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PERIOD 21 FINAL DATA REPORT

Kenny A. v Perdue

January 1 – June 30, 2016

Accountability Agent

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and the

Monitoring and Technical Assistance Team

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DEFINITIONS

Adoptive Placement means the interval during which a child is placed with a prospective adoptive family following the signing of the appropriate adoptive placement agreement form, but before the entry of the adoption decree by the court.

Child or Children or Class Member Children or Class Members mean a child or children who have been, are or will be alleged or adjudicated deprived who (1) are or will be in the custody of the State Defendants; and (2) have or will have an open case in Fulton County DFCS or DeKalb County DFCS.

Child Caring Institution (CCI) is any child-welfare facility which provides full-time room, board and watchful oversight (RBWO) to six or more children up to 18 years of age. Some CCIs are approved to care for youth up to age 21. The CCI must be approved through the Office of Provider Management (OPM) to serve children in DFCS custody.

Child Placing Agency (CPA) is agency that places children in foster and adoptive homes for individualized care, supervision and oversight. Child placing agencies are responsible for assessing the placement regarding the appropriateness of the room, board and watchful oversight that the prospective foster and adoptive families will provide. The CPA's employees and their foster and adoptive parents work as a team to provide a stabilizing and nurturing environment that promotes safety, permanency and well-being.

Corporal Punishment means any physical punishment on a child that inflicts pain.

CPA Foster Home is a foster home approved by a Child Placing Agency for the temporary placement of children in foster care.

DeKalb DFCS means DeKalb County Department of Family and Children Services.

DFCS when used alone means the Georgia Division of Family and Children Services.

DFCS Foster Home is a non-relative foster homes approved by DFCS for the temporary placement of children in foster care.

DFCS or CPA Adoptive Home is an adoptive home approved for the foster care placement of a child for whom the established goal is adoption. Adoptive homes must meet the regular standards of care required for approved family foster homes and any conditions specified in that approval.

DFCS Relative Foster Home is a relative foster home approved by DFCS for the temporary placement of minor relatives. It is DFCS' preference that all relatives are approved as foster parents and receive a foster care per diem. The goal of relatives becoming foster parents is to ensure that the child has services to address his/her needs.

DHHS means the United States Department of Health and Human Services.

DHR means Georgia Department of Human Resources.

Discipline or Other Serious Foster Care Violation means and includes those acts or situations by the caregiver that pose an immediate or potential risk to the safety or well-being of the child in care. These may include, but are not limited to, inappropriate disciplinary measures (both physical/corporal and emotional), violations of supervision or other safety requirements that pose serious risk factors to the child.

EPSDT means the Early and Periodic Screening, Diagnosis and Treatment Program for individuals under 21 years of age contained in Title XIX of the Social Security Act, as amended.

Fictive Kin means a person who is known to a child as a relative, but is not, in fact, related by blood.

Foster Parent means volunteers who are trained and certified by DFCS or Child Placing Agencies to provide for the temporary care of children placed in the custody of DFCS. Foster parents work as a part of a team to assure that a child's physical, emotional, medical and psychological needs are met while they are in foster care. Although, it is not the goal to replace the child's parents, foster parents are asked to assume the responsibility of parenting the children placed in their home.

Foster Relative means biological kin who are trained and certified by DFCS to provide for the care of relative children placed in the custody of DFCS. Foster relatives work as a part of a team to assure that a child's physical, emotional, medical and psychological needs are met while they are in foster care. Although, it is not the goal to replace the child's parents, foster relatives are asked to assume the responsibility of parenting the children placed in their home.

Fulton DFCS means the Fulton County Department of Family and Children Services.

Georgia Health Check Program means Georgia Medicaid's well-child or preventive health care program adopted pursuant to EPSDT, and shall contain such components as they exist in the Georgia Health Check Program as of February 1, 2005.

Governor means the Governor of the State of Georgia.

Legal Guardianship means the appointment of an individual as a legal guardian for a child as authorized by either the probate court under O.C.G.A. Title 29 or the juvenile court under O.C.G.A. Chapter 15-11-2(36).

One Episode of Foster Care means the period of time that a child is in foster care from the date of removal from the home until the child is discharged from DFCS custody, except that a runaway does not trigger a new episode of foster care.

Permanent Legal Custody means custody granted in accordance with an order of the superior court or the juvenile court, which places a child in the custody of an individual or individuals until the child reaches 18 years of age.

Permanent Placement with Relatives means placing a child with 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 interests to remain in the home of the relative rather than be considered for adoption, permanent legal custody, or guardianship by another person. In such circumstances, there shall be in place an agreement for long-term care signed by DFCS and the relative committing to the permanency and stability of this placement unless it is necessary to disrupt the long-term placement.

Psychiatric Residential Treatment Facility (PRTF) is a temporary non-hospital facility with a provider agreement with a State Medicaid Agency to provide intensive therapeutic intervention to a child to ensure safety and stability. PRTFs offer intensive behavioral health services to children in Georgia.

Relatives are persons who are related by blood, marriage or adoption including the spouse of any of those persons even if the marriage was terminated by death or divorce.

Relative Placement refers to placement in the home of a relative or fictive kin who do not receive a foster care per diem for the care of the child. The relative placement may be a non-paid placement or the relative may receive TANF or an Enhanced Relative Rate (ERR) Subsidy. Fictive

kin are not eligible for TANF or an Enhanced Relative Rate (ERR) Subsidy. Fictive kin must become foster parents to receive financial assistance.

Placement with relatives or fictive kin may occur very quickly if there is a satisfactory CPS history check, safety and home assessment check, and a Georgia Crime Information Center (GCIC) check through the Office of the Inspector General (OIG) on all household members 18 years of age or older. A Relative or Non-Relative Care Assessment must be completed no later than 30 calendar days after the placement of a child.

State DFCS means the Division of Family and Children Services of the Georgia Department of Human Resources.

Suspected Abuse or Neglect means being based on reasonable cause to believe that a child may have been abused or neglected.

Suspected Corporal Punishment means being based on reasonable cause to believe that corporal punishment may have been used on a child.

INTRODUCTION

This report was prepared by the Accountability Agent and the Monitoring and Technical Assistance Team (MTAT) pursuant to the orders entered in the Northern District of Georgia *Kenny A. v. Perdue, Civ. Act. No. 1: 02-CV-1686*, a civil rights class action brought on behalf of children in Fulton and DeKalb counties who are in the custody of the State of Georgia's Division of Family and Children's Services (DFCS). The *Kenny A.* class members are "all children who have been, are or will be alleged or adjudicated deprived who (1) are or will be in the custody of any of the State Defendants; and (2) have or will have an open case in Fulton County DFCS or DeKalb County DFCS."

The *Kenny A.* Consent Decree (Consent Decree) was entered on October 28, 2005 and was modified by agreed orders (docket numbers 612, 687, 740, 747) on December 15, 2008 and November 2, 2015.¹ It requires improvements in the operations of the Division of Family and Children's Services and establishes the outcomes that are to be achieved by the State of Georgia on behalf of children entering or in custody and their families.

The Role of the Accountability Agent and the Monitoring and Technical Assistance Team

The original Consent Decree established a process for accountability through the appointment of James T. Dimas and Sarah Morrison as the Court's independent Accountability Agents. The Consent Decree included a process for replacing these persons should one or both no longer be able to fulfill their duties under the agreement. Using this process, the parties first selected Karen Baynes-Dunning to replace Sarah Morrison, and then created a monitoring and technical assistance team through the appointment of Elizabeth Black, Jennifer Haight, and Steve Baynes in October 2015. This resulted in the establishment of the Monitoring and Technical Assistance Team (MTAT) with Karen Baynes-Dunning as sole Accountability Agent, to replace Mr. Dimas as co-Accountability Agent upon his resignation from the position.

The Accountability Agent and the Monitoring and Technical Assistance Team (MTAT) are responsible for providing public record reports on State Defendants' performance relative to the Consent Decree to the Court and to the Parties. Reports are issued for each six-month reporting period. As discussed in more detail in the section below, the Parties made the decision this past year to "maximize the technical assistance" of the Accountability Agent and the MTAT going forward. Specifics are included the 2016 Modified Consent Decree and Exit Plan.

¹ A further Modified Consent Decree and Exit Plan was entered on December 5, 2016 and is discussed in more detail in the next section.

This past year, the Accountability Agent and the MTAT have:

- 1) facilitated and revised the monthly State G2 meeting structure and content;
- 2) shadowed DeKalb and Fulton County leaders;
- 3) continued learning about the State's overall priorities and its strategic plan, Blueprint for Change;
- 4) joined in the State's effort to improve the overall use of data to improve practice and outcomes through a newly developed Continuous Quality Improvement (CQI) process;
- 5) began the review of the State's longitudinal data file over the past ten years to inform the CQI process;
- 6) met with stakeholders;
- 7) helped the parties work toward reaching an agreed upon plan for modifying and exiting the Consent Decree;
- 8) continued to manage case record reviews;
- 9) reviewed reports from DFCS; and
- 10) submitted monitoring reports as required by the Consent Decree.

This is the 21th Monitoring Report issued. The previous monitoring reports are available on-line at http://www.childrensrights.org/class_action/georgia/# or <http://cslf.gsu.edu/technical-assistance/>.

2016 Modified Consent Decree and Exit Plan

Class counsel initiated discussions with State Defendants' counsel in July 2015 to "streamline obligations in recognition of progress, remaining challenges and changes in best practices standards in foster care"². With support from the Accountability Agent and MTAT, Parties have been working together since that time to improve the outcome measures used to measure the State's performance, maximize the technical assistance available through the Accountability Agent and MTAT and define a clear process for exiting Court oversight for the administration of child welfare in DeKalb and Fulton counties. Parties were able to negotiate and agree upon the 2016 Modified Consent Decree and Exit Plan. This Exit Plan took effect on December 5, 2016 after Court approval.

In the general principles, the Exit Plan now more fully incorporates DFCS' commitment to the benefits of kinship care.

² Joint Motion for Entry of Modified Consent Decree and Exit Plan, Filed 11/09/16 in United States District Court, Northern District of Georgia, Atlanta Division, Signed 12/05/16.

It alters the approach to monitoring and reporting on progress, specifically related to: 1) placement, 2) outcomes, 3) demonstrating compliance, 4) infrastructure standards, and 5) dispute resolution.

There is some additional oversight related to the placement of children in foster care. DFCS is to report to the Accountability Agent if a child is in: 1) more than one temporary facility during one episode of foster care; 2) a temporary facility for over 30 days; or 3) a DFCS office between 8:00 p.m. and 8:00 a.m. The Exit Plan includes DFCS' commitment to end the use of hotels as placements for children by June 30, 2017. It also requires that visits with children occur soon after (during the first week) an initial placement of a child or change of placement to help the child adjust, assess appropriateness and ensure needed supports and services are available.

The outcome measures have undergone substantial revision to reflect when possible the principles of best practices in measurement.³ There was also effort to set goals deemed to be attainable based on the evidence of actual, demonstrated performance. Using past performance in recent periods as the determinate, the Exit Plan considers outcomes that DFCS consistently met as Attained Outcomes, thus requiring less oversight. There is a mechanism in place to designate outcomes as Attained Outcomes in future periods. Once all the outcomes measures have become Attained Outcomes, there is agreement that Defendants can seek to terminate the Modified Consent Decree and Exit Plan without contest as long as there are no outstanding Court Orders or Stipulations providing a remedy for a prior allegation of non-compliance.

To align the Exit Plan with DFCS' overall priorities and expectations for case practice, Parties afforded the Accountability Agent and MTAT nine months to better understand the following areas of practice and recommend acceptable standards. These Infrastructure Standards will address the areas of: 1) case planning, 2) placement; 3) health services to children; 4) SACWIS; 5) supervision of contract agencies; 6) training; 7) foster parent licensing and training; 8) abuse in care investigations; 9) corrective actions; 10) maximization of federal funding; and 11) quality assurance. Before these Infrastructure Standards are final, the Accountability Agent and MTAT

³ Best practices principles include: 1) a clear statement of the analytic question with particular attention to identifying the risk population or the denominator associated with a particular inquiry; 2) use of entry cohorts and prospective measures to characterize systems dynamics and change in outcomes; 3) attention to the sources of variation in system outcomes (e.g. variation over time, among children, or in places), 4) understanding variation is critical to accurately understanding change; 5) assessing expected change in the appropriate period of performance or window of time; 6) matching the analytic question to the appropriate source data; and 7) using well understood and organized data resources that are designed to support asking and answering analytic questions.

will report on DFCS' implementation of its practice model, Solution Based Casework and any beginning impact on DFCS employees, providers, children and families.

Finally, the Modified Consent Decree and Exit Plan contains provisions for a dispute resolution process that seeks to resolve differences between the Parties with the assistance of the Accountability Agent prior to raising an issue with the Court.

To be specific, monitoring and reporting will shift in the following manner over the next couple of reporting periods.

Period 21: This current report is on DFCS' performance between January 1, 2016 and June 30, 2016. The focus of this report is on the State's performance relative to the 31 outcomes in Section 15 of the original Consent Decree. This report also gives some historical context about progress over the past decade since Parties entered the Consent Decree in 2005. While it is a more streamlined report, there are also some other key provisions of the original Consent Decree that are included related to: 1) the use of congregate care, hotels and other temporary placements for children in foster care; 2) caseloads for caseworkers and supervisors; and 3) children who have been in foster care for a long time.

Period 22: A report on performance between July 1, 2016 and December 30, 2016 will be ready for submission in May 2017. The focus of this report will also be on the State's performance relative to the 31 outcomes in Section 15 of the original Consent Decree. The Accountability Agent and the MTAT will gather and report on: 1) the beginning implementation of Solution Based Casework; 2) the use of congregate care, hotels and other temporary placements for children in foster care; 3) caseloads for caseworkers and supervisors; and 4) children who have been in foster care for a long time.

Period 23: A report on performance between January 1, 2017 and June 30, 2017 will be ready for submission in November 2017. During this time, January to June 2017, the Accountability Agent and the MTAT will be working with DFCS to define a methodology for and produce reports on the newly defined outcomes. This will be the first report using the outcomes measures as defined in the 2016 Modified Consent Decree and Exit Plan. During this same timeframe, the Accountability Agent and the MTAT will be working to understand DFCS expectations and priorities in the areas of infrastructure listed above to be able to propose Infrastructure Standards for the Modified Consent Decree and Exit Plan no later than September 5, 2017 (nine months from the date Exit Plan went into effect). While reporting will not yet be on the Infrastructure Standards, the Accountability Agent and the MTAT will continue to report on: 1) the beginning implementation of Solution Based Casework; 2) the use of congregate care, hotels

and other temporary placements for children in foster care; and 3) caseloads for caseworkers and supervisors.

Period 24: A report on performance between July 1, 2017 and December 31, 2017 will be ready for submission in May 2018. Reporting on performance during this period will mirror the previous period. The Parties will reach final agreement on the Infrastructure Standards during Period 24 and begin to develop an approach to monitoring these standards.

Period 25: A report on performance between January 1, 2018 and June 30, 2018 will be ready for submission in November 2018. This will be the first complete report on all of the provisions in the 2016 Modified Consent Decree and Exit Plan, including the Infrastructure Standards.

Summary of Progress Since 2005

Below we present a high-level overview of the experiences of children and youth who have been in foster care in Fulton and DeKalb counties during the last decade. These data are extracted from a longitudinal data file containing data through December 31, 2015.⁴ In this overview, we present information primarily about first admissions – regardless of duration. As monitors, we are interested in and obligated to report on the experiences of ALL children. However, for purposes of understanding patterns associated with services provided to children at the first opportunity the State has to successfully work with children, youth, and their families – we focus in this section on that first experience. As the table below indicates, this represents the majority of children and youth served in the two counties. And it also represents that critical population of children and youth for whom the proper assessment and provision of services would mean a safe, brief and stable placement experience followed by lasting permanency.

⁴ This longitudinal file was developed by researchers at Chapin Hall, based on data extracts from SHINES and formerly IDS containing placement histories for children placed in state custody. Spells of all durations are reflected in these data.

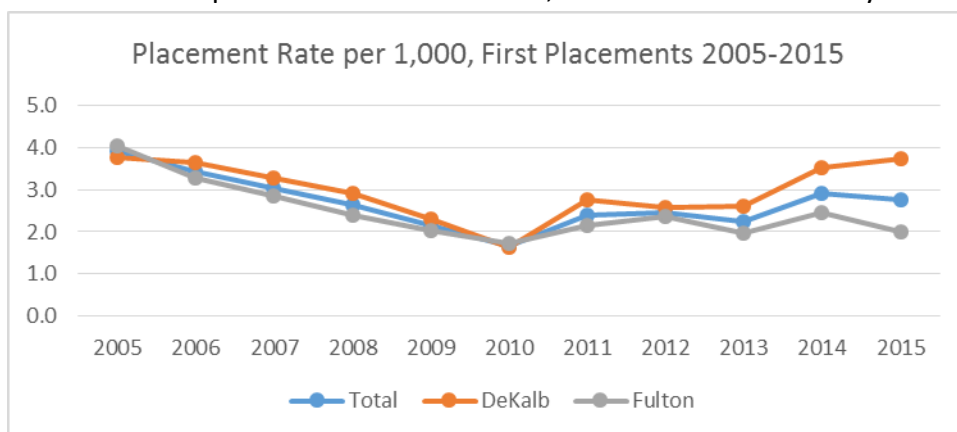
Foster Care Admissions, DeKalb and Fulton Counties, 2005-2015

Entry Year	All Entries			Proportion First Entries		
	Total	DeKalb	Fulton	Total	DeKalb	Fulton
2005	1,889	801	1,088	80%	78%	81%
2006	1,672	796	876	79%	75%	82%
2007	1,542	705	837	76%	77%	75%
2008	1,347	628	719	75%	77%	73%
2009	1,061	468	593	78%	81%	76%
2010	904	380	524	71%	71%	72%
2011	1,207	550	657	77%	83%	72%
2012	1,218	519	699	78%	82%	74%
2013	1,106	525	581	78%	82%	75%
2014	1,507	751	756	74%	77%	71%
2015	1,435	762	673	74%	81%	66%

One of the primary goals of DFCS is to meet the needs of abused and neglected children at home without removing them from their families and communities and bringing them into foster care. DFCS seeks to identify those children and youth who can safely remain at home with some additional supports and services.

The number of children and youth in the general population is a factor in the number of children and youth placed in foster care in a given jurisdiction. Jurisdictions with more children and youth in the general population are more likely to have higher numbers of children and youth in foster care simply because there are more children who are at risk of being subjects of abuse or neglect. It is therefore important to examine placement rates (number of children placed in foster care per 1,000 in the general population) in addition to the actual numbers to understand the variation that may exist for reasons other than the size of the general population. The first chart

below shows placement rates overall, and for each county for the past ten years.⁵



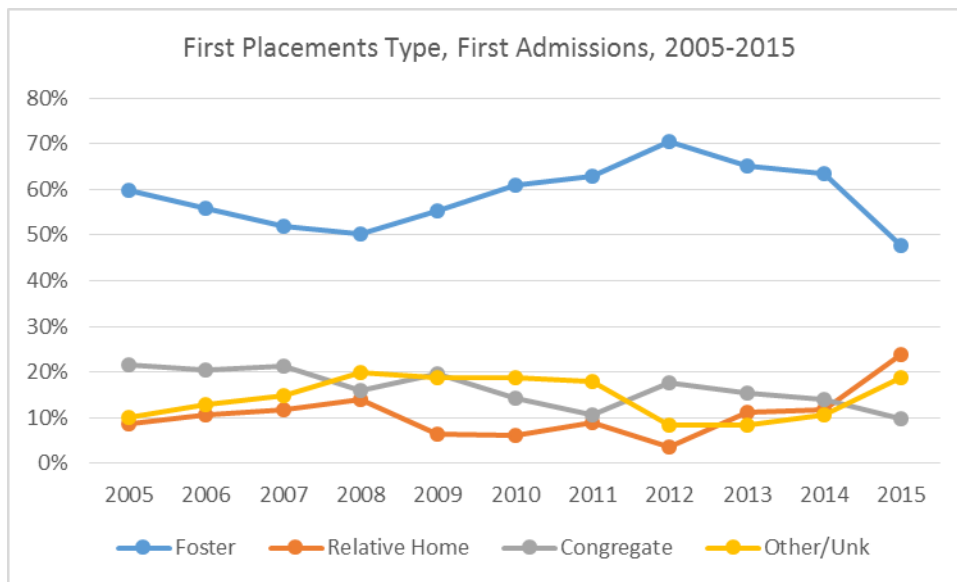
The risk of first removal has dropped notably since a high of nearly four (4) placements per 1,000 children in the underlying population. A significant drop in 2010 has been followed by some increases, with 2014 showing the highest rate since 2007. More recent data from Period 19 and Period 20 suggests the increase in admissions has persisted into calendar year 2015, but abating by the end of the year. The table below shows the number of children/youth entering care for the first time in each of the two counties since 2005, along with the associated placement rates. It shows an overall decline in the current year, attributable to notably fewer entries from Fulton, but continued (though slighter) increases from DeKalb.

