 months;
- Foster children were deleted from the files;
- Children from the reporting period were matched with children from the preceding 12 months using a search routine that cast a “wide net” to capture all potential matches; and
- Resulting matches were manually reviewed to affirm correct matches. Children that had a matched substantiation of maltreatment from the two time frames were deemed to have experienced repeat maltreatment.

Similarly, to produce the data on substantiated maltreatment subsequent to diversion, the DFCS Data Analysis and Reporting Unit used the following algorithm:

- Data for DeKalb and Fulton counties were extracted from SHINES and from the state

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<sup>140</sup> As discussed in Parts III and VI of this report, an issue was identified in Period VII that involved the undercounting of maltreatment in care reports. This problem was a function of the erroneous creation of duplicate person identification numbers for some children in care. This problem does NOT affect the accurate counting of maltreatment reports, only the linking of those reports to foster care records so reports of maltreatment **in care** can be identified.

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Protective Services Data System (PSDS) and the diverted cases file provided monthly by Systems & Methods, Inc. (SMI), depending on the date the report was logged (reports logged on or after May 28, 2008 were extracted from SHINES; reports prior to May 28, 2008 were extracted from PSDS and the diverted cases file);

- Cases diverted during the reporting period were selected;
- Diverted cases from the reporting period were matched with subsequent substantiated cases of maltreatment from the succeeding 12 months (to reflect the specified 11-365 day follow-up period after the diversion referral) using a search routine that cast a “wide net” to capture all potential matches; and,
- Resulting matches were manually reviewed to affirm correct matches that fell within the 11-365 day follow-up window of the diversion referral. Matches within this window of time were deemed to be maltreatment substantiations within 11 - 365 days of the diversion referral.

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**Appendix C**  
**Selected Characteristics of the Children in the Custody**  
**of DeKalb and Fulton Counties**

This appendix provides some additional information about the 1640 children in the custody of DeKalb and Fulton counties on July 1, 2009. The information is reported by the State and has not been independently verified by the Accountability Agents.

**Table C-1**  
**Gender of Children Remaining in Custody on June 30, 2009**  
N=1640

Gender	Percent of Children
Male	51%
Female	49%
Total	100%

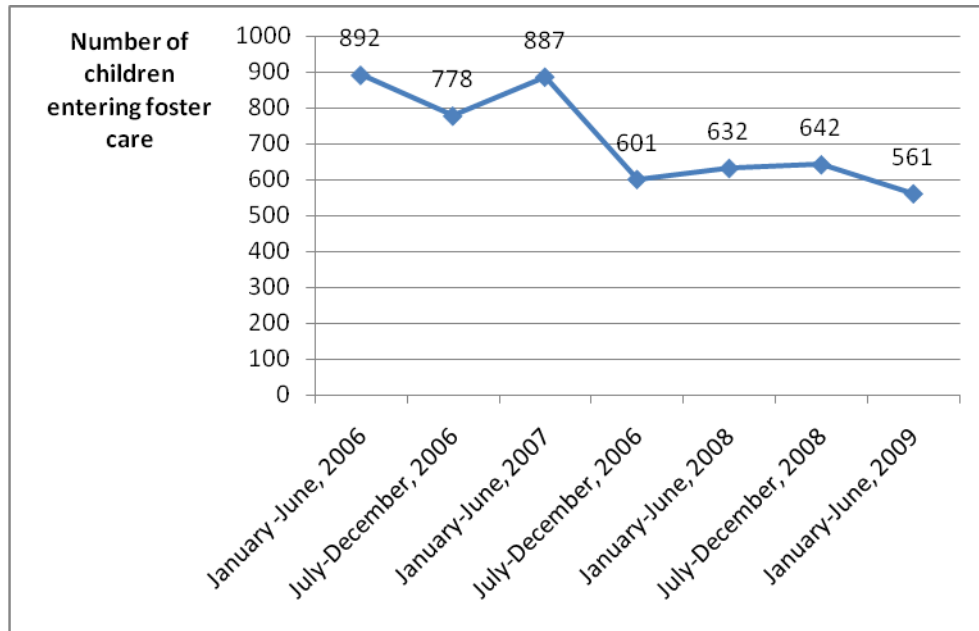
Source: Georgia SHINES

**Table C-2**  
**Ager of Children Remaining in Custody on June 30, 2009**  
N=1640

Age Group	Percent of Children
Age 2 years or less	26%
Ages 3 to 5 years	14%
Ages 6 to 9 years	15%
Ages 10 to 12 years	10%
Ages 13-15 years	17%
Ages 16 to 17 years	18%
Total	100%

Source: Georgia SHINES

**Figure C-1**  
**Number of Children Entering DeKalb and Fulton Custody since January 1, 2006**  
**in Six-Month Increments\***



Source: IDS and SHINES: \*An additional 294 children entered between October 27, 2005 and December 31, 2005.