First Placement Rate per 1,000 Children, 2005-2015						
Admissi	All First Placements			Placement Rate per 1,000		
	Total	DeKalb	Fulton	Total	DeKalb	Fulton
2005	1,507	621	886	3.9	3.8	4.0
2006	1,318	599	719	3.4	3.6	3.3
2007	1,172	543	629	3.0	3.3	2.9
2008	1,010	482	528	2.6	2.9	2.4
2009	827	378	449	2.1	2.3	2.0
2010	645	269	376	1.7	1.6	1.7
2011	927	456	471	2.4	2.8	2.1
2012	945	427	518	2.5	2.6	2.4
2013	864	430	434	2.2	2.6	2.0
2014	1,121	582	539	2.9	3.5	2.5
2015	1,057	615	442	2.7	3.7	2.0

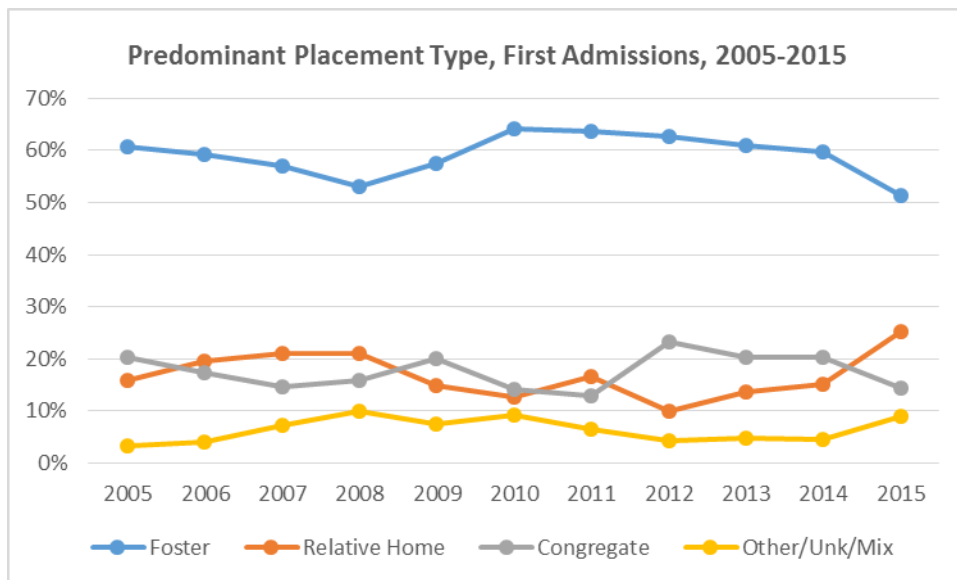
⁵In the Period 20 report, we mistakenly used a table containing all entries rather than first entries to report placement rates. The patterns were the same, but the overall placement rates reported were higher, reflecting all entries rather than first entries.

After removal, an important priority is to place children and youth in family settings, preferably with a family members, relatives, friends and members of the child's community who already have a connection with the child and commitment to the child. Relative placements help to minimize the trauma of removal, preserve the child's sense of belonging and attachment, and keep them connected to people and things that bring meaning and purpose. It is for this reason that DFCS has set a goal to place 50 percent of children in foster care in relative placements or relative foster homes. Not only does the Consent Decree stipulate that children under twelve (12) should not be placed in congregate settings, but best practices also dictate that whenever possible such settings should be avoided.

The chart below depicts the extent to which the two counties, together, have been able to increase their reliance on family settings and to decrease reliance on group settings as the initial placement option over the last decade. Since 2007 half or more of the children and youth entering placement for the first time are placed in family settings, DFCS or CPA foster or adoptive homes. This peaked in 2012 at 70 percent when there was a concerted effort on the part of DFCS to decrease the use of congregate care. This marked a point in time when Child Placing Agencies (CPAs) began to close group homes and cottages. The reliance on congregate or group settings had dropped from 20 percent in 2005 to as low as 11 percent in 2011, after showing a slight increase in more recent years, the proportion of young people first placed in congregate settings has dropped down 10 percent for the 2015 admission group. Children placed in relative placements or relative foster homes represent a smaller proportion of placements, but is ticking up from 2012 where it had declined to about three percent of first placements to reach nearly 25 percent in 2015. It is important to note there that these are placements in *any* type of kinship setting including licensed as foster homes, paid kinship homes, and unpaid relative homes. The other placement category, which grew to about 20 percent of placements in 2015, is made primarily of hospital settings (just under half of such settings) and placement settings coded as "other", with little more detail available to describe those settings.



The next tables refine the narrative around placement type by displaying the type of placement in which children first entering care spend most of their placement episode. In other words, if the first placement is a short-term placement based on exigent circumstances, this second view shows the extent to which children and youth transition into a stable family setting for the remainder of their time in care. As the table below indicates, historically, and in recent years, most children and youth placed in the two counties remain in family settings in DFCS or CPA foster or adoptive homes. The proportion who end up in relative placements or relative foster homes has been on the uptick, although it was highest – at just over 20 percent in 2008. The most recent entry years show slight increases in the predominant use of relative home. Reliance on congregate care as predominant placement type has hovered at around 20 percent for first entries, returning to 20 percent following a dip in 2010 and 2011. Because youth in the most recent entry cohort (2015) may still experience movement in their foster care episode and placement settings changes as a result, that data should be interpreted as preliminary.



Following placement into foster care, a critical system goal is to minimize placement disruption. Placement moves not only add trauma to an already difficult situation, but also disruptions are associated with longer episodes in care. Too often child welfare systems – in an effort to protect the physical safety of identified children – disconnect and punish children for the normal reactions to the trauma they have experienced in their lives. Children express these normal reactions to trauma in a myriad of ways, sometimes through maladaptive behaviors. Too often, the system’s response or intervention is to remove the child from his or her placement, which exacerbates the problem, instead of providing needed support to preserve relationships and placements. Children can heal from trauma, but this is only possible when they are experiencing safety and stability, and there is commitment and understanding on the part of their caregivers.⁶

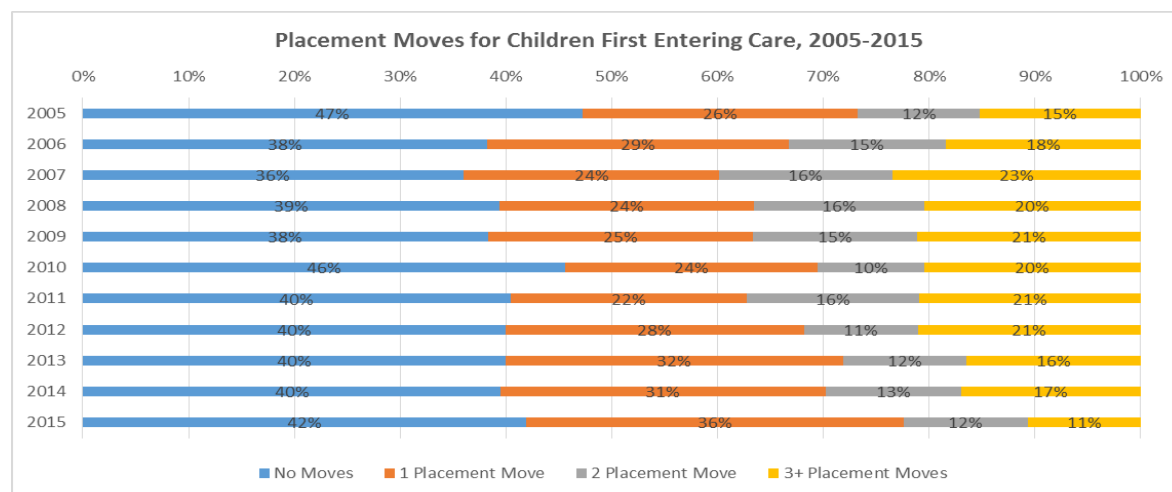
The table below shows movement history through December 2015 for children first entering care over the last ten years. While we include the movement measures for the more recent entry groups (2014 and 2015) we would note that that many of those children/youth were still in care as of December 31, 2015, and therefore they were still *at risk* of movement. Although most movement occurs early in a child’s placement episode, those children who have not yet exited may yet experience a placement disruption, and those that have moved may yet move again. The proportion of children with no moves will likely drop slightly for the 2015 group. And the proportion of children with one or more moves is likely to tick up slightly. But notably – already, 11 percent of this 2015 group has already experienced three or more moves. Many of these 113 youth started in foster homes and have several disruptions resulting in placements in other

⁶ This idea is from the work of Amelia Franck Meyer, Founder and CEO of Alia.

homes (foster and kinship) as well as other setting types. Another group started in the “other settings and experienced disruptions from that setting as well.

These data show that, over the last decade, most children who enter placements in the two counties do not experience multiple placement episodes. In fact, many children – about 40 percent -- experience only one placement and do not move at all during the first episode in care. About 25 percent of children first entering care move once. There are early indications (not yet final) that imply that the proportion of one-time movers may be growing slightly. The proportion of children moving three or more times has been steady at about 20 percent, which represents between 200 to 300 youth, depending on the size of the entry cohort.

Placement stability over the past decade has been stable – and mostly moderate – meaning consistently, about two thirds of recent entry cohorts experience one or fewer placement moves. This represents about 600 or more youth, depending on the size of the entry cohort. However, a closer look at the data will reveal that historically – and currently – among the three-plus movers are group of children and youth who move many times. Closer analysis shows for entry cohorts 2005 even up to 2012 – nearly ten percent of an initial entry group move five or more times. Thus, placement stability surfaces as a persistent challenge in the two counties for the past decade.⁷

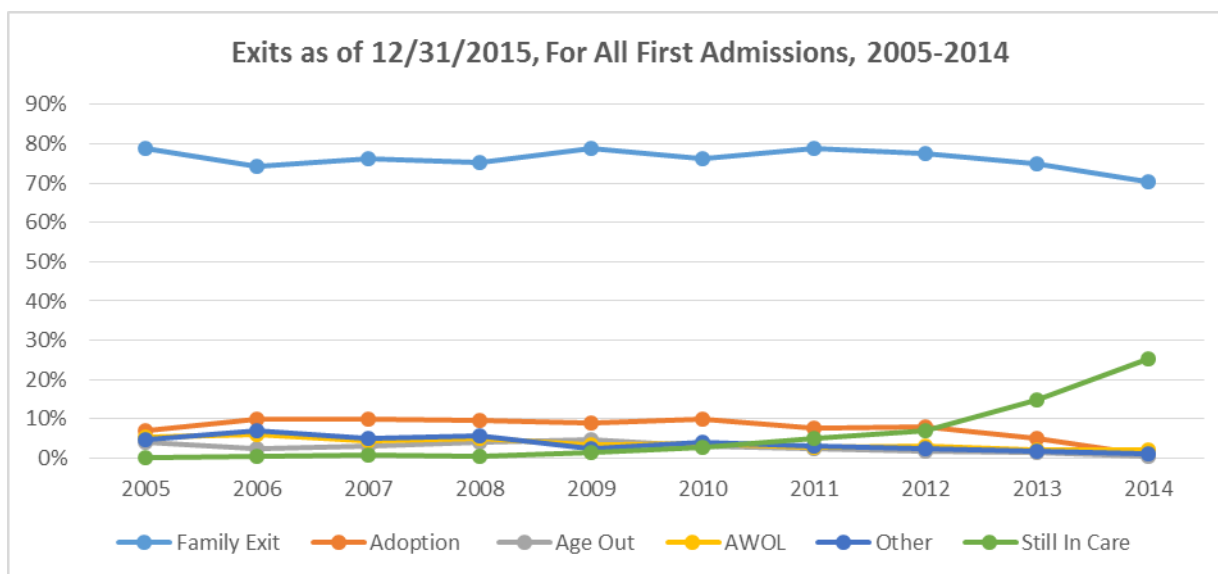


A primary goal of the child welfare system is to ensure that every child has a safe, permanent family, preferably their own. Permanency can be achieved through: 1) children returning to their parents or other family members; 2) family members becoming guardians or adoptive parents; or 3) the formation of a new family through adoption with previously unrelated persons. In

⁷ These more granular data are not presented here, but are available upon request. Even the most recent entry cohorts include a group of youth who have experienced multiple moves (five or more since entry).

addition, exits from foster care to permanency should be timely. Removal from home should be temporary, and should be followed as soon as safely possible by an exit to a home that will provide lasting permanency.

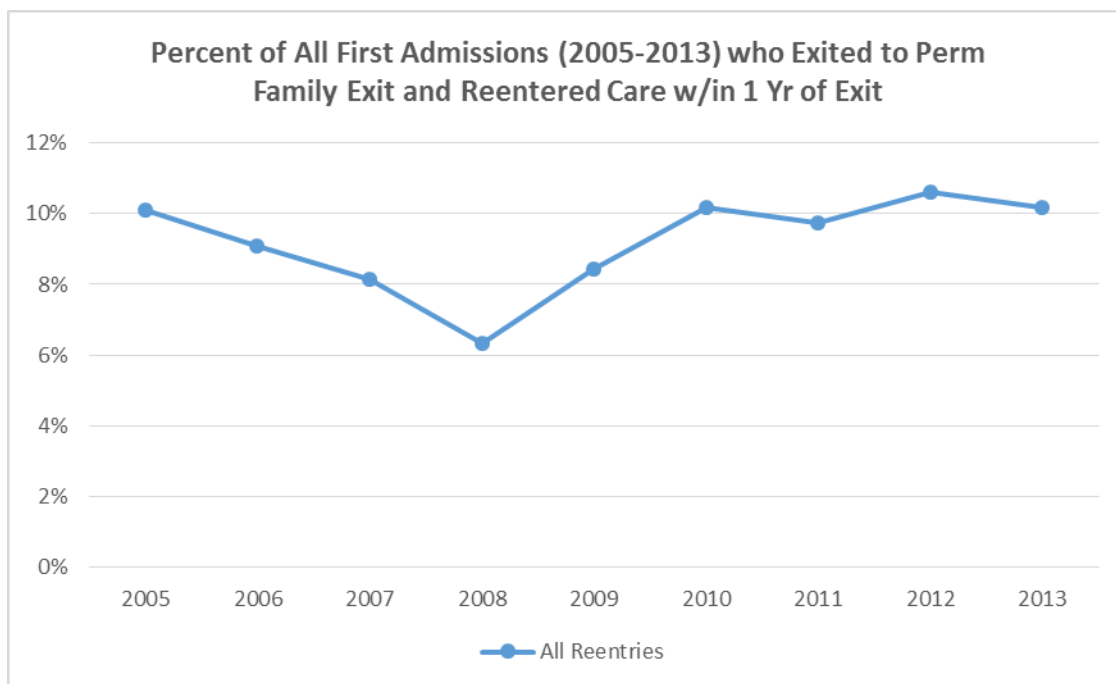
The historical data displayed below show exit patterns for first entrants from 2005-2014, the years for which we can observe a least one full year following the placement year. The data have been consistent for the past nine years. Most children first entering care – over 70 percent of them – return to a family home following removal. An additional ten percent are adopted. It is probable that the dip in the most recent years is because later entries have not yet had time to finish the adoption process. Non-permanent exits, which include aging out, running away, and other non-permanent exit types⁸ have decreased slightly from about 15 percent in the early years to just over 10 percent. For those more recent entry cohorts, not enough time has passed to observe all children exit. Thus the green line represents children/youth who have entered in recent years and who are in the process of exiting, most likely to family or adoption, given the stable levels of exits in those categories observed in prior years.



Finally, an important element of achieving permanency is ensuring its durability. We want children who have returned to a family setting to find and maintain stability in that setting. Measuring reentry for children placed in the two counties – using a longitudinal perspective -- allows us to understand what has been typically true for children who entered care for the first time in the last nine years. As the table shows, a large majority of those children and youth return

⁸ These include transition to an adult system (e.g. criminal justice, developmental delayed) child death, or unspecified exit types.

to a family setting. How many then revert to foster care within a year of that return home? The table below provides the answer to that question. As the graph below shows, reentry has been variable, challenging, and recently on the upswing in the two counties. In 2005, ten percent of first admission who exited to family returned to care within one year of that exit. Reentry rates then ticked downward, reaching a low of six percent in 2008. Since then, there has been a fairly steady rise, climbing to over ten percent for children from the 2012 cohort, and staying at about that level.



This overview shows general patterns – most notably – it shows consistency. Areas of strength have generally stayed steady, but have not shown remarkable improvement. Similarly, many of those areas that presented challenges ten years ago remain challenging. Additionally, this overview is just that – a high-level depiction of dynamics in Fulton and DeKalb. This view leaves opaque important variation between the two counties and even within the two counties, (subgroups by age or placement type may have different outcomes). Nevertheless, it serves as useful context, and provides a clear path to the development of baseline performance from which change associated with deliberate innovations practice can be anticipated, targeted, and tracked.

A New Way of Work

As reported in the Period 20 report, “DFCS leaders at all levels [were] stepping back to define a “way of working together” to best implement specific strategies in DeKalb and Fulton counties designed to improve outcomes for children and families. Part of this is an effort to define: 1) a methodical and coordinated process for specifying and implementing these strategies; 2) the support needed by the leaders who are responsible for outcomes in the counties; and 3) the data that will be used to track and measure progress. During Period 21, Region 14 (DeKalb and Fulton Counties) along with regional, district and state leaders identified four key priority areas of focus:

- 1) Creating and supporting a robust workforce;
- 2) Increasing the percentage of children placed and supported in kinship homes to 50%;
- 3) Recruiting and sustaining a wide array of appropriate placements for children who enter foster care and ending the practice of using hotels as placements for children in foster care; and
- 4) Improving permanency outcomes through the State’s “Safe at Home” initiative.

In addition to these four key pillars, the State continues to monitor the implementation of its new case practice model, Solution Based Casework. The initial phase of the roll out is taking place in Region 14 with significant support from the State’s office Education and Training Unit. The theory of reform is that if Region 14 can focus on these four pillars and successfully implement its new case practice model, it will be successful in enhancing the overall practice, improving outcomes for children and families and, ultimately, exiting the Consent Decree.

To create a culture of continuous quality improvement, Region 14 has developed a leadership team and process entitled **Metro District Effectively Aligning Strategic Plans Utilizing Resources Efficiently (MEASURE)**. The team is comprised of the District Director, the Regional Director, the two County Directors, the Director of the State Kenny A. Unit, and the Director of the State Data Unit. Together, this group has begun to align the work under the Consent Decree, with the Blueprint for Change, the state strategic plan, the Governor’s Child Welfare Reform Council’s recommendations, and the federal requirements under the Child and Family Services Review (CFSR). Through meetings with state and county level staff, they have identified all the strategies and review processes currently in place to continue and enhance effective strategies, eliminated duplication of efforts and established a way of work that will foster greater communication and collaboration throughout the organization.

The MEASURE team has also chartered four work groups, one for each of the key priority areas. The MEASURE team members have been assigned to provide leadership for each work group. The work groups also include county level data staff, Program Managers, state level content area experts, a member of the state Kenny A unit, case managers, supervisors and administrators, and two members of the Kenny A. MTAT. The groups have been charged to meet regularly (at least twice a month), to pose analytic questions and review data evidence to better understand their

environment and the factors (root causes) impacting progress in their respective priority areas. As the workgroups develop a clearer understanding of the factors contributing to challenges in their issue area, their next step is to reach consensus on the priorities on which to focus. Those priorities are reflected then in the strategies that will be recommended to the MEASURE team and are expected to streamline and focus the work toward improvement of outcomes for children and families.

This new continuous quality improvement process will replace the former G2 structure, in which MTAT and state and county leaders met twice a month to review overall data and track progress on all 31 outcomes and the process measures in the Consent Decree. Future monitoring reports will include updates for each of the four pillars as well as the implementation of the new case practice model.

PART TWO - SUMMARY OF OUTCOMES

The part above is focused on historical DFCS performance in DeKalb and Fulton counties through the end of December 2015. The rest of this report is focused on DFCS' performance from January 1, 2016 to June 30, 2016 or Period 21. Certain system dynamics persisted from the prior period, most notably: 1) the use of hotels as placements for children in foster care; 2) a reliance on unapproved and unpaid relative homes for placements, and 3) high caseloads and continued challenges with worker turnover. The overall number of children and youth entering and exiting foster care decreased. The result was a net increase of 53 children in foster care at the end of the period.

The summary of outcome performance contained in this current report continues to reflect the challenges of responding expeditiously to these systems pressures. This response is simultaneous to also maintaining steadfast focus on longer-term system reform that is essential to generating and maintaining strong safety, permanency and well-being outcomes for children and families. Period 21 performance on core outcome measures, like achieving permanency, maintaining placement stability, and protecting children in custody from harm remained largely the same. There was some notable improvement in some key process areas, including visits of all types, but especially those between custodial children and their family members. There were also some declines that merit further attention, signaling the importance of maintaining core system processes even in the midst of system reform. These areas include the timely conclusion of maltreatment investigations for custodial children, diligent search efforts, and the presence of court order language for Title IV-e purposes. Of note, there is a decline in meeting the children's identified needs for those children who had multiple needs identified.⁹

Safety

Three of the five safety measures relate to the process of investigation for children allegedly maltreated while in care – initiating investigations, completing investigations and timely contact with all alleged victim children. None of these met agreed upon consent decree standards. Performance on two of the process standards remained about the same as the previous period: initiating timely investigations and making timely face to face contacts with all alleged victim children in foster care. The percentage of investigations being completed in 30 days decreased notably from the previous period. The Period 20 rate of 82 percent is the lowest since Period 14, although almost all of these were completed within 45 days.

⁹ While over 85 percent or more of single identified needs were met, there was a decline in the proportion of children for whom all of the needs were met. See Outcome 30 for more details on this distinction.

The percentage of children in foster care who were victims of maltreatment during the previous 12 months (.42%) remained about the same as the previous period and continued to meet the agreed upon consent decree standard.

Finally, the incidence of corporal punishment remained below the limit set by the Consent Decree. Taken together – the counties’ performance reflects vigilance and close attention to the safety of children in their care.

Permanency

There was continued strength in the Consent Decree’s Outcomes 8a and 8b, indicating that over half of the children entering care during the period achieved permanency within one year of their exit, and an additional seven percent exited within their second year. This is well above the standard for 8a and consistent with recent performance on those important measures of permanency for children entering care. These results are tempered by a concerning proportion (17%) of children entering foster care during the period who had been in foster care at some point in the previous 12 months. Because the overall number of first entries did not decrease substantially, the higher proportion of reentries bears further consideration. Data provided to DFCS indicates that there is no evidence that recently finalized adoptions are disrupting following finalization.

Children are more likely to exit foster care to lasting permanency when they remain closely connected to the persons who are important to them. For the second consecutive reporting period, DFCS did not meet the agreed upon standard for searching for family members, dipping to 83 percent during Period 21. Most children were placed within 50 miles of their parents and/or caregivers from whom they were removed. Over 90 percent of children were meeting a minimal standard – once a month - for visiting with their parents by seeing them at least once a month. More children entering foster care with their siblings were placed together and, for the ones who are separated upon entry, most of them are seeing each other at least once a month. The percent of siblings placed together rose notably.

DFCS committed to processes in the original Consent Decree to promote permanency, some of them were and are federal requirements and others were specific to child welfare practice in Georgia in 2005.

One of these processes is a family team meeting process intended as a means of ensuring that family members and other professionals are working together to assess strength and need, develop individualized plans, implement them and track progress over time. Less than 40 percent of children in DeKalb and Fulton counties during the period had family team meetings at least once each quarter. Documentation for these meetings did not indicate much participation from foster parents, fathers or relatives. Mothers did come to 70 percent of them.

Another process envisioned as an opportunity to engage these same persons in joint planning are court reviews of permanency plans that must occur once a child has been in foster care for six months and 12 months. Timely court reviews of permanency plans once a child has been in foster care for six month did occur. More often than not, children, parents and family members were not participants. DFCS case managers did not attend all of these six-month reviews. Courts are reviewing permanency plans for most (over 90%) children and youth who have been in foster care for one year.

There were 43 children adopted during the period. Some of these were not finalized timely after parental rights were terminated or surrendered. More than one in ten children who remained in foster care for 15 of 22 months had not had their parental rights terminated or a compelling reason documented for not doing so.

Well-Being

Placement stability performance (Outcome 17) declined substantially for those cases reviewed for Period 19, and rebounded from that decline in Periods 20 and 21. The rebound is a good sign; however, this area remains a concern and will continue to be the subject of a great deal of focus from the AA and MTAT going forward. While the average days each individual child spent in a hotel decreased from the previous period, there were more individual children and youth who were placed in hotels and the overall number of hotel days increased in Period 21. At least one child spent the night in one of the Fulton County DFCS offices. The message from DFCS leadership is clear -- expanding the service array to depend more on relative caregivers and to better match children and youth to a placement is top priority. MTAT expects to continue to work with state, regional, and county leadership as they develop and implement strategies that will improve placement options for children and youth and therefore reduce placement disruptions.

Another measure of child well-being is the extent to which he or she is able to continue with the same caseworker while in foster care and spend time with his or her assigned caseworker. DFCS did not meet the agreed upon standard during the period for worker continuity. Conversely, DFCS continued in the period to meet agreed upon standards for caseworker visits with children. DFCS caseworkers continued to consistently visit caregivers for children in foster care.

The last measure of child well-being in the consent decree has to do with the extent to which medical, dental, education and mental health needs are being identified and addressed. Close to 70 percent of children had all their identified needs met during the period, declining from the prior two periods. Dental and mental health needs are reported as being met less often. The decline in recent performance is of concern, particular if there is an emerging pattern in those needs that are left unmet. Rising caseloads may explain some of this performance dip, but understanding its causes, and determining how the implementation of SBC may help address

these basic well-being remains is a priority for the MTAT in the development of practice and process standards.

Strengthening the Service Delivery Infrastructure

During Period 21, the approval and/or licensure status (Outcome 25) overall was strong at 96 percent. However, that overall performance obscures the fact that a significant proportion of children placed in relative homes that remain unapproved. One of the State's key initiatives moving forward is to place children with relatives whenever possible and appropriate. Thus, emphasis on approval and licensing these placements is critical and a second key area of concern. These unapproved relatives are not receiving needed financial support from DFCS whether in the form of an Enhanced Relative Rate (ERR) or foster care per diem.

Caseworker and supervisory caseloads is a third area that poses serious challenges for DFCS. On June 30, 2016, there were 64 CPS investigators assigned to families, 56 (88%) of them were meeting caseload expectations. There were an additional 96 investigations assigned to workers on leave or to supervisors. Some of these 96 investigations were assigned to workers who were on vacation or taking FMLA, some of them could have been appropriately assigned to a supervisor who has five days to assign a case, others could have been related to SHINES, and some could not have been assigned because there was no caseworker available for case assignment. Well over half of the workers responsible for child permanency were exceeding agreed upon caseload limits. On June 30, 2016, the only case manager series meeting caseload standards were the ones responsible for preserving families outside of foster care. More supervisors were exceeding the 5:1 standard for supervision in Period 21 than in the previous period. This performance underscores the stress the workforce is under, and continues to justify the DFCS leadership focus on creating a robust workforce as a core reform priority.

Taken together, the Period 21 reports suggest that Fulton and DeKalb county leadership – along with state leaders – continued to contend with mounting system pressures. The results indicate that their efforts to maintain progress – or even hold steady – on safety, permanency, and well-being outcomes were mixed. There was continued strength and improvement on child safety measures that the State already met or exceeded. For two others, performance maintained at recent levels. However, the decline in performance on Outcome 2 merits close attention. While stable performance suggests that there is appropriate attention to matters requiring urgent and immediate attention, it is critical to develop and maintain whole system functioning. There is a clear need to focus those elements of practice and casework that required sustained effort and attention to see a case through to a safe and permanent conclusion.

As the State further clarifies and begins to install the system reforms that will be implemented as part of the Blueprint for Change, there is opportunity to reverse the decline in those areas that

dipped, and to continue to build on existing strengths. The following chart summarizes progress over the last three periods on the Kenny A. outcomes.

Kenny A. Outcomes: Recent Progress as of June 30, 2016

Safety Outcomes Children in Foster Care are Safe From Maltreatment in Care	Period 19 Performance	Period 20 Performance	Period 21 Performance
Outcome 1: 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.	90%	92%	91%
Outcome 2: 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.	93%	99%	82%
Outcome 3: 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.	89%	90%	89%
Outcome 5: No more than 0.57% of all children in foster care shall be the victim of substantiated maltreatment while in foster care.	1.16%	.45%	.42%
Outcome 6: 98% of all foster homes will not have an incident of corporal punishment within the previous 12 months.	98%	99%	100%
Permanency Outcomes Children in Placements Maintain Family Connections			
Outcome 7: 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.	96%	86%	83%
Outcome 16: 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.	56%	68%	73%
Outcome 19: 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).	91%	97%	97%
Outcome 21: At least 85% of all children with the goal of reunification shall have appropriate visitation with their parents to progress toward reunification	80%	83%	91%

Kenny A. Outcomes: Progress as of June 30, 2016

Permanency Outcomes Children in Placements Maintain Family Connections	Period 19 Performance	Period 20 Performance	Period 21 Performance
Outcome 23: At least 90% of the total minimum number of required monthly sibling-group visits shall have taken place during the reporting period. Children who have one or more siblings in custody with whom they are not placed shall be provided a visit 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. ¹⁰	84%	85%	90%
Permanency Outcomes Children Achieve Permanency			
Outcome 4: No more than 8.6% of all foster children entering custody shall have re-entered care within 12 months of the prior placement episode.	8.3 %	12.8%	17.6%
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.	58%	58%	58%
Outcome 8b: Of all the children entering custody following the entry of the Consent Decree, at least 74% 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.	65%	65%	65%
Outcome 9: Children in custody for up to 24 months and still in custody upon entry of the Consent Decree (children in the "24 month backlog pool"): For all children remaining in the 24 month backlog pool after the third reporting period at least 40% by the end of the fourth reporting period shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal	0¹¹%	0%¹²	0%¹³

¹⁰ As part of a Stipulated Modification to the Consent Decree, the standard for Outcome 23 was modified. See *Kenny A. v Perdue*, Stipulated Modification of Consent Decree, 1:02-CV-01686-MHS, effective November 22, 2010.

¹¹ Only three children remain in in the Outcome 9 cohort at the end of Period 19

¹² Only three children remain in the Outcome 9 cohort at the end of Period 20.

¹³ Only three children remain in the Outcome 9 cohort at the end of Period 21.

Permanency Outcomes Children in Placements Maintain Family Connections	Period 19 Performance	Period 20 Performance	Period 21 Performance
custody, adoption, or guardianship.			

Kenny A. Outcomes: Progress as of June 30, 2016

Permanency Outcomes Children Achieve Permanency	Period 19 Performance	Period 20 Performance	Period 21 Performance
Outcome 10: 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 35% 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.	0¹⁴%	0%¹⁵	0%¹⁶
Outcome 11: 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	56%	76%	64%
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.	94% One Time Measure Taken in Period I	N/A	N/A
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.	30% One Time Measure Taken in Period I ¹⁷	N/A	N/A
Outcome 14: No more than 5% of adoptions finalized during the reporting period shall disrupt within the 12 months subsequent to the reporting period.	0%	0%	0%
Outcome 15: Permanency efforts (15/22): 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.	91%	91%	89%

¹⁴ Only two children remain in the oM10 cohort at the end of Period 19

¹⁵ Only two children remain in the OM10 cohort at the end of Period 20.

¹⁶ Only two children remain in the OM10 cohort at the end of Period 21.

¹⁷ 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.

Kenny A. Outcomes: Progress as of June 30, 2016

Permanency Outcomes Children Achieve Permanency	Period 19 Performance	Period 20 Performance	Period 21 Performance
Outcome 27: 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.	89%	92%	100%
Outcome 28: 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.	92%	92%	91%
Well-Being Outcomes Children Experience Stability and Worker Continuity			
Outcome 17: At least 95% of all children in care shall have had 2 or fewer moves during the prior 12 months in custody.	77%	87%	85%
Outcome 18: 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%	86%	87%
Outcome 20a: At least 96.25% of the total minimum number of twice -monthly face-to-face visits between case managers and all class member children required by Section 5.D.1.b during the reporting period occur. ¹⁸	96%	95%	97%

¹⁸As part of a Stipulated Modification to the Consent Decree, the standard for Outcome 20 was modified. See *Kenny A. v Perdue*, Stipulated Modification of Consent Decree, 1:02-CV-01686-MHS, effective November 22, 2010.

Outcome 20b: At least 96.25% of the total minimum number of monthly private , face-to-face visits between case managers and all class member children required by Section 5.D.1.b during the reporting period occur ¹⁹	97%	98%	98%
Well-Being Outcomes Children Experience Stability and Worker Continuity	Period 19 Performance	Period 20 Performance	Period 21 Performance
Outcome 22: At least 95% of the total minimum required monthly visits by case managers to caregivers during the reporting period occur. ²⁰	94%	94%	96%
Well-Being Outcomes Children and Youth Receive Services They Need			
Outcome 24: 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 (baseline is 36%).	Only Reported Once a Year	42%	Only Reported Once a Year
Outcome 30: 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.	77%	77%	69%
Strengthened Infrastructure Outcomes Effective Oversight of Placement Settings			
Outcome 25: At least 98% of all foster placements serving class member children shall be in full approval and/or licensure status.	96%	96%	96%
Outcome 26: 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.	100%	98%	94%
Outcome 31: No more than 10% of all foster family home placements serving class member children at any time during the reporting period shall 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. ²¹	1.4%	.6%	1%

¹⁹ Ibid.

²⁰ As part of a Stipulated Modification to the Consent Decree, the standard for Outcome 22 was modified. See *Kenny A. v Perdue*, Stipulated Modification of Consent Decree, 1:02-CV-01686-MHS, effective November 22, 2010.

²¹ As part of a Stipulated Modification to the Consent Decree, the methodology for Outcome 31 was modified. See *Kenny A. v Perdue*, Stipulated Modification of Consent Decree, 1:02-CV-01686-MHS, effective November 22, 2010.

PART THREE - SAFETY

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.*”²² As a result, several Consent Decree outcomes and requirements focus attention on the safety of children in the custody of the State (DHS/DFCS). The following sections report on the State’s progress in the areas related to maltreatment of children in foster care and the State’s process for investigating such allegations (Outcomes 5, 1, 2,3, and 6).

Based on current DFCS policy 5.19, special investigations are required, among several criteria, when a child is in DFCS custody and any person has allegedly maltreated that child, including a DFCS or Child Placing Agency (CPA) foster or adoptive parent, approved relative or non-relative caregiver, Child Caring Institution (CCI) staff and other placement resources for children in DFCS custody.

Children in Foster Care are Safe from Maltreatment

Outcome 1 - Maltreatment-in-care Investigations Commenced Within 24 Hours of Receipt of Report.

The Consent Decree states, “at least **95 percent** 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.” For Period 21, the Accountability Agent and MTAT have relied on Chapter Five, Investigations, in the Georgia Division of Family and Children Services Child Welfare Policy Manual for current policy expectations related to special investigations of maltreatment in care.

The investigation process must include an interview and observation that is private and alone with each alleged victim child within the immediate, 24-hour response time to assess for child safety.²³

Outcome 1 relates to the timeframe in which an investigation of suspected maltreatment of a foster child has commenced. The unit of analysis is the investigation itself, which may involve multiple alleged child victims.

²² See p. 4, Principle 4, of the Consent Decree.

²³ DFCS Policy 5.21 Conducting Special Investigations in Relative or Non-Relative Placements, DFCS Policy 5.22 Conducting Special Investigations in Residential and Non-Residential Facilities

State Performance

- ***The State Failed to Meet the Outcome Measure 1 Threshold.***

During Period 21, **91 percent** (101 of 111) of applicable investigations of maltreatment in care included face-to-face contacts made with at least one alleged victim within 24 hours.²⁴ Of the ten investigations not commenced within 24 hours, three of them were the responsibility of DeKalb and Fulton counties; the remaining ones fell to the perimeter counties or to the State Special Investigations Unit. In two of these investigations, one from DeKalb and the other from Fulton County, at the time the allegation was made, the alleged victim children were no longer in the placement setting where the alleged maltreatment was reported to have happened. The alleged maltreatment for both children occurred while on visits with their birth families. Although these cases did not meet the consent decree standard for Outcome 1, these children were protected from the alleged harm in that particular placement setting.

The reasons for not commencing these ten investigations within 24 hours varied. There was no documented reason for the delay in half of them. Documentation indicated delayed assignments to investigators or problems at the CPS Intake Communications Center or CICC for the remainder.

This is according to file review data of all 112 maltreatment investigations completed during the Period. In these investigations, at least one victim child must be seen by a Child Protective Services (CPS) investigator or police to meet this 24-hour requirement. Other case managers do not count unless these persons have been certified as CPS investigators.

Summary data from Period 21 are displayed in the following chart.

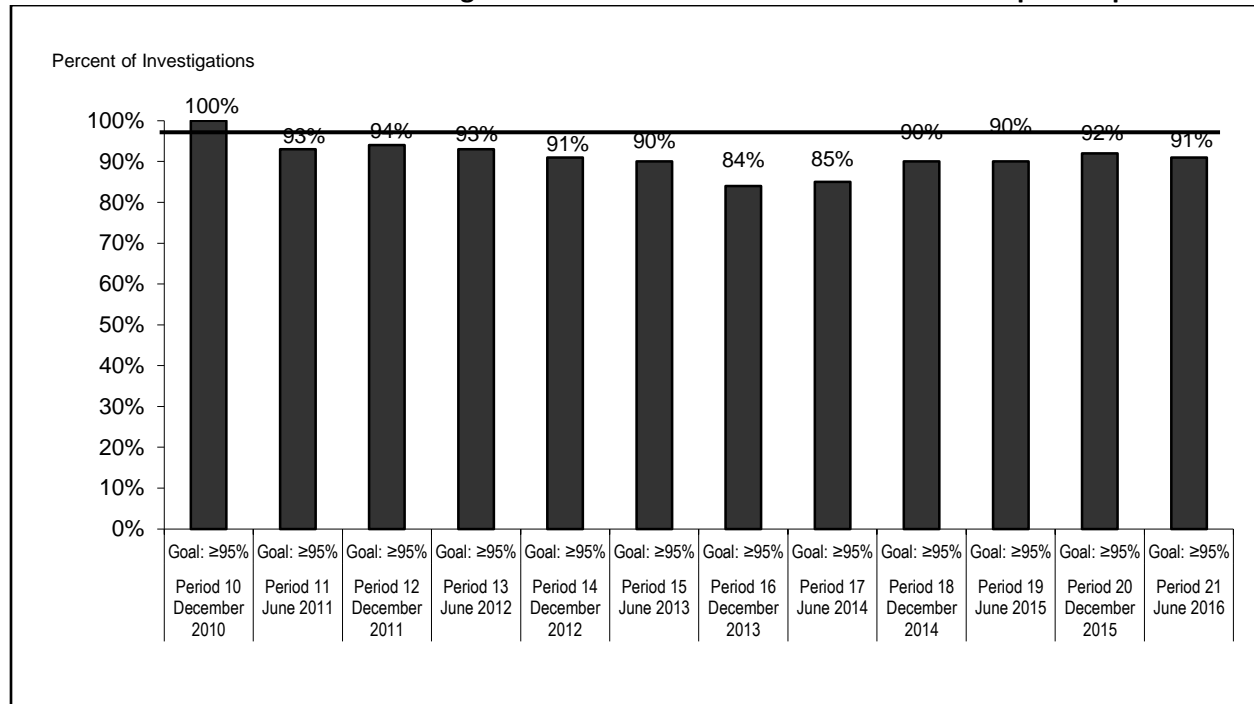
Outcome 1 – Commencement of Maltreatment-in-Care Investigations
N=111

Investigating County	Commenced Within 24 Hours		Not 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	6	67%	3	33%	9	100%
Perimeter Counties	39	98%	1	3%	40	101% ²⁵
State Special Investigations Unit ²⁶	56	90%	6	10%	62	100%
Total	101	91%	10	9%	111	100%

Source: Case File Review of All Maltreatment-in-Care Investigations, January - June, 2016.

This is similar to performance in the last three periods, and marks the eleventh consecutive period in which the State failed to meet the required threshold. The graph below depicts the State's performance over the past twelve reporting periods.

Twelve Reporting Periods of State Performance on Outcome 1
Maltreatment-in-Care Investigations Commenced Within 24 Hours of Receipt of Report



Source: Case File Review of All Maltreatment-in-Care Investigations, July 2010 to June 2016.

²⁵ This is due to rounding percentages.

²⁶ Allegations arising in congregate care facilities and in certain other circumstances may be investigated by the State Special Investigations Unit rather than a local DFCS office. During this period, some SSIU staff persons were deployed to assist other regions. In addition, the unit also experienced terminations and resignations.

Outcome 2 - Maltreatment-in-care Investigations Completed Within 30 Days of Report Receipt.

Outcome 2 relates to the length of time it takes to complete such investigations. The Consent Decree requires that “at least **95 percent** 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.” For this Period, the Accountability Agent and MTAT have relied on Chapter Five, Investigations, in the Georgia Division of Family and Children Services Child Welfare Policy Manual for current policy expectations related to special investigations of maltreatment in care.

Special investigations must be completed within 30 calendar days of receipt of an intake report to assess the allegations of abuse or neglect, determine if the child is safe, take action to protect a child who is determined to be unsafe and determine if the allegations should be substantiated or unsubstantiated.²⁷

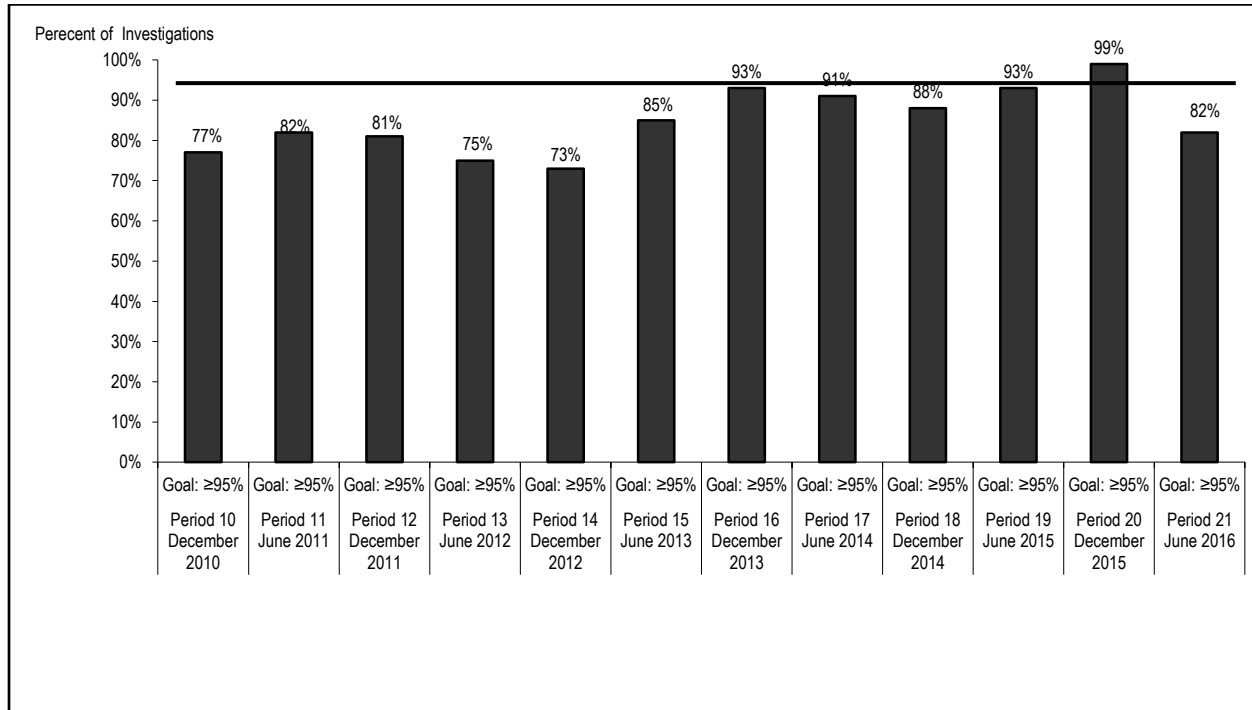
State Performance

- ***The State did not meet the Outcome Measure 2 Threshold.***

According to the record review data, the State completed **82 percent** of maltreatment-in-care investigations (92 of 112) within 30 days during Period 21. This is a decrease from recent periods. The graph on the following page displays the State’s performance over the past 12 reporting periods.

²⁷ DFCS Policy 5.21 Conducting Special Investigations in Relative or Non-Relative Placements, DFCS Policy 5.22 Conducting Special Investigations in Residential and Non-Residential Facilities

**Twelve Reporting Periods of State Performance on Outcome 2
Maltreatment-in-care Investigations Completed Within 30 Days of Report Receipt**



Source: Case File Review of All Maltreatment-in-Care Investigations, July 2010 to June 2016.

During Period 21, performance demonstrates (82%) a decrease from Period 18 performance (88%), Period 19 performance (93%) and Period 20 (99%) performance. The chart below displays the Period 21 performance of DeKalb and Fulton counties, and the perimeter counties.

**Outcome 2 – Timely Investigations
N=112**

Investigating County	Completed in ≤ 30 Days		Completed in ≤ 45 Days		Total	
	Number	% of Total	Number	% of Total	Number	% of Total
DeKalb/Fulton	5	56%	6	67%	9	100%
Perimeter Counties	35	88%	39	98%	40	100%
State Special Investigations Unit ²⁸	52	83%	69	98%	63	100%
Total	92	82%	107	96%	112	100%

Source: Case File Review of All Maltreatment-in-Care Investigations, January to June 2016.

²⁸ Allegations arising in congregate care facilities and in certain other circumstances may be investigated by the State Special Investigations Unit rather than a local DFCS office. During this period, some SSIU staff was deployed to assist other regions. In addition, the unit also experienced terminations and resignations.

Outcome 3 - Maltreatment-in-care Investigations with Timely Face-to-Face Private Contact All Alleged Victims.

Outcome 3 relates to the frequency with which such investigations include face-to-face contact with each alleged victim within 24 hours. The Consent Decree requires that “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.”

The investigation process must include an interview and observation that is private and alone with each alleged victim child within the immediate 24-hour response time to assess for child safety.²⁹

CPS investigators must see infants under the age of one undressed to see if there are any physical signs of maltreatment. Any child four years of age or younger and the subject of physical abuse allegations must be seen undressed or to identify any injuries related to neglect allegations.³⁰

State Performance

- ***The State Failed to Meet the Outcome Measure 3 Threshold.***

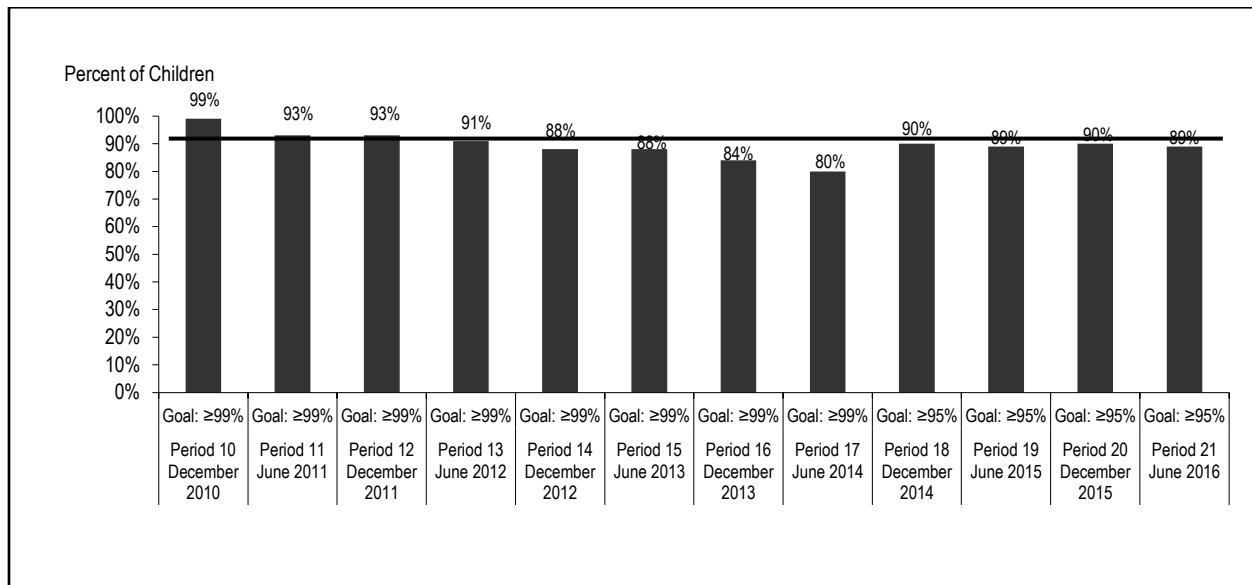
According to record review data from all investigations completed during Period 21, **89 percent** of the alleged victims of maltreatment in care (119 out of 134) had face-to-face, private contact with a CPS investigator within 24 hours.

This performance is the similar to the previous two periods. Performance remains well below the Outcome 3 performance standard of 99 percent. The following graph illustrates the State’s performance on Outcome 3 for the last 12 reporting periods.

²⁹ DFCS Policy 5.21 Conducting Special Investigations in Relative or Non-Relative Placements, DFCS Policy 5.22 Conducting Special Investigations in Residential and Non-Residential Facilities

³⁰ Ibid.

**Twelve Reporting Periods of State Performance on Outcome 3
Maltreatment-in-care Investigations with Timely Face-to-Face Private Contact
All Alleged Victims**



Source: Case File Review of All Maltreatment-in-Care Investigations, July 2010 – June 2016.

Fifteen alleged victim children did not have face-to-face, private contact within 24 hours; fourteen of them were not seen within 24 hours and one of them was seen but the investigator did not follow policy when interviewing the alleged victim child. Four of these alleged victim children were in cases investigated by DeKalb and Fulton counties, eleven of them were in cases investigated by perimeter counties or SSIU. It is also important to note that of the 15 alleged victim children for whom the response time was missed, one was removed from the placement setting in which the maltreatment was alleged to have occurred within 24 hours, but not interviewed within that timeframe.

DeKalb and Fulton Counties' Outcome 3 performance of 10 out of 14 (71%) represents a decline in performance. In the cases investigated by perimeter counties, a CPS case manager made private, face-to-face contact within 24 hours with 43 out of 44 (98%) percent of the alleged victims, a substantial increase from the previous two periods. Displayed in the following charts are additional Outcome 3 data for Period 21.

Outcome 3 – Face-to-Face Contact with Alleged Maltreatment Victims within 24 Hours
N=134

Investigating County	CPS Contact Within 24 Hours		Removed Prior To or Within 24 Hours of Report		No 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	10	71%	1	7%	3	21%	14	100%
Perimeter Counties	43	98%		%	1	2%	44	100%
State Special Investigations Unit ³¹	66	87%	2	3%	8	11%	76	101% ³²
Total	119	89%	3	2%	3	9%	134	100%

Source: Case File Review of All Maltreatment-in-Care Investigations, January to June 2016.

During Period 21, for most of the alleged victim children who were not seen at all or not properly within 24 hours, there was no documented reason for the delayed initial contact. The following chart reflects this data.

³¹ Allegations arising in congregate care facilities and in certain other circumstances may be investigated by the State Special Investigations Unit rather than a local DFCS office. During this period, some SSIU staff was deployed to assist other regions. In addition, the unit also experienced terminations and resignations.

³² This is due to rounding percentages.

Documented Factors Contributing to Delayed Initial Contact with Alleged Victims³³

Factors Contributing to Delayed Initial Contact	Period 21	
	OM 1	OM 3
Delayed Reversal of Screen-out Decision	0	0
Delayed Referral by Placement Case Manager	1	1
Delayed Assignment to Investigator	2	2
Worker Making Contact Not CPS Certified	0	0
CPS made contact but did not follow policy when interviewing child	0	1
CICC Failed to Properly Record and Disposition Intake	2	2
Attempt made but unsuccessful.	0	3
No Documented Reason	5	6
Total	10	15

Source: Case File Review of All Maltreatment-in-Care Investigations, January to June 2016.

DFCS policy details expectations for investigations of maltreatment in care to ensure consistency and quality. DFCS generally met policy expectations related to reviewing the DFCS history of the foster parents or caregivers, adequately evaluating and assessing the safety of children in the home and seeing/interviewing every alleged maltreated child separately in Period 21.

Policy requires all injuries observed during the investigation to be photographed. In Period 21, this occurred in 67 percent (44 of 66) applicable investigations. All foster parents or caregivers should be interviewed regardless of being present during the alleged incident. Reviewers found this to be the case in 87 percent (97 of 112) of applicable investigations.

These and other policy expectations are outlined in the following chart.

³³ The differing counts for Outcomes 1 and 3 reflect the different units of analysis for these outcomes; for Outcome 1 it is the investigation, for Outcome 3 it is the alleged victim.

Proportion of Investigations Meeting Policy Requirements³⁴

Investigation Policy Requirement	Percent of Applicable Files with Documentation of Compliance	
	Period 20	Period 21
Alleged maltreater was interviewed separately (N=86)	90%	86%
Investigator saw/interviewed every alleged maltreated child separately (N=111)	95%	96%
Continued safety of the child(ren) placed in the home was adequately evaluated and assessed (N=71)	93%	94%
Investigator reviewed the DFCS history of the foster parent/caregiver (N=67)	95%	96%
All approved foster parents/caregivers interviewed separately (N=88)	89%	87%
DFCS case managers required to visit in this foster care setting were contacted (N=112)	91%	86%
All other adults frequently in the home interviewed separately (N=15)	80%	87%
Investigator reviewed previous CPS reports for foster parents/caregivers (N=68)	81%	81%
At least two relevant collateral sources contacted during the investigation (N=87)	80%	78%
Investigator saw/interviewed each of the other children (non-alleged victims) separately (N=82)	83%	78%
Case record contains physical evidence to support case documentation (N=66)	81%	67%

Source: Case File review of all Maltreatment-in-Care Investigations, July, 2015 to June, 2016

At the conclusion of maltreatment-in-care investigations, DFCS policy requires counties to send an “Administrative Packet” detailing the incident and findings to the Social Services Director within 10 days. If the incident occurred in a provider-supervised foster care setting, an investigative summary must also be sent to Residential Child Care (RCC) and Office of Provider Management (OPM).

Likewise, 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 Residential Child Care (RCC) and the Office of Provider Management (OPM).³⁵ 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]

³⁴ The numbers vary based on placement settings and other factors.

³⁵ RCC licenses child placing agencies (CPA), child caring institutions (CCI), and outdoor therapeutic programs (OTP). OPM approves CPAs, CCIs, and OTPs wishing to serve DFCS children once they have been licensed by RCC.

that contributed to the abuse or neglect; whether the contract should be terminated; whether particular homes or facilities should be closed....”³⁶

To assess compliance with these provisions, the Accountability Agent collects data directly from RCC, OPM, and the DFCS Policy Unit to ascertain which maltreatment investigations involving foster children were reported to each office.

The policy unit was notified of all of the investigations of maltreatment-in-care during Period 21.

**Policy Unit Notification of Period 21 Maltreatment-in-care Investigations
N=81**

Investigating County	Total Investigations	Notified		Not Notified	
	Number	Number	% of Total	Number	% of Total
DeKalb	5	5	100%		
Fulton	4	4	100%		
Barrow	4	4	100%		
Bibb	4	4	100%		
Camden	4	4	100%		
Carroll	4	4	100%		
Chatham	4	4	100%		
Cherokee	4	4	100%		
Clayton	4	4	100%		
Douglas	4	4	100%		
Gilmer	4	4	100%		
Glynn	4	4	100%		
Greene	4	4	100%		
Gwinnett	4	4	100%		
Henry	4	4	100%		
Laurens	4	4	100%		
Newton	4	4	100%		
Richmond	4	4	100%		
Rockdale	4	4	100%		
State Odffice (SIU)r	4	4	100%		
Total	81	81	100%		

Source: Survey of Notification of CPS Investigations in Foster Care Settings, January to June 2016.

The Residential Child Care (RCC) Unit must be notified of all investigations of maltreatment-in-care in which the child is placed in a provider supervised foster care settings, including private agency supervised foster homes and child caring institutions. The alleged maltreater could have been anyone. In Period 21, proper notification was given for 89 percent of applicable maltreatment in care investigations.

³⁶ See Section 12 B, p. 28 of the Consent Decree.

**Residential Child Care Notification of
Period 21 Maltreatment-in-care Investigations
N=54**

Investigating County	Total Investigations	Notified		Not Notified	
	Number	Number	% of Total	Number	% of Total
DeKalb	1	1	100%		
Barrow	1	0	0%	1	100%
Carroll	2	2	100%		
Chatham	1	1	100%		
Cherokee	2	2	100%		
Clayton	6	5	83%	1	17%
Douglas	2	1	50%	1	50%
Glynn	2	2	100%		
Greene	1	1	100%		
Gwinnett	2	2	100%		
Henry	1	1	100%		
Laurens	4	3	75%	1	25%
Richmond	1	1	100%		
Rockdale	1	1	100%		
State Office (SIU)	27	25	93%	2	7%
Total	54	48	89%	6	11%

Source: Survey of Notification of CPS Investigations in Foster Care Settings, January to June 2016.

The Office of Provider Management (OPM) Unit must be notified of all investigations of maltreatment-in-care in which the child is placed in provider supervised foster care settings operating under DFCS contracts, including private agency supervised foster homes and child caring institutions. The alleged maltreater could have been anyone. This was done in Period 21.

Office of Provider Management
Notification of Period 21 Maltreatment-in-care Investigations
N=47

Investigating County	Total Investigations	Notified		Not Notified	
	Number	Number	% of Total	Number	% of Total
DeKalb	1	1	100%		
Barrow	1	1	100%		
Carroll	2	2	100%		
Chatham	1	1	100%		
Cherokee	2	2	100%		
Clayton	6	6	100%		
Douglas	2	2	100%		
Glynn	2	2	100%		
Greene	1	1	100%		
Gwinnett	2	2	100%		
Henry	1	1	100%		
Newton	1	1	100%		
Richmond	1	1	100%		
Rockdale	1	1	100%		
State Office (SIU)	23	23	100%		
Total	47	47	100%		

Source: Survey of Notification of CPS Investigations in Foster Care Settings, January to June 2016.

Outcome 5 – Maltreatment in Foster Care

Measurement of Outcome 5 uses the federal definition 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.”*³⁷

³⁷ 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. That standard was later revised to .32, or 99.68 children should be free from maltreatment while in care.

The data used to measure the outcome performance derive from a review of all 112 investigations of alleged maltreatment concerning 135 class member children in foster care in DeKalb and Fulton counties conducted during Period 21. There were 1,910 children and youth in foster care in DeKalb and Fulton counties at any time during the Period, which is the denominator for this outcome measure.

The numerator for this measure is the number of substantiated victim children who were maltreated by a foster parent or facility staff person, which was the federal definition for this measure in 2005 at the time parties entered into the current Consent Decree. Excluded from this numerator are substantiations of maltreatment when the perpetrator is unknown, a birth parent, or relative caregivers or fictive kin who are not approved foster parents in Georgia, other members of the child's household and other child caring staff persons such as daycare providers, school teachers.

In Period 21, there were 15 substantiated victim children in placement in DeKalb and Fulton counties, eight (8) of them were maltreated by a foster parent or facility staff person.

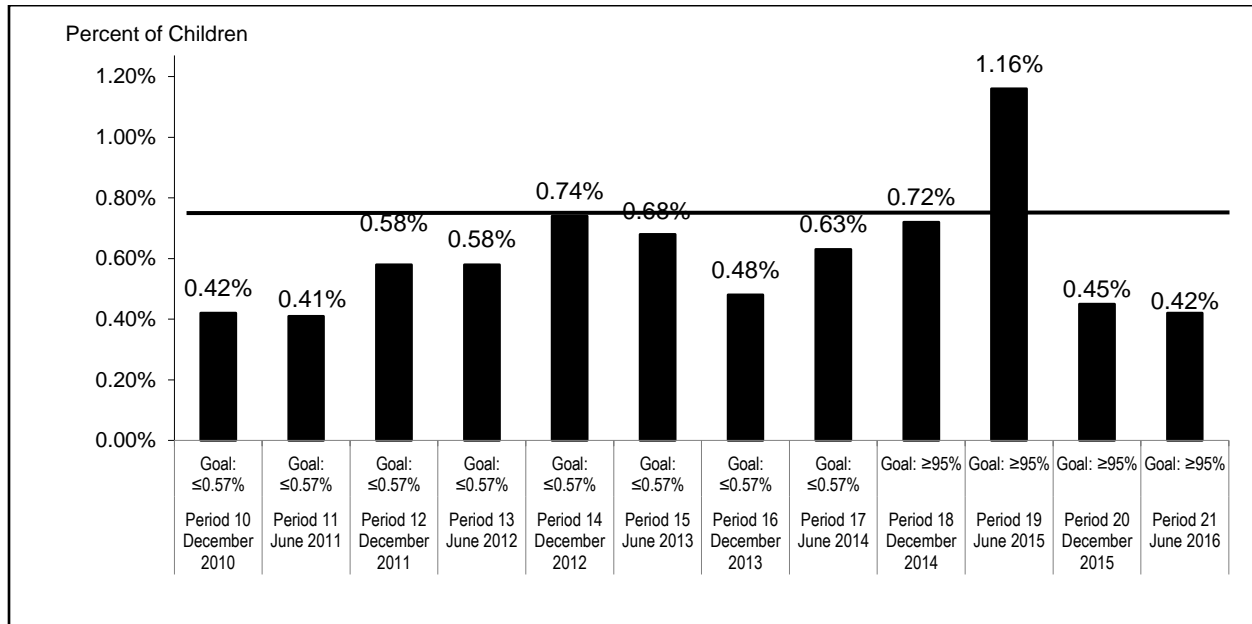
State Performance in Period 21

- ***The State Surpassed the Outcome 5 Threshold***

Of the 1,910 children and youth in foster care at any point in time during the Period, there were 112 investigations that resulted in there being eight (8) victims of substantiated maltreatment by a foster parent or facility staff person. These eight (8) victims, represent less than one (**0.42%**) percent of the population of children and youth in foster care during the Period. This is consistent with the previous period and is a marked improvement from Period 19 performance of **1.16** percent.

The following graph displays the State's performance over the past 12 reporting periods.

Twelve Reporting Periods of State Performance on Outcome 5 Maltreatment in Care



Source: Case File Review of All Maltreatment-in-Care Investigations, July 2010 to June 2016.

The types of maltreatment substantiated for these eight children consisted of the following: inadequate supervision (3 children); inadequate food, clothing and shelter (1 child); emotional abuse and inadequate supervision (1 child); physical abuse and inadequate supervision (1 child) and physical abuse (2 children). DFCS supervised foster homes accounted for two (25%) of these cases. There were five (63%) substantiated victims being cared for in Child Caring Institutions (CCIs). The other case involved a child in a provider supervised foster home.

Among the substantiated cases of maltreatment, the following were of particular concern:

- Two allegations of inadequate supervision and physical abuse were made against two employees at one of Georgia's provider agencies. These employees, who were involved in separate incidents, got into physical altercations with two different victim children. One of these employees bit the victim child. One of them was terminated, and the other resigned.

Although not included in the measure's calculations, there were seven (7) other children from DeKalb and Fulton counties substantiated for being maltreated in foster care. These children were maltreated by biological parents, relatives, school employees and, for one child, another

household member.

Outcome 6 – Corporal Punishment.

The Consent Decree prohibits the use of corporal punishment for children and youth in foster care and contains certain requirements for assessing allegations of corporal punishment.³⁸ The following section summarizes the extent to which DFCS met these agreed upon standards in Period 21.

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.”³⁹ The Consent Decree requires that by the end of Period 4, 98 percent of all foster homes will not have an incident of corporal punishment within the previous 12 months.

State Performance

- ***The State Exceeded the Outcome Measure 6 Threshold.***

During Period 21, there were seven allegations of corporal punishment of children in foster care and all of them were referred to the Child Protective Services Intake Communications Center or CICC. The CICC made the following determinations: three of allegations were screened in for a CPS investigation; two were screened in for a policy violation assessment; and two screened out and no further action was taken.

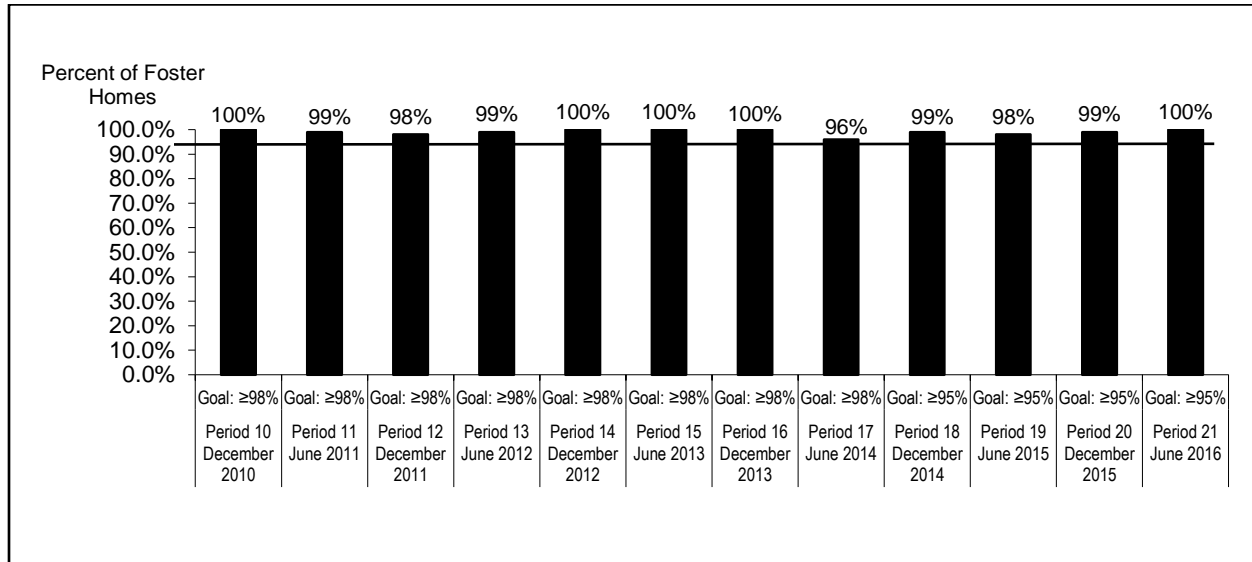
The three CPS investigations were not substantiated. No policy violation was found for the alleged incident in the CPA foster home. There is no evidence of a policy violation assessment for the alleged corporal punishment in the DFCS foster home. The result is that there were no confirmed incidents of corporal punishment in the previous 12 months.

In total, 82 of 82 foster homes sampled (100%) had no confirmed incidents of corporal punishment in the previous 12 months, thus meeting the Consent Decree standard.

³⁸ See pages 29 and 30, Section 12.C of the Consent Decree

³⁹ See p. 2 of the Consent Decree.

**Twelve Reporting Periods of State Performance on Outcome 6:
Absence of Corporal Punishment in Foster Homes**



Source: Case File Review of All Maltreatment-in-Care Investigations, January 2010 to June 2016.

a. Awareness of Corporal Punishment Prohibition

All placement settings are to prohibit the use of corporal punishment. In all but one (98%) of the foster homes sampled, there was a signed statement by the foster parents or caregivers or other evidence in the file that: 1) they were told about the DFCS corporal punishment policies, and 2) that they agreed not to use corporal punishment.

b. Enforcement of Corporal Punishment Prohibition

Enforcement of the corporal punishment prohibition in DFCS-supervised foster homes is carried out by the county DFCS offices.

The Residential Child Care (RCC) Licensing section monitors, inspects, and licenses Child Caring Institutions, Child Placing Agencies, Outdoor Child Caring Programs, Children's Transitional Care Centers, Runway Homeless Youth Program and Maternity Homes. RCC requires Child Placing Agencies (CPAs) and Child Caring Institutions (CCIs) to have written policies prohibiting the use of corporal punishment as a condition of licensure.

The Office of Provider Management (OPM) is responsible for contracting with Child Caring Institutions (CCIs) and Child Placing Agencies (CPAs) for the provision of room, board and watchful oversight services. A CCI provides room, board and watchful oversight to six or more children through 18 years of age (21 if the young person has chosen to remain in foster care). The child or youth is generally placed with six or more in a residential setting, such as a group

home, on a campus or a self-contained facility. Independent Living (IL) and Transitional Living Programs (TLPs) are managed by CCIs. CPAs are child welfare agencies that place children in foster homes and resource homes for temporary care, supervision and oversight. These agencies are responsible for making sure the foster home is appropriate and able to meet the needs of the individual child or youth. There are 12 types of Room, Board, Watchful Oversight (RWBO) care that can be provided within CCIs or CPAs designed to meet more moderate needs of children and youth to the most acute.

Based on a core belief that children and youth served by these providers should be safe from abuse and neglect, exit to permanency and have their well-being needs met, OPM implemented a performance based placement system in 2010.

Specific to corporal punishment and part of the performance based placement system, CCIs, CPAs, Independent Living and Transitional Living Programs are given credit for:

- maintaining low percentages of children and youth involved in an incident that has been investigated and substantiated by CPS while in their care; and
- managing behavior in ways that do not re-traumatize children and youth.

OPM relies on onsite case record reviews, collateral contacts, and self-reported data from providers that has been validated to some extent to make sure that these providers are meeting contractual obligations.

c. Screening and Assessment of Corporal Punishment Allegations

Parties reached agreement in 2005 on several processes to be used when a report of suspected corporal punishment of a child in DFCS custody is received.⁴⁰ Safeguards are in place to ensure that allegations are screened immediately by persons who have been trained in the relevant issues – including child protective services – and do not also have responsibility for the recruitment or selection of foster parents, adoptive parents, relative caregivers or other placement providers. If there is reasonable cause to believe that abuse or neglect has occurred, the report of corporal punishment must be handled as an abuse and neglect referral. All reports of corporal punishment in child caring institutions shall be treated as abuse and neglect referrals.

There are also specific provisions for reports of corporal punishment that do not result in abuse or neglect referrals and instead are assessed as policy violations.

Based in part on concerns raised in Period 18 about a new Chapter 15 policy allowing CPAs and CCIs to conduct their own policy violation assessments, including when there are allegations of corporal punishment, leaders in DeKalb and Fulton counties and other DFCS state office persons

⁴⁰ See pages 29 and 30, Section 12.C.1 – 3 of the Consent Decree

outlined a process for assessing corporal punishment as a policy violation in a manner they believed would: 1) keep children and youth in foster care safe and protected from harm; 2) exceed statewide policy expectations; and 3) occur for every allegation of corporal punishment being assessed as a policy violation and not being investigated as an abuse of neglect referral. The Accountability Agent agreed to monitor the utilization and efficacy of this process.

To do so, the Accountability Agent and the MTAT worked with the case review team and Georgia State University (GSU) to modify the case review instruments to assess the extent to which the new policy violations process met these expectations.

Here is what was found through the Period 21 review of 82 randomly selected foster homes: There were seven referrals of alleged corporal punishment. All of these were made to the Child Protective Services Intake Communications Center (CICC) and three of them were screened for a CPS investigation. Two of them were screened out and no further action was taken. Two of them were screened in for a policy violation assessment; one of these followed the agreed upon process and the other did not.

The policy violation assessment was done properly for the alleged corporal punishment in the CPA foster home. The CPA made contact with the child within 24 hours of the allegation referral date. The child was interviewed alone and in private. The foster mother was interviewed alone and in private. The day care staff were interviewed. The CPA submitted the policy violation assessment to OPM on February 23, 2016. OPM reviewed the policy violation assessment and the foster home was cleared on April 4, 2016. The Office of Provider Management also reviewed this policy violation assessment and concurred with the CPA's assessment. Both the CPA and OPM concluded that there was insufficient evidence to confirm that the alleged corporal punishment occurred or that the disciplinary policy was violated.

The policy violation assessment was not done properly for the alleged corporal punishment in a DFCS foster home so there was no determination as to whether the alleged corporal punishment occurred and the disciplinary policy was violated. There was no evidence in the record that the DFCS Resource Development worker made contact with the child and caretaker. There is no evidence that safety was assessed regarding the corporal punishment allegation. The supervisor indicated that the alleged corporal punishment screened in for a policy violation assessment was not conducted because the worker thought this was a duplicate report. This issue warrants further exploration, particularly to make sure that appropriate checks and balances in place to ensure these assessments are being conducted as agreed upon and that children do not experience corporal punishment while in foster care.

PART FOUR - 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.

Children in Placements Maintain Family Connections

Outcome 7 – Diligent Search

Outcome Measure 7 in the Consent Decree requires case managers to conduct and document a diligent search for parents and relatives within 60 days of entry for at least 95 percent of the children. The outcome requirement for undertaking a diligent search within 60 days was deemed to have been satisfied if one of the following conditions was met:

- The child was placed with a relative within 60 days after entering custody; **or**,
- A court order stated that the diligent search had been properly and timely submitted to the court; **or**,
- There were documented search efforts that included the following: interviewing children⁴¹ about adults in their lives or someone with whom they would want to live **and** interviewing one or more family members or family friends within 60 days **and**, when resources were identified, contacting or attempting to contact them.

State Performance

- ***The State did not meet the Outcome 7 Measure Threshold***

During Period 21, the counties documented diligent search efforts in 15 out of 18 (**83%**) of the cases reviewed. Due to the small sample size, performance for this measure is highly variable. The following chart displays additional information about the State's documented diligent search efforts, followed by a graph displaying the State's performance over the past twelve reporting periods.

⁴¹ If the child was aged 3 or younger, the record review did not seek to determine if the child was interviewed.

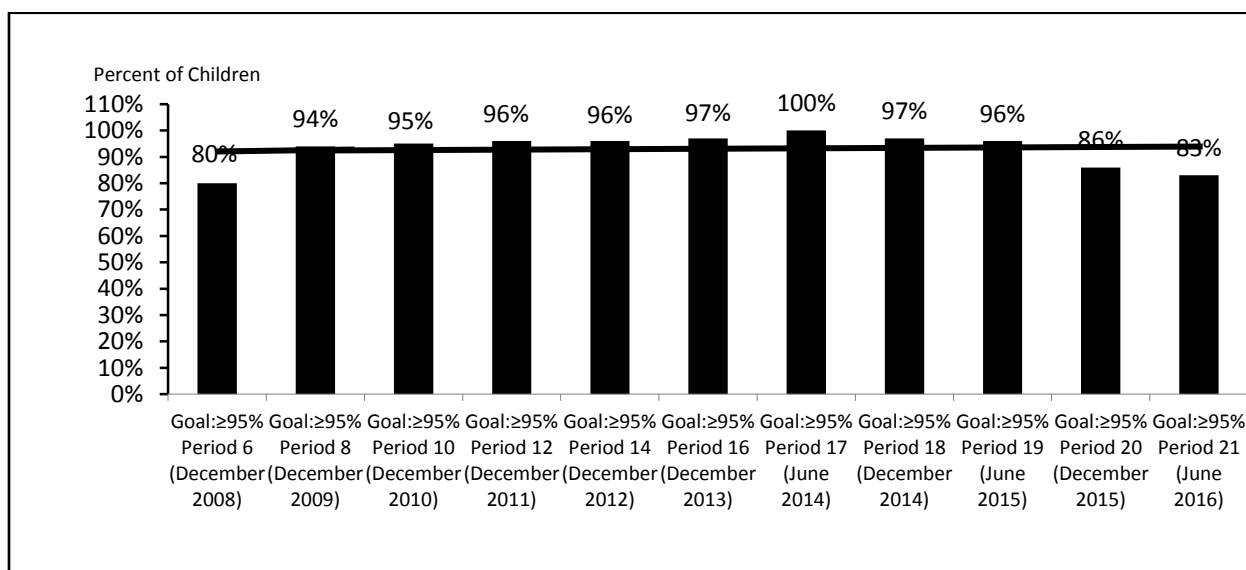
Diligent Search Actions Undertaken

N=22

Actions	Number	Percent
Children placed with a family resource within 60 days of entering custody	4	22%
Court order documented that the diligent search was “properly and timely” submitted	3	17%
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	8	44%
Subtotal for Outcome Measurement	15	83%
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 5 to 17)	3	17%
Total	18	100%

Source: Case Record Review, January 1– June 30, 2016.

Twelve Reporting Periods of State Performance on Outcome 7 Diligent Searches Undertaken Within 60 Days



Source: Case Record Reviews

Outcome 16 – Sibling Placement.

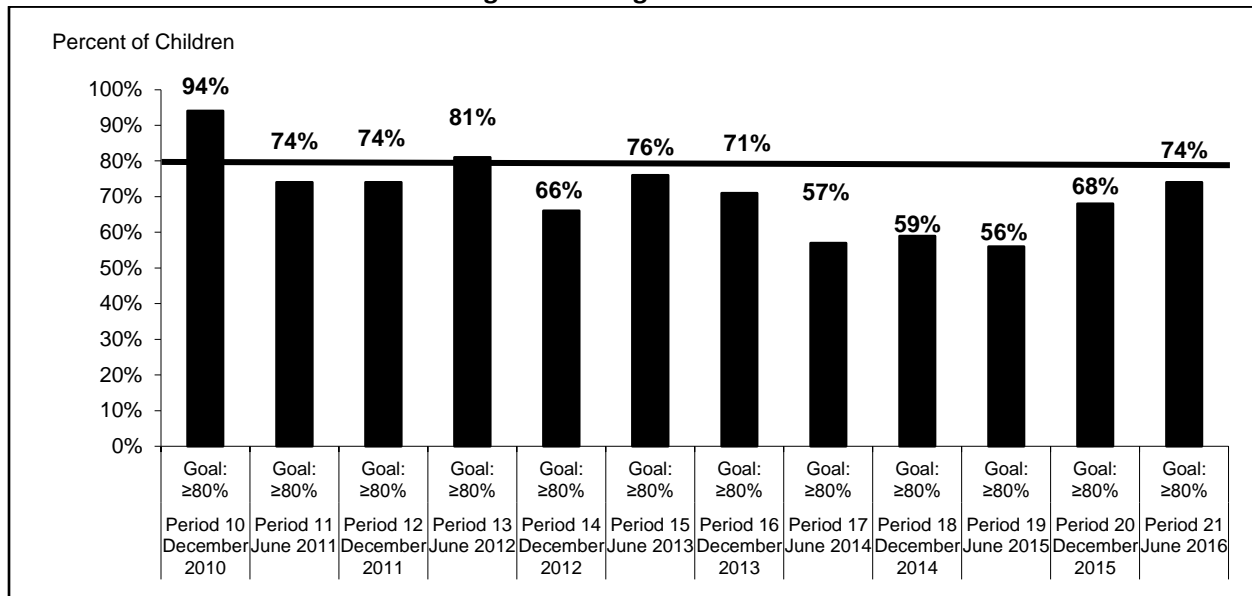
At least **80%** of all foster children who entered foster care during the reporting period along with one or more siblings shall be placed with all of their siblings.

State Performance

- ***The State Failed to Meet the Required Threshold for Outcome 16.***

During Period 21, the State's performance increased to 74 percent but was still below the threshold. The graph below depicts the State's performance over the past 12 reporting periods.

Twelve Reporting Periods of State Performance on Outcome 16
All Siblings Placed Together in Foster Care



Source: Verified State Data

Outcome 19 – Placement Proximity

Outcome 19 requires the State to place at least 90 percent of children in foster care within the same county from which they were removed or within a 50-mile radius of the home from which they were removed.⁴² The Consent Decree allows for the following exceptions:

- Children with needs so exceptional that they cannot be met by family;
- Children placed with relatives through ICPC;
- Children is in an adoptive placement; and
- Children placed with parent/guardian.

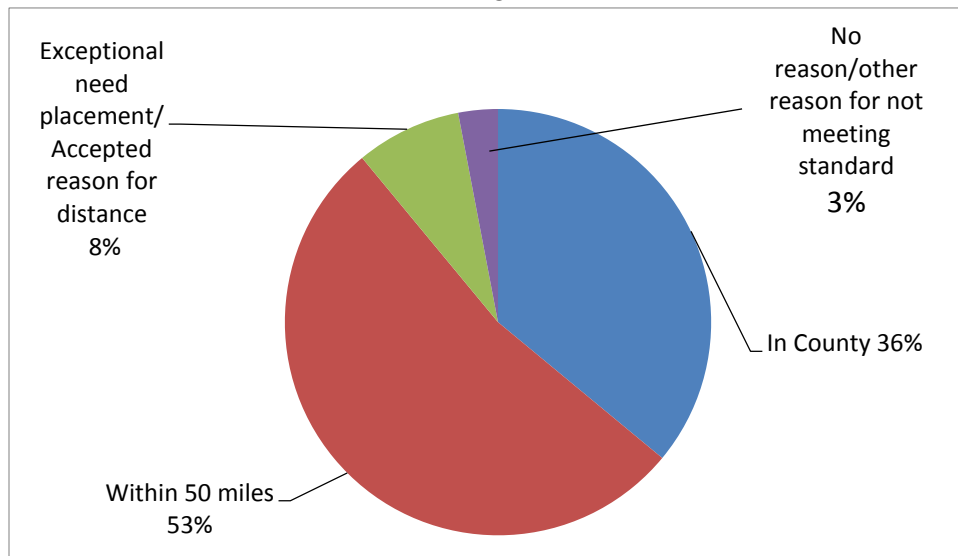
State Performance

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

⁴² See p. 35, Outcome 19, of the Consent Decree.

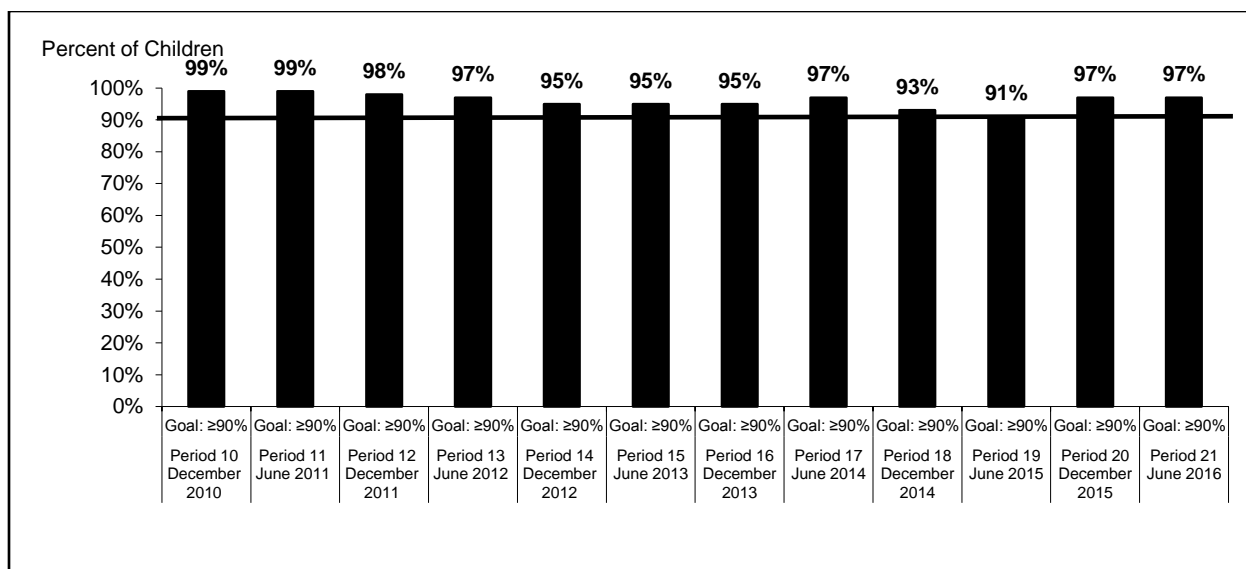
During Period 21, out of the 92 children in the sample, the State placed 33 children (36%) within their home county; 49 children (53%) within a 50-mile radius of the home from which they were removed; seven children (8%) had exceptional needs that required placement further away; and three children (3%) were not placed in proximity to their homes of removal. Thus, the State's performance for Period 21 was **97 percent**. This data is displayed in the pie chart below, followed by a graph depicting the State's performance over the past 12 reporting periods.

Child Placement Proximity to Home of Removal
N=92



Source: Foster Care Case Record Review for January to June, 2016.

Twelve Reporting Periods of State Performance on Outcome 19
Placement Proximity



Source: Review Period Foster Care Case Record Reviews July 2010 – June 2016.

Outcome 21 – Parent Child Visitation

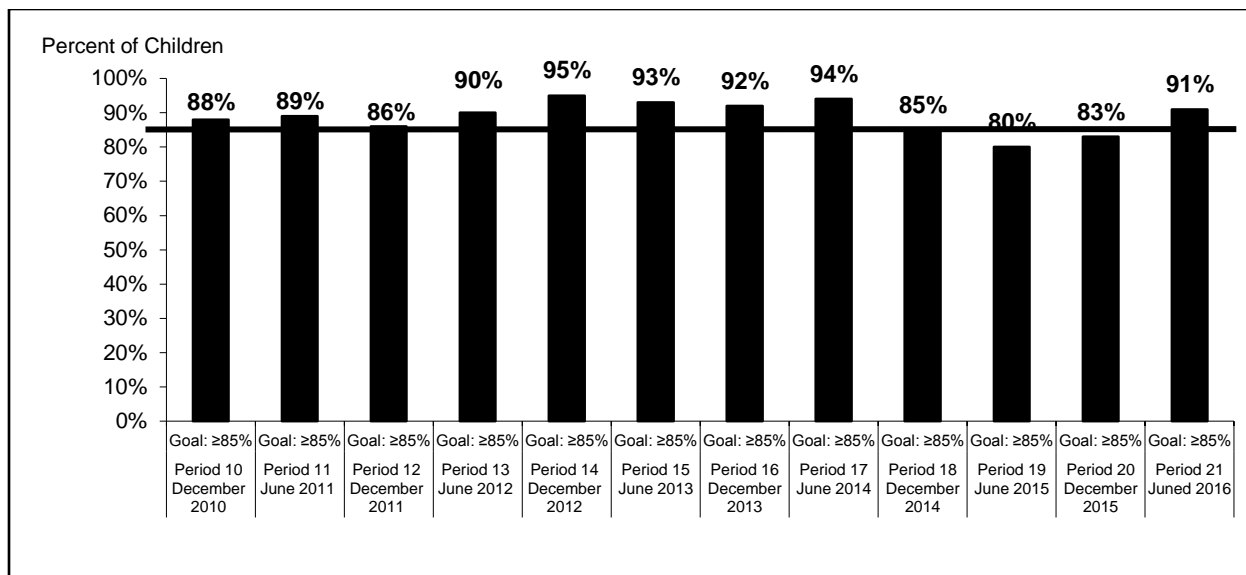
At least **85 percent** of all children with the goal of reunification shall have appropriate visitation with their parents to progress toward reunification.

State Performance

- ***The State Met the Outcome 21 Threshold.***

During Period 21, the State's performance increased to **91 percent** and is above the threshold. The graph below depicts the State's performance over the past 12 reporting periods.

Twelve Reporting Periods of State Performance on Outcome 21 Parent Child Visitation



Source: Verified State Data

Outcome 23 – Sibling Visitation

At least **90 percent** of the total minimum number of required monthly sibling-group visits shall have taken place during the reporting period. Children who have one or more siblings in custody with whom they are not placed shall be provided a visit 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.

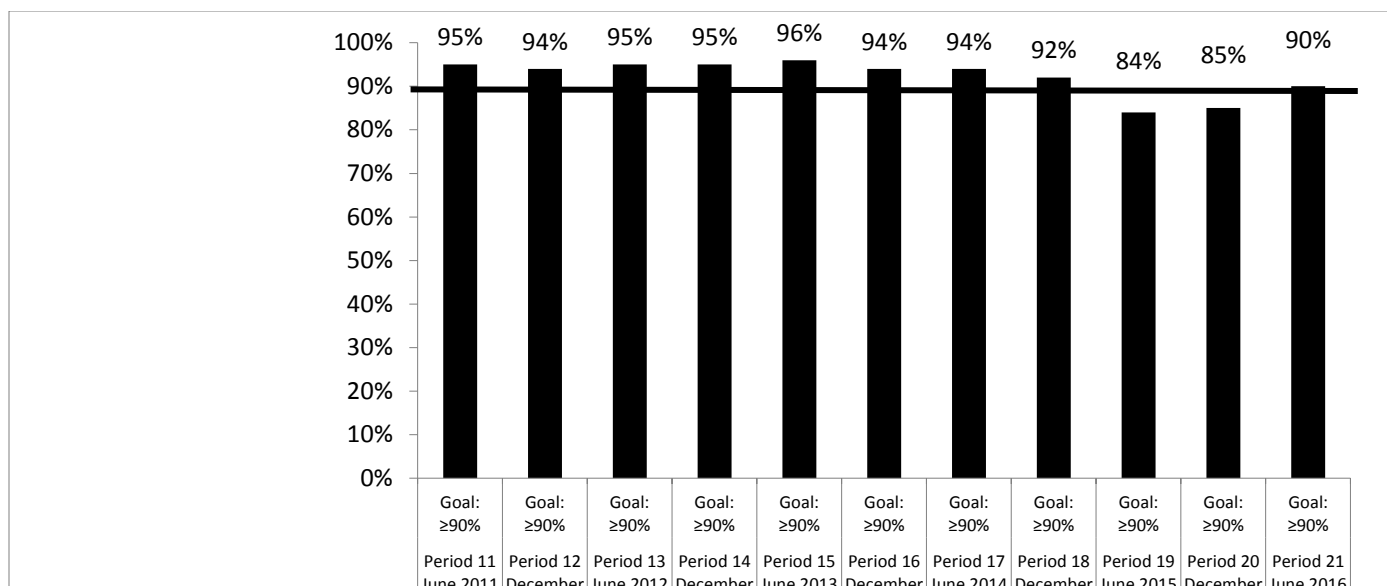
State Performance

- ***The State Met the Required Threshold for Outcome 23.***

The Period 21 performance of **90 percent** is an increase from the P20 performance (85%) and meets the required threshold. The graph below depicts the State’s performance over the past twelve reporting periods.

Eleven Reporting Periods of State Performance on Outcome 23 Sibling Visitation

Percent of Required Visits



Source: Verified State Data

Children Achieve Permanency

Outcome 4 – Re-Entry into Custody.

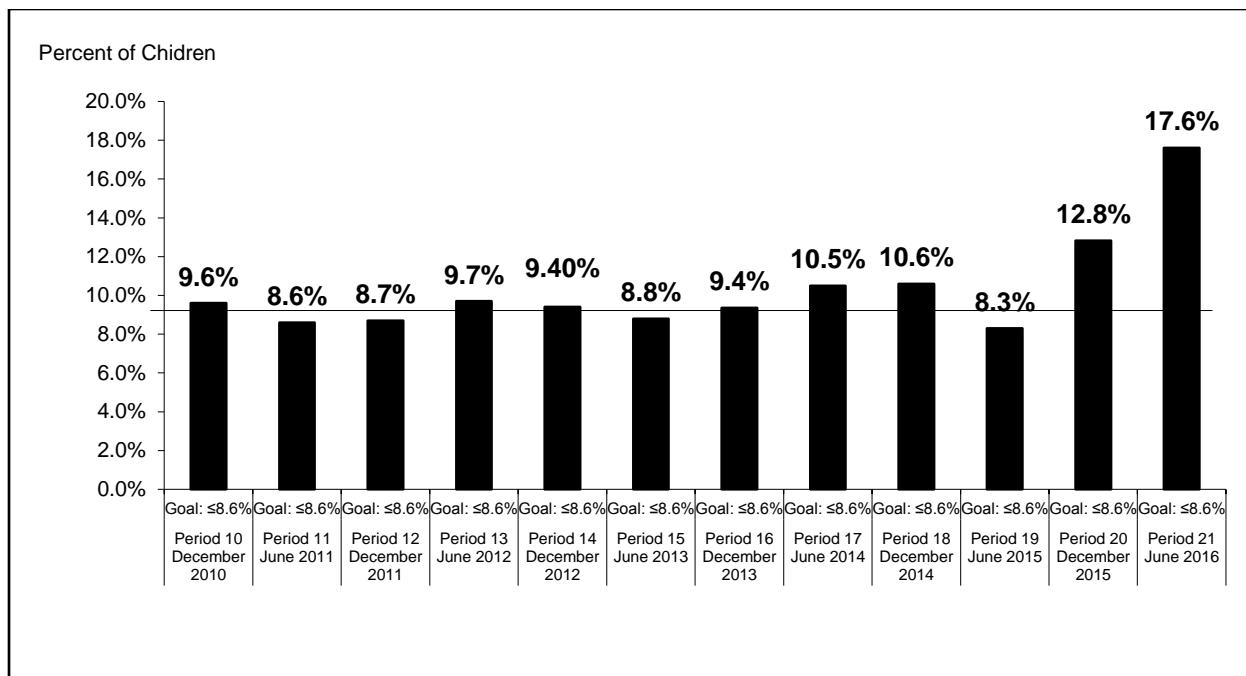
No more than **8.6 percent** of all foster children entering custody shall have re-entered care within 12 months of the prior placement episode.

State Performance

- ***The State Failed to Meet the Threshold Requirement for Outcome 4.***

The State's performance in Period 21 (**17.6%**) is the highest rate since the beginning of the consent decree. The graph below depicts the State's performance over the past twelve reporting periods.

Twelve Reporting Periods of State Performance on Outcome 4 Re-entry into Care



Source: Verified State Data

Outcome 8a and 8b – Permanency Exits for Children Who Entered Care On or After October 21, 2005.

8a - Of all the children entering custody following the entry of the Consent Decree, at least **40 percent** 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.

The State's Period 21 performance of **58 percent** exceeds the required threshold. The State has consistently exceeded this outcome.

State Performance

- ***The State Met the Threshold Requirement for Outcome 8a.***

8b - Of all the children entering custody following the entry of the Consent Decree, at least **74 percent** 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.

State Performance

- ***The State Failed to Meet the Threshold Requirement for Outcome 8b.***

The Period 21 performance of **65 percent** did not meet the required threshold. The State has never met this Consent Decree requirement but has generally trended in a positive direction.

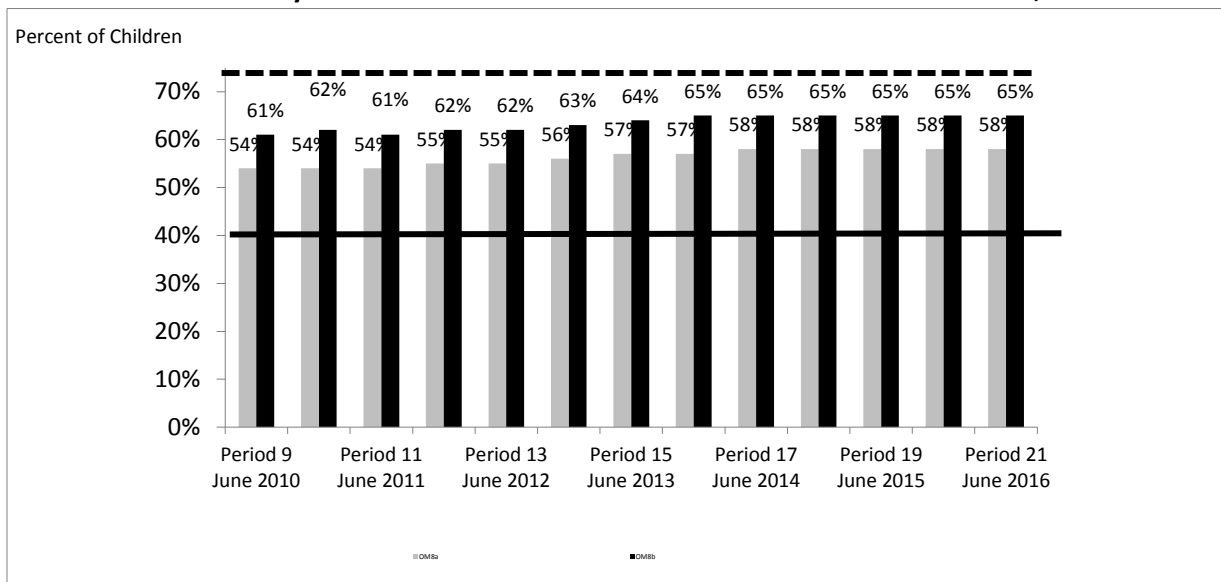
Outcome 8
Children Entering DFCS Custody on or after October 27, 2005
Who Exited to Permanency by June 30, 2016

		Children who entered custody on or since October 27, 2005	
Number of children in cohort		13297	
Exits as of June 30, 2016		8(a)	8(b)
	Reunification within 12 months	6187	6187
	Permanent Placement with Relatives within 12 months (still in state custody)	0	0
	Permanent Legal Custody within 12 months (custody transferred from DFCS)	913	913
	Permanent Legal Custody between 12 and 24 months (custody transferred from DFCS)		364
	Adoption within 12 months	31	31
	Adoptions between 12 and 24 months		233
	Guardianship within 12 months	617	599
	Guardianships between 12 and 24 months		265
Total Exits for Outcome Measurement		7748	8622
Percentage Exiting for Outcome Measurement		58%	65%
	Number Exited to Permanency but not in required time frame	1933 (15%)	
	Other exits (transfer to other counties, emancipation, etc.)	1261 (9%)	
Total number exiting		11817 (89%)	
Remaining number in cohort on June 30, 2016		1480 (11 %)	
Demographics of those still in DFCS custody at June 30, 2016		Average length of stay: 19.6 months	
		Median length of stay: 15 months	
		Average Age: 8 years	
		52% female, 48% male	

Source: SHINES, and county tracking systems.

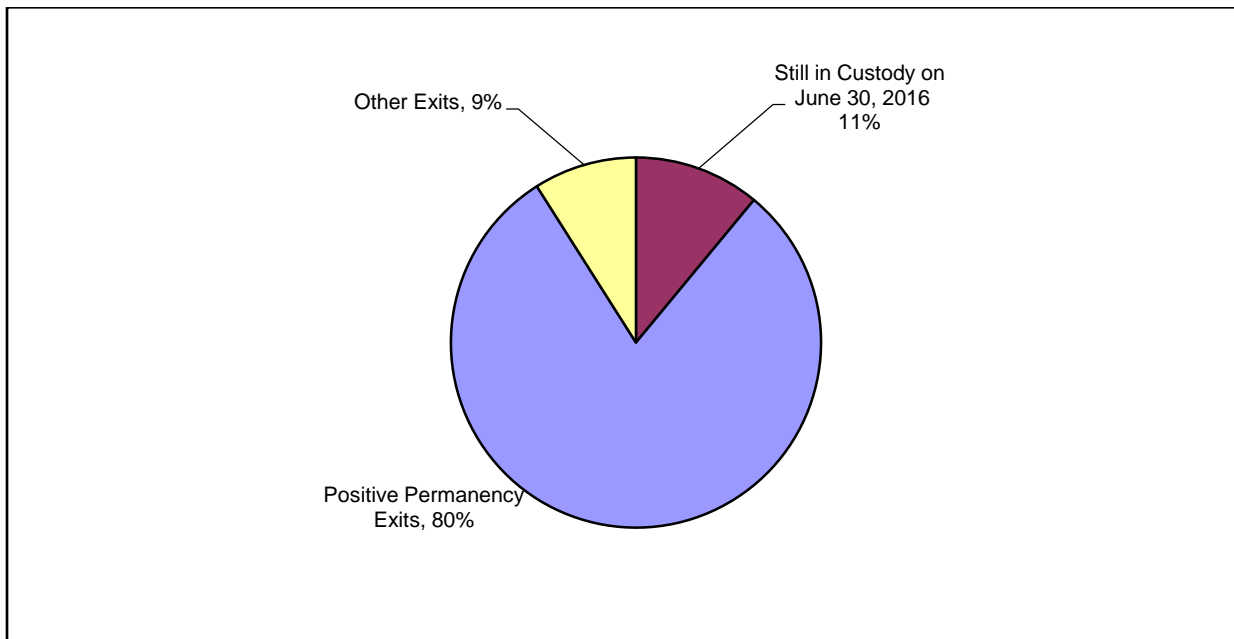
The following graph displays the State's performance over the 12 most recent reporting periods.

**Twelve Reporting Periods of State Performance on Outcome 8a and 8b
Permanency Exits for Children Who Entered Care On or After October 21, 2005**



Source: SHINES, and county tracking systems.

The pie chart below illustrates the exit outcomes for all children who have entered state custody since the start of the Consent Decree.



Source: SHINES, and county tracking systems. *Positive Permanency exits include reunification, adoption, guardianship, permanent legal custody, and permanent placement with relatives. Other exits include emancipation and transfer to other counties or states.

8b Special Cohort

As a result of ongoing discussions between the parties about the Outcome 8b performance and a request by Plaintiffs' Counsel in February 2012⁴³, the State began providing a special “entry cohort” analysis of the State’s 8b performance to shed more light on the State’s progress. To date, this analysis has considered the permanency results over 24 months for nine separate cohorts of children.

Specifically, this entry cohort analysis measures the proportion of children entering care in each of the designated reporting periods that achieved one of the stipulated permanency outcomes within 12 or 24 months of entry, as applicable. The result is displayed in this table.

**Children Achieving Timely Permanency within 24 Months of Entering Foster Care:
Results for Cohorts of Children Entering Periods 6 – 15**

Cohort 1	Cohort 2	Cohort 3	Cohort 4	Cohort 5	Cohort 6	Cohort 7	Cohort 8	Cohort 9	Cohort 10	Cohort 11	Cohort 12
Period 6 7/1/08 to 12/31/08	Period 7 1/1/09 to 6/30/09	Period 8 7/1/09 to 12/31/09	Period 9 1/1/10 to 6/30/10	Period 10 7/1/10 to 12/31/10	Period 11 1/1/11 to 6/30/11	Period 12 7/1/11 to 12/31/11	Period 13 1/1/12 to 6/30/12	Period 14 7/1/12 to 12/31/12	Period 15 1/1/13 to 6/30/13	Period 16 7/1/13 to 12/31/13	Period 17 1/1/14 to 6/30/14
66%	70%	75%	73%	73%	72%	70%	68%	72%	69%	72%	71%

Outcome 9 – Permanency Exits Among Children Who Had Been in the Custody of DeKalb or Fulton County Up to 24 Months as of October 27, 2005.

Children in custody for up to 24 months and still in custody upon entry of the Consent Decree (children in the “24-month backlog pool”): For all children remaining in the 24-month backlog pool after the third reporting period at least **40 percent** 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.

At the beginning of Period 21, there were 3 children remaining in the Outcome 9 cohort. None of these children achieved positive permanency exits. For the three children remaining in

⁴³ Email correspondence from Laurence D. Borten, Children’s Rights to Mark Cohen, Special Counsel to The Department of Human Services, February 17, 2012.

custody at the end of the period, none were under the age of 12. The primary permanency plan for each child is adoption and they each have mental health issues that impact their behavior.

Outcome 10 – Permanency Exits Among Children Who Had Been in the Custody of DeKalb or Fulton County More than 24 Months as of October 27, 2005.

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 **35 percent** 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.

At the beginning of Period 21 there were two children remaining in the Outcome 10 cohort. Neither of these children exited during the period. One child has several health issues requiring 16 hours of nursing per day. Neither child is under the age of 12.

Outcome 11 – Adoptions within 12 Months of Termination of Parental Rights.

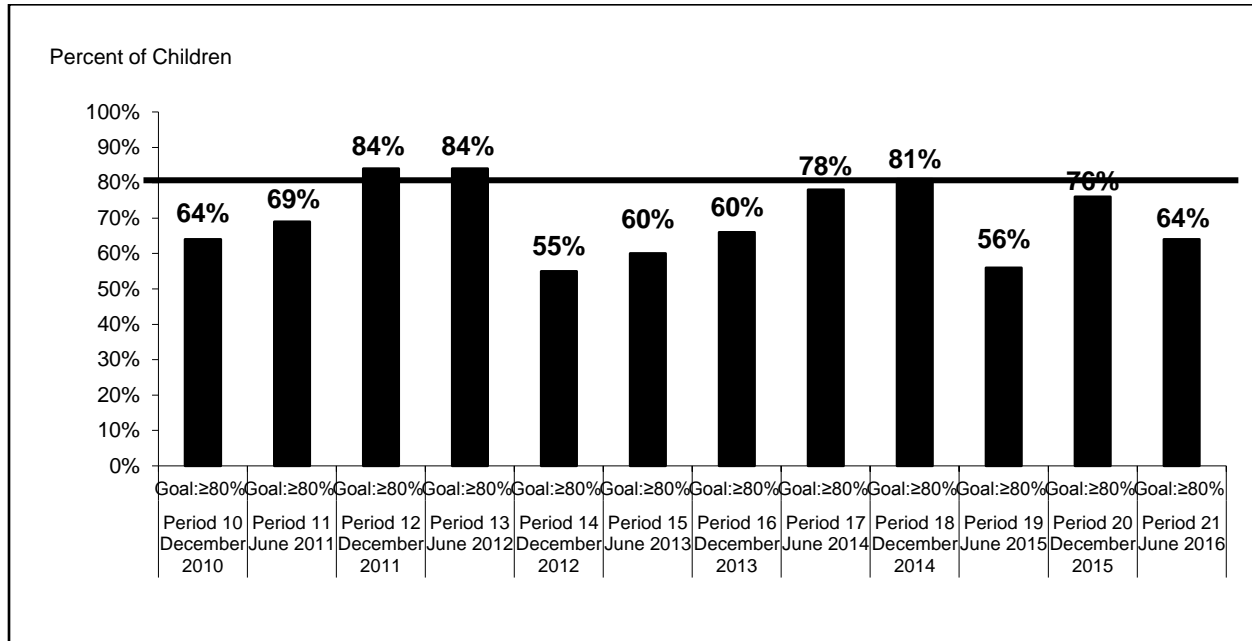
For all children, whose parental rights have been terminated or released during the reporting period, **80 percent** will have adoptions or legal guardianships finalized within 12 months of final termination or release of parental rights.

State Performance

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

The State's performance decreased from 76 percent in Period 20 to **64 percent** in Period 21. Amongst the 42 children whose parents' rights were terminated between January and June, 2015, only 27 children had their adoptions or guardianships finalized within 12 months. However, among the 15 children who did not achieve permanency within 12 months, seven of them were part of two large sibling groups who did achieve permanency within 15 months. The delay in achieving permanency was due to the foster parents' appeals regarding the decreased amount in per diem between the enhanced large sibling foster care rate and the specialized adoption rate. The state is now reviewing its policies and per diem rates as well as practice issues which may have led to the delays. The following graph depicts the State's performance over the past twelve reporting periods.

**Twelve Reporting Periods of State Performance on Outcome 11
Adoptions/Guardianships Finalized within 12 months of TPR**



Source: Verified State Data

Outcome 14 – Adoption Disruptions within 12 Months of Finalizations.

No more than **5%** of adoptions finalized during the reporting period shall disrupt within the 12 months subsequent to the reporting period.

Within the group of 29 children adopted between January 1 and June 30, 2015, none (0%) are known to have re-entered the State’s custody by June 30, 2016. The State has surpassed this outcome measure in every reporting period.

Other Practices and Processes to Promote Permanency

The State reports that regularly scheduled reviews of progress toward permanency take place in each county for children who reach their 13th month in care. According to State reported data, 257 children reached their 13th month in care in Period 21. Of these 257 children, 189 had their cases reviewed by the State Permanency Review Team. Reviewer concurrence with the goal and plan are typically low and often result in staffings to discuss appropriate casework. While the circumstances among these cases vary, there is a trend among cases in which the counties maintain a goal of reunification, despite having documentation and compelling reasons to transition the case to another plan. The MTAT is working with the counties to determine the cause of decreasing percentages of family involvement with FTM’s and case planning. More information will be reported in the next monitoring report.

DFCS Permanency Reviews at the 13th and 25th Month in Custody

13th Month Permanency Review Implementation

July 1 through December 31, 2015

N=271

	Number	Percent
Total Cases Reviewed by State Permanency Reviewers	257	95%
Reviewer Concurrence with goal and plan	115	45%
Permanency Goal		
Reunification	209	81%
Permanent placement with relative	0	0%
Adoption	29	11%
Guardianship	14	6%
Another planned permanent living arrangement	5	2%
Totals	257	100%
Cases with current case plans (court sanctioned/approved)	205	78%

Source: Division of Family and Children's Services, State Permanency Review Project Director, 2016 First and Second Quarterly Reports on 13th month Permanency Reviews.

Family Team Meetings Convened for 13th Month Permanency Reviews

January 1 through June 30, 2016

N= varies

	Number	Percent
Cases with “Family Team Meetings” (FTM) within the last 90 days (percentages based on the number of applicable cases =231)	89	39%
FTMs with mothers involved (percentages based on the number of FTMs held—excludes cases for which there was a TPR, a non-reunification order, the mother’s whereabouts were unknown throughout the life of the case, or the mother was deceased—N=76)	54	71%
FTMs with fathers involved (percentages based on the number of FTMs held—excludes cases for which there was a TPR, a non-reunification order, the father’s whereabouts were unknown throughout the life of the case, or the father was deceased—N=57)	19	33%
FTMs with relatives involved (percentages based on the number of FTMs held and potential relatives to invite — N=62)	28	45%
FTMs with foster parents involved (percentages based on the number of FTMs held and number of children with foster parents — N= 61)	19	31%
FTMs with service providers involved (percentages based on the number of FTMs held and number of children with service providers – N=83)	34	41%
FTMs had recommendations specific to Child/Family needs (percentages based on N=87)	58	67%

Source: Division of Family and Children’s Services, State Permanency Review Project Director, 2016. First and Second Quarterly Reports on 13th month Permanency Reviews.

13th Month Permanency Review: Engagement in Case Planning

January 1 through June 30, 2016

N=varies

	Number	Percent
Active involvement in the case planning process		
Child (n=152)	149	98%
Mother (n=198)	195	98%
Father (n=90)	79	88%
Caretaker (n=253)	250	99%

Source: Division of Family and Children's Services, State Permanency Review Project Director, 2016. First and Second Quarterly Reports on 13th month Permanency Reviews.

25th Month Permanency Review Implementation

January 1 through June 30, 2016

N=126

	Number	Percent
Total Cases Staffed	125	99%
Reviewer Concurrence with County Plan	91	72%
Permanency Goal		
Reunification	75	60%
Permanent Placement with Relative	0	0%
Adoption	37	29%
Guardianship	9	7%
Another Planned Permanent Living Arrangement	5	4%
Totals	126	100%
Cases with current case plans (Court sanctioned/approved)	88	70%

Source: Division of Family and Children's Services, State Permanency Review Project Director, 2016. First and Second Quarterly Reports on 25th month Permanency Reviews.

25th Month Permanency Review: Engagement in Case Planning
January 1 through June 30, 2016

N=varies

	Number	Percent
Active involvement in the case planning process		
Child (n=86)	85	99%
Mother (n=59)	55	93%
Father (n=40)	32	80%
Caretaker (n=126)	126	100%

Source: Division of Family and Children's Services, State Permanency Review Project Director, 2016. First and Second Quarterly Reports on 25th month Permanency Reviews.

Post Adoption Assistance

The State reported that 43 children were adopted between January 1 and June 30, 2016. This is significantly less than the number of children adopted in Period 20 (61) and significantly more than Period 19 (28).

During Period 21, according to data obtained from the State Office of Adoptions, 43 (**100%**) of those children adopted were receiving or were scheduled to receive monthly Adoption Assistance benefits and Medicaid. This proportion is the same as the proportion in Period 20 (**100%**). All families receiving monthly adoption assistance are also eligible to receive additional benefits to cover one-time, non-recurring expenses. They may apply for reimbursement of non-recurring expenses of up to \$1500 once the adoption is finalized. Timely reimbursement is somewhat dependent on how quickly families are able to obtain the signed adoption decree and submit the application to DFCS. Once submitted, all the appropriate data must be entered into SHINES to move the case into a post-adoption category. Sometimes, this occurs after the review period. Among the 43 families eligible for non-recurring adoption assistance, **84 percent** had received these benefits by June 30, 2016. This is significantly less than the proportion of families receiving reimbursement by the end of Period 20 (100%).

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

The Consent Decree Outcome 15 stipulates that **95 percent** of children who reach their 15th month in care will have had either: 1) a petition for the termination of parental rights filed against both parents or legal caregivers, as applicable; or 2) a compelling reason documented in the case record as to why such action is not in the best interest of the child.⁴⁴

Under federal regulations and state law, there are three exceptions to the requirement that TPR petitions be filed after the 15th of 22 months in care. They are:

- The child is being cared for by a relative;
- The State has documented a “compelling reason” that filing a petition to terminate parental rights would not serve the child's best interests; (the allowable exception noted above) or
- The State has not made “reasonable efforts” to reunify the family.⁴⁵

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.⁴⁶

The measurement of Outcome 15 is based on the entire population of children who, in Period 21, reached or exceeded their 15th month in custody out of the previous 22 months. As in previous periods, the Accountability Agent and the MTAT reviewed the compelling reason provided for each child and compared it to past information. Information provided by the counties was also verified using data from the Period 21 review of 91 randomly selected foster care case records.

During Period 21, 842 children had reached or surpassed their 15th month in custody out of the previous 22 months. A group of 173 children (21% of 842), was excluded from the Outcome 15 performance measurement based on the placement of these children with relatives, as allowed under Federal law.

⁴⁴ See p. 34, Outcome 15, of the Consent Decree.

⁴⁵ Adoption and Safe Families Act, see also Social Services Manual Chapter 1000, Section 1002.7, Georgia Department of Human Services.

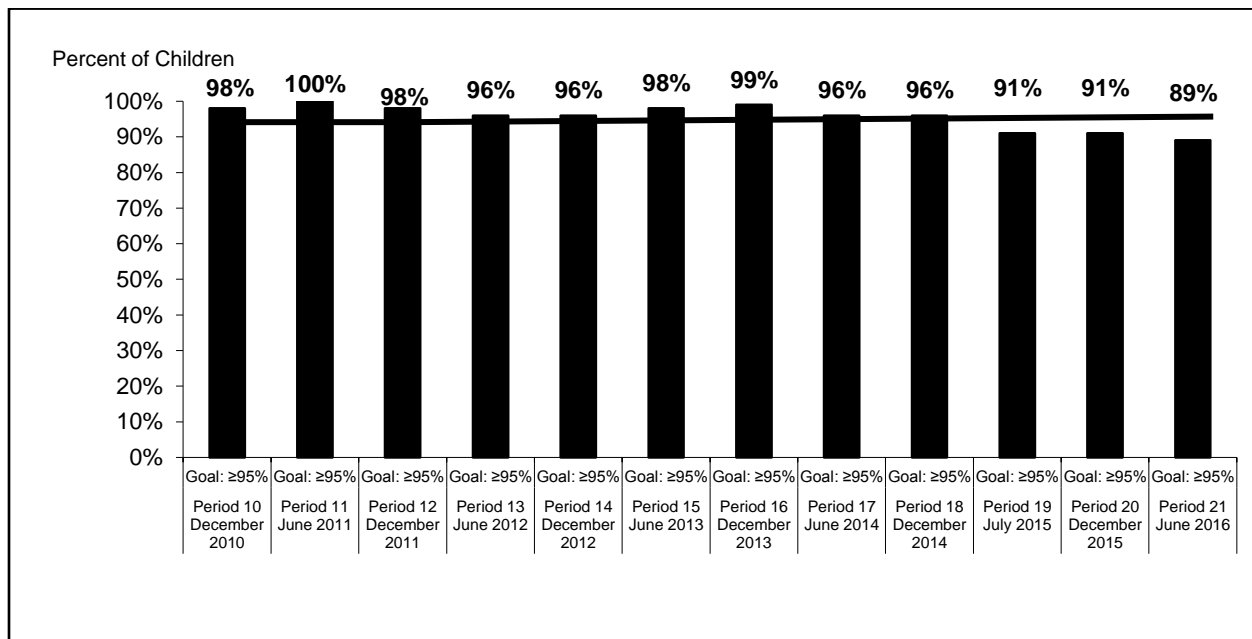
⁴⁶ See Social Services Manual, Section 1002.12.3, 1002.17, and 1013.11, Georgia Department of Human Services.

State Performance

- ***The State Did Not Meet the Outcome 15 Threshold.***

By June 30, 2016, **89 percent** of the children in care 15 of the previous 22 months were legally free to be adopted or the State had filed petitions to terminate parental rights or documented compelling reasons why it had not taken such action. This is slightly lower than the Period 20 performance (91%). The following graph that displays the State's performance on Outcome 15 for the 12 most recent reporting periods. The chart that follows summarizes the different components of the counties' Period 21 performance, drawn from verified data in their tracking systems.

**Twelve Reporting Periods of 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**



Source: SHINES

**Status of Children Who Had Been in DFCS Custody 15 of the previous 22 months
As of June 30, 2016**

Region 14 OM 15 SUMMARY RP21			Total		
			Number	Percent	Cumulative
Children who reached or surpassed their 15th month in custody of the past 22 months between January 1 and June 30, 2016.			842		
Excepted Subpopulations					
<i>Children placed with relatives</i>			<i>173</i>		
<i>The State has not made reasonable efforts to reunify the family</i>					
Number of Children for Outcome 15 Measurement			669		
Parental Rights of Both Parents have been terminated or relinquished			169	25.3%	25.3%
DFCS has filed a petition to complete the termination of the parental rights of both parents where applicable.			109	16.3%	41.6%
There is a documented compelling reason for not terminating parental rights.			319	47.7%	89.3%
	Reasons cited for not terminating parental rights	Number			
A1	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.	160			
A2	The child is a specified age (14) or older and objects to being adopted	97			
A3	The child has severe emotional or behavioral problems or a serious medical conditional and reunification remains an appropriate goal.	13			
A4	The child has a permanency goal other than adoption and is expected to achieve that goal within 12 months of establishing the goal.	27			
A5	Parents are deceased, or have voluntarily relinquished rights.	3			
A8	The child is an unaccompanied refugee minor as defined in 45 Code of Federal Regulations 400.11.	0			
A11	The child is a child of a teen mother who is also in the State's custody.	3			
A12	Other circumstances.	0			
There are plans to terminate parental rights, but a petition had not yet been filed as of June 30, 2016 or date of discharge.			72	10.8%	0%

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

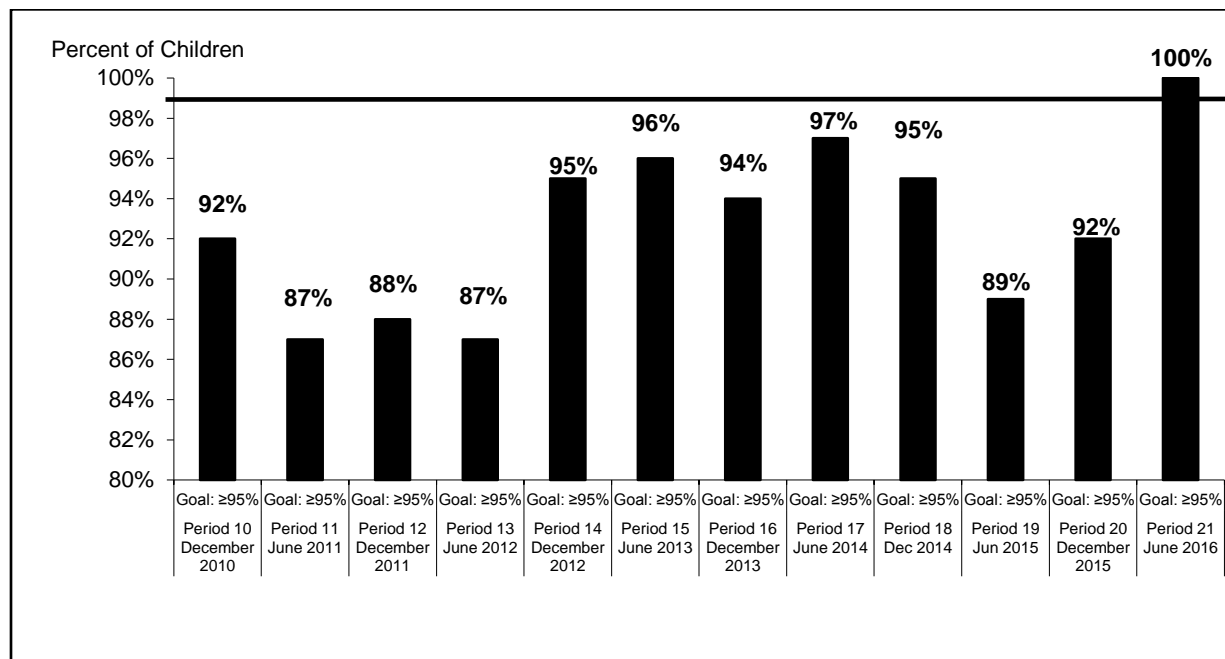
Outcome 27 requires that at least **95 percent** of the children have timely semi-annual reviews of their case plans. Children are expected to have case plans developed within 30 days of entering State custody. In accordance with the Consent Decree, the court or a designated panel must review these case plans within six months of entering foster care and every six months thereafter the child is in custody.⁴⁷

State Performance

- ***The State Exceeded the Outcome 27 Threshold.***

For 67 of the 92 children in the foster care sample who had been in custody for six months or more by the end of the reporting period, case file documentation indicates that all 67 children **(100%)** had documented timely plan reviews completed by the Juvenile Court or Judicial Citizen Review Panel (JCRP), or a timely request for such a review. This is an increase from performance during Period 20 (92%) and Period 19 (89%).

**Twelve Reporting Periods State Performance on Outcome 27:
Timely Semi-Annual Judicial/Citizen Panel Case Reviews**



Source: Review Period Foster Care Case Record Reviews, July 1, 2010– June 30, 2016.

⁴⁷ See p. 7, paragraphs 4A.4 and pp. 7-8, paragraphs 4B.1-6, and p. 37, Outcome 27, of the Consent Decree.

Among the 60 six-month reviews, only 16 (24%) of mothers, 11 (16%) of fathers, 7 (15%) children and 10 (15%) of relatives participated. Participation in these reviews is such an important factor in achieving timely permanency. The lack of participation during the reviews in Period 21 may reflect a lack of engagement between the agency and families. More information regarding these reviews is displayed in the chart below.

Characteristics of Six-month Case Reviews
N= 67
(Most recent plans reviewed between January and June, 2016)

Characteristic				Number	Percent
Participants					
	Birth Mother			16	24%
	Birth Father			11	16%
	Child			7	15%
	Relative caregivers/ Extended Family Members/ Informal Supports			10	15%
	Foster parents/placement providers			10	15%
	DFCS case manager			43	64%
	DFCS supervisor			9	13%
	Other DFCS representative			3	4%
	CCFA provider			0	0%
	Private agency social worker			10	15%
	Medical and mental health professionals			1	2%
	Parents’ attorney(s)			20	29%
	SAAG (Special Assistant Attorney General)			20	30%
	Child’s advocates (attorney, Guardian Ad Litem, CASA volunteer, Child Advocate) – at least one per child			38	57%
Elements Evaluated/Considered					
	Necessity and appropriateness of child’s placement			40	60%
	Reasonable efforts made to obtain permanency			46	69%
	Degree of compliance with specific goals and action steps			36	54%
	Progress made in improving conditions that caused removal			28	42%
	Changes that need to be made to plan			10	15%
	County recommendations			10	15%
	Parent recommendations			1	2%
JCRP conducted review (percentage based on n=67)				33	49%
	Total JCRP reports submitted (percentage based on n=33)	25	76%		
	Number of reports with Panel findings (percentage based on n=33)	25	76%		
	Number of reports with Panel recommendations (percentage based on n=33)	25	76%		
	Number of reports with County findings (percentage based on n=33)	9	27%		
	Number of reports with County recommendations (percentage based on n=33)	7	21%		
Court conducted review (percentage based on n=67)				32	48%
Plan adopted by Juvenile Court (percentage based on n=67)				42	63%

Source: Case Record Review for January 1 – June 30, 2016.

Outcome 28 – Timely Annual Judicial Permanency Reviews.

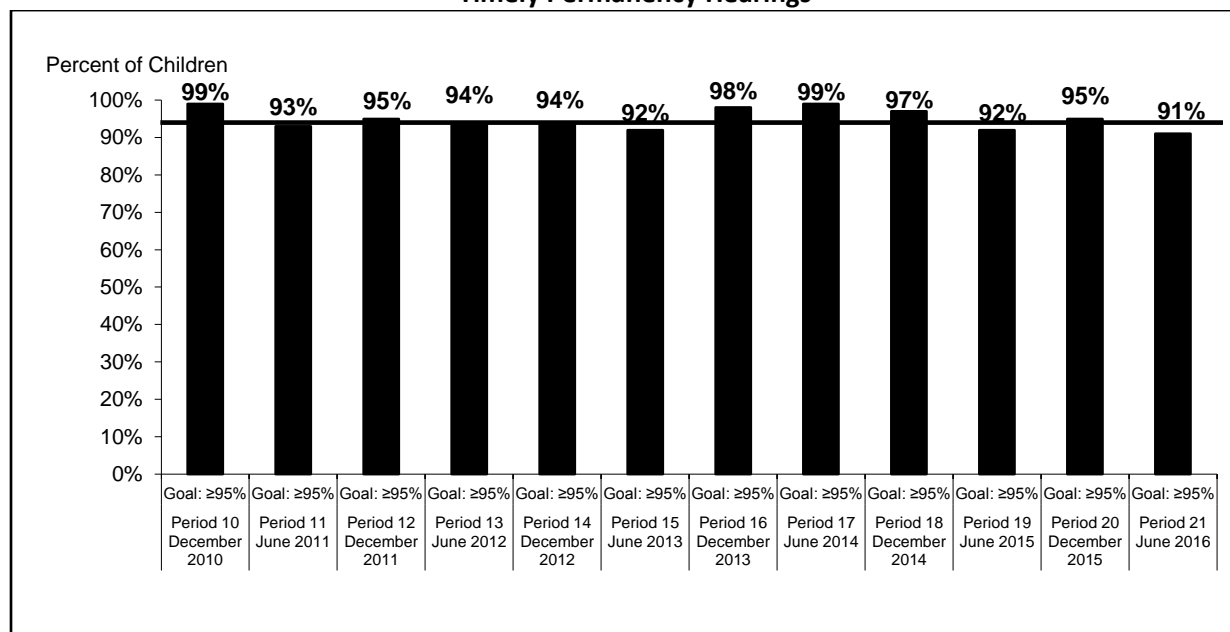
According to Federal and State policy and the Consent Decree, children are expected to have a judicial permanency hearing at least every 12 months they are in custody.⁴⁸ These hearings are held to determine whether the State is making reasonable efforts to help children achieve permanency. The performance threshold for Outcome 28 is 95 percent.

State Performance

- ***The State Did Not Meet the Outcome 28 Threshold.***

During Period 21, 43 out of 47 children, **91 percent** of children had a judicial permanency hearing in accordance with the Consent Decree. Depicted below is the State's performance over the past 12 reporting periods.

**Twelve Reporting Periods of State Performance on Outcome 28
Timely Permanency Hearings**



Source: Review Period Foster Care Case Record Reviews, July 2010 – June 2016.

⁴⁸ See p. 9, paragraph 4B.10, and p.37, Outcome 28, of the Consent Decree.

PART FIVE - WELL-BEING

The Consent Decree establishes six outcomes that are related to children's well-being.

Children Experience Stability and Worker Continuity

Outcome 17 – Placement Stability

With Outcome 17, the Consent Decree establishes a threshold for placement stability by requiring that at least **95 percent** of children in custody have two or fewer placement moves during the most recent 12 months in custody.⁴⁹ For purposes of this measure, runaway episodes, hospitalizations for medical treatment or psychiatric diagnosis or crisis intervention, trial home visits, respite care, and detention in locked facilities are not considered placements. The measurement of Outcome 17 performance is based on the sample of 92 children in foster care at any time between January 1 and June 30, 2016.

State Performance

- ***The State Failed to Meet the Outcome 17 Threshold***

During Period 21, 78 out of 92 children (**85%**) experienced two or fewer placement moves during the most recent 12 months in custody. For the purposes of this measure, each unique hotel episode (which could include more one or more consecutive nights) that a child experienced during the period is considered one placement. Displayed in the chart below are additional data for Period 21. The four youth who had more than 6 placements had between 8 to 19 moves).

Number of Placement Moves Experienced by Children in the 12 months prior to November 30, 2015 or the Last Date of Custody

Number of Moves	Number	Percent	Cumulative Percent
No Moves	49	53%	
One Move	20	22%	75%
Two Moves	9	10%	85%
Subtotal	78		
Three Moves	5	5.5%	90.5%
Four Moves	5	5.5%	96%
Five Moves	0	0%	96%

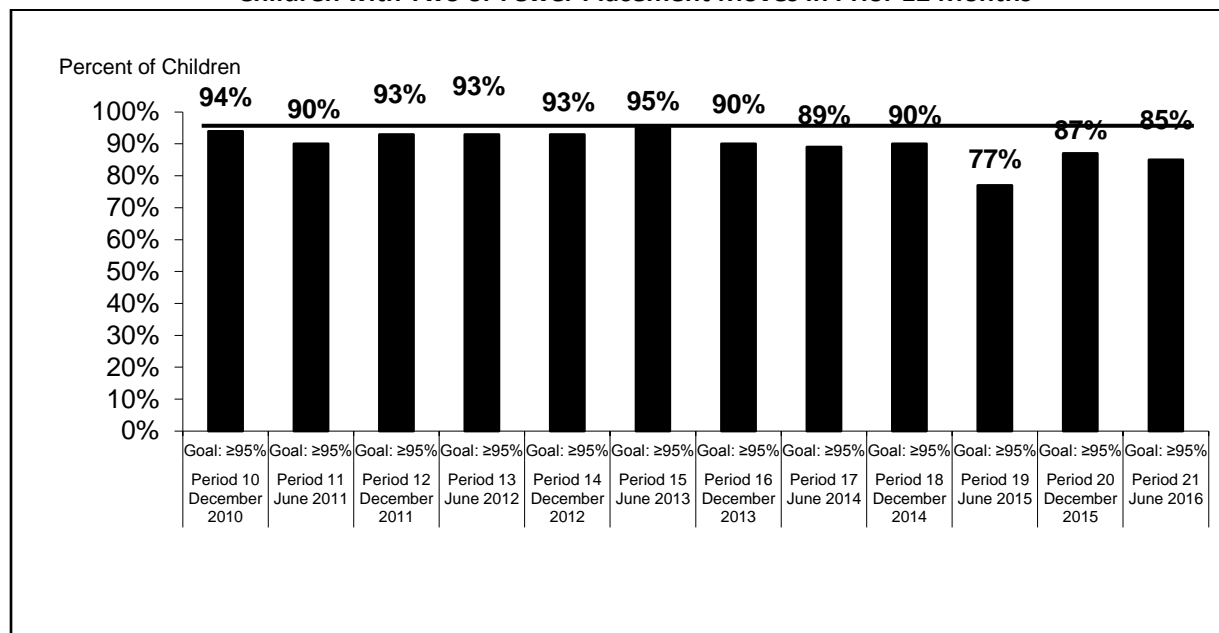
⁴⁹ See p. 35, Outcome 17 of the Consent Decree.

Six Moves or more	4	4%	100%
Total	92		

Source: Foster Care Case Record Review for January 1 and June 30, 2016.

As the graph below depicts, the Period 21 performance (85%) is similar to Period 20 performance (87%).

**Twelve Reporting Periods of State Performance on Outcome 17
Children with Two or Fewer Placement Moves in Prior 12 Months**



Source: Review Period Foster Care Case Record Reviews, January 1- June 30, 2016

Outcome 18 – Worker Continuity

At least **90 percent** 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.

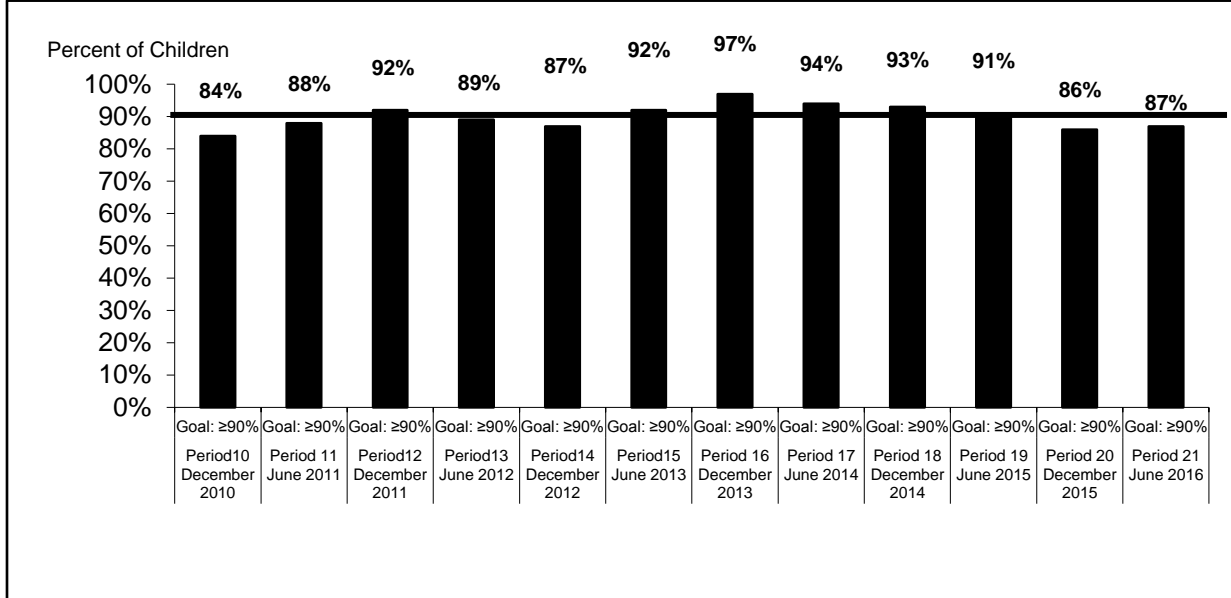
State Performance

- ***The State Failed to Meet the Outcome 18 Threshold.***

During Period 21, the State's performance increased slightly to **87 percent**, which is below the required threshold. This is the second consecutive time since Period 14 that the State did not

meet the 90 percent threshold requirement. The following graph depicts the State's performance over the past twelve reporting periods.

**Twelve Reporting Periods of State Performance on Outcome 18
Worker Continuity**



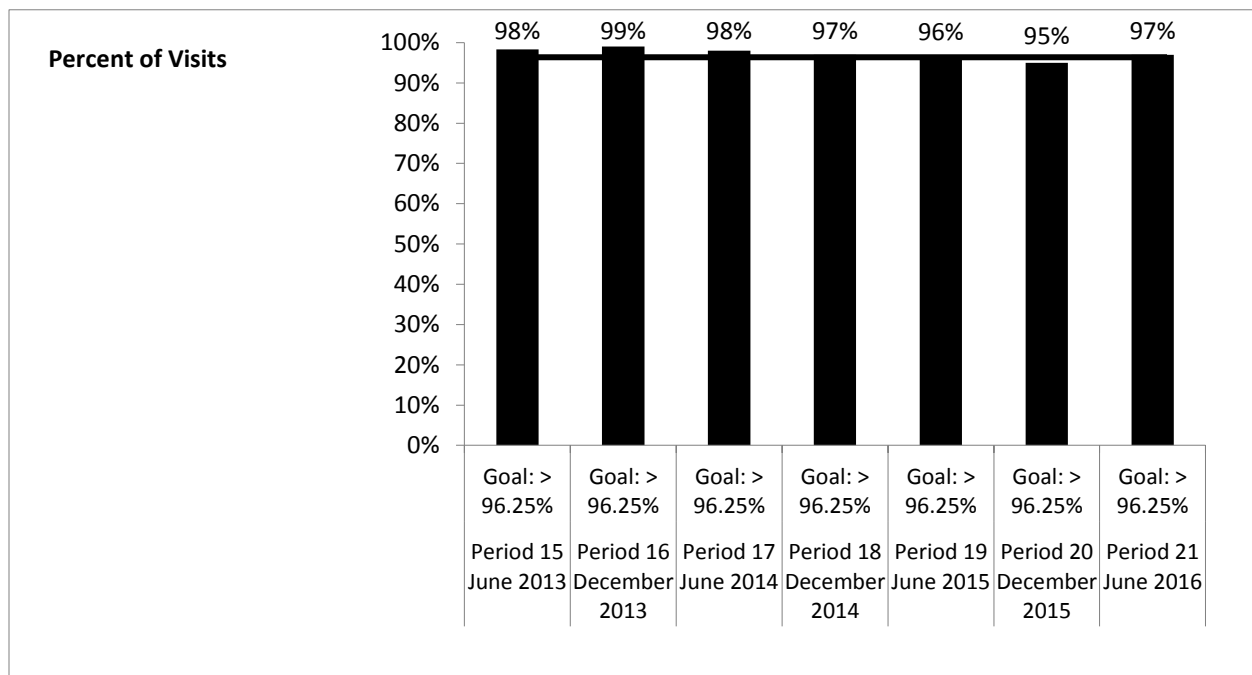
Source: Verified State Data

Outcome 20 – Case Manager Visits with Children

20a - At least **96.25 percent** of the total minimum number of twice- monthly face-to-face visits between case managers and all class member children during the period occur.

The State achieved **97 percent** of these visits during Period 21, which is above the threshold.

**Seven Reporting Periods of State Performance on Outcome 20a
Case Manager Visits with Children**

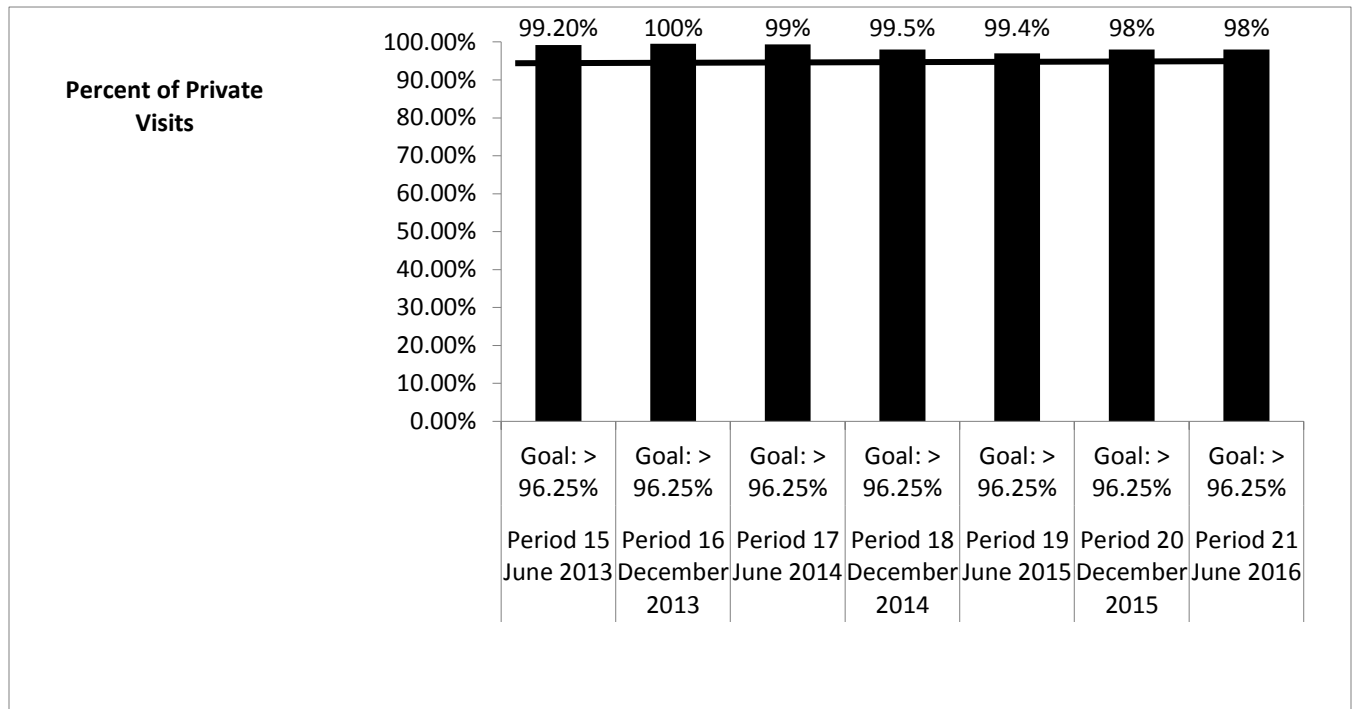


Source: Verified State Data

20b - At least **96.25%** of the total minimum number of monthly **private**, face-to-face visits between case managers and all class member children required by Section 5.D.1.b during the reporting period occur.

The State achieved **98 percent** during Period 21 and has consistently exceeded this standard.

**Seven Reporting Periods of State Performance on Outcome 20b
Case Manager Private Face-to-Face Visits with Children**



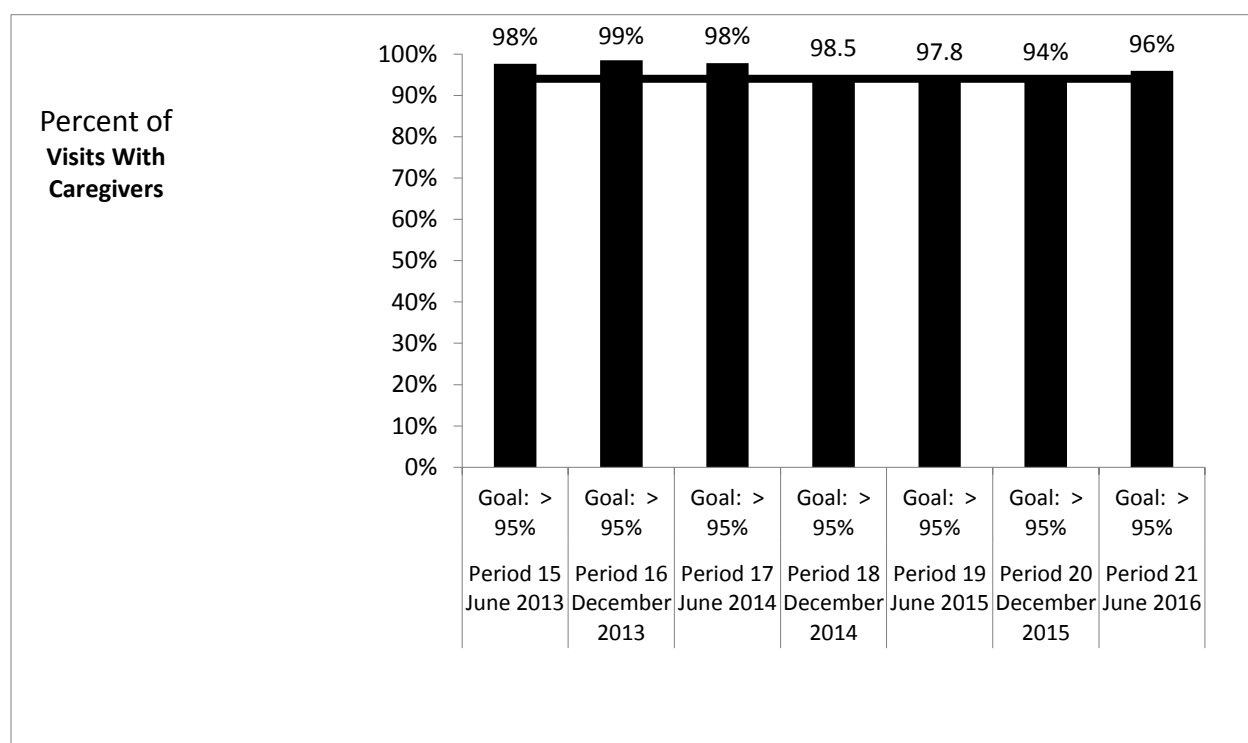
Source: Verified State Data

Outcome 22 – Case Manager Visitation with Substitute Caregivers

At least **95 percent** of the total minimum required monthly visits by case managers to caregivers during the reporting period occur.

The State performance was **96 percent** during Period 21, which is slightly higher than P20 and above the threshold.

**Seven Reporting Periods of State Performance on Outcome 22
Case Manager Visitation with Substitute Caregivers**



Source: Verified State Data

Children and Youth in Hotels

During Period 21, there were 128 children and youth from DeKalb and Fulton counties who spent 1,324 days in hotels in Metropolitan Atlanta. On average, these children and youth spent between three and four days in hotels during the Period. While the average days each individual child spent in a hotel decreased from the previous period, there were more individual children and youth who were placed in hotels and the overall number of hotel days increased in Period

21. Finally, among the 128 youth experiencing hotel stays, there were 49 that had more than one in the period, and seven who had more than ten distinct hotel stays.

During Period 19, MTAT began collecting and reporting data on the number of children placed in hotels. The State began this emergency practice due to a lack of appropriate placement options for children entering foster care in Region 14. Due to the increase usage of hotels, during Period 20, DFCS opened and began operating two emergency placement homes called the “Welcome House”. MTAT visited the Welcome Houses and found the homes to be large, well-appointed homes in a nice family friendly neighborhood environment. As the staffing and routines had evolved, however, concerns still remained regarding the sustainability of the model and the frequent visits from law enforcement. While this intervention was less than ideal, it did appear to mitigate the total number of hotel nights. However, the model was not sustainable, the neighbors expressed concerns and the Welcome Houses closed during Period 21.

Young Children in Congregate Care

The Consent Decree has several restrictions related to the use of group care,⁵⁰ including limiting their use of congregate care for young children. The reported information is for all children under the age of 12 in care between January and June 2016; not for a sample of the entire foster care population. According to state reports, no children under the age of 12 were placed in group homes or child caring institutions except as allowed by the Consent Decree.

During Period 21, there was one child under the age of six who was placed with his mother in a group care setting designed for teen mothers. On June 30, 2016, 15 children aged 2 to 11 were placed in hotels, and seventeen children were in group care facilities with more than 12 beds. Sixteen of these children were in psychiatric residential treatment facilities (PRTFs) with licensed maximum capacities of 40 or more. One child was placed in Hillside Hospital. The State provided documentation of the appropriate waiver supporting the need for the children to be placed in congregate care settings. During Period 21, the State also documented one child under the age of 12 (age 10) who spent one night in the Southwest Fulton County DFCS Office.

The need for appropriate placements for all children who enter foster care or have a placement disrupt is paramount. The State is developing a plan of action to address this placement crisis.

Children Receive the Medical, Dental and Mental Health Services They Need

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

⁵⁰ See p. 16-17, paragraph 5C.5f of the Consent Decree.

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.⁵¹ Case plans are to be developed within 30 days of a child's entry into foster care and updated every six months thereafter. The performance threshold for this outcome is 85 percent, and requires that all identified needs are met. Thus, partial compliance does not count toward meeting the threshold standard. The measurement of Outcome 30 performance is based on the sample of 92 children in foster care at any time between January 1, 2016 and June 30, 2016.

Among the 92 children in the sample, 86 children had one or more case plans in their records. All six children who did not have case plans in their records had been in custody fewer than 30 days during the review period and a completed plan was not yet required. Of the 86 children who should have had case plans, 85 (99% of 86) were current – they had been developed within seven months of May 31, 2016 or the child's discharge date. One (1% of 86) was seven to 12 months old and none were over 12 months old. The outcome performance is based on 86 children who had complete plans, even if they were not up-to-date. Eighty-five of these case plans identified needs of the children.

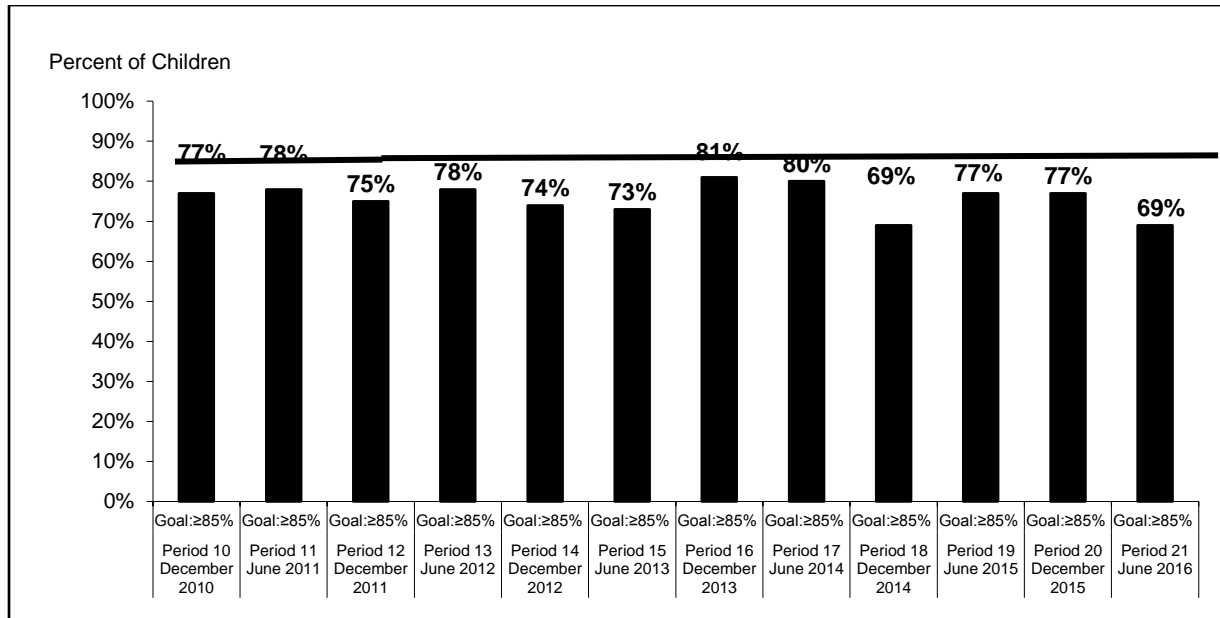
State Performance

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

Based on case file documentation and reviewer judgment, **59 children (69%)** of 85 children with needs identified in their case plans had all the plan-identified needs met. The following graph displays the State's performance over the last 12 reporting periods.

⁵¹ See p 38, Outcome 30 of the Consent Decree.

**Twelve Reporting Periods of State Performance on Outcome 30:
Children with All Plan Identified Needs Met**



Source: Reporting Period Foster Care Case Record Reviews, July 2010 – June 2016.

The chart below provides a breakdown of the needs identified and the percentage of needs met in each category during Period 21.

Proportion of Children with Needs Identified in Most Recent Case Plans and the Proportion with Needs Met, as of June 30, 2016 or last Date of Custody

Children with Case Plans n=86			Children Received/Receiving Services n varies depending on need identified		
	Number	Percent		Number	Percent of identified need
One or More Need Identified (routine or child-specific)	85	99%	All Identified Needs Met (n=85)	59	69%
Frequency of different identified needs			Frequency of different needs being met		
Medical	85	99%		77	91%
Dental	85	99%		73	86%
Mental Health	61	71%		52	85%
Educational/ Developmental	85	99%		82	96%

Source: Case Record Review January 1-June 30, 2016.

1. Initial Screenings for Children Entering Care

a. Initial Health and Dental Screenings

The State's overall performance on initial health and dental screenings is measured by the subsample of children who entered care and had been in custody at least 10 days. During Period 21, 22 children out of the sample of 92 cases entered care during the period and remained at least 10 days.⁵² 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 randomly selected from the entire population entering custody during the period.

As shown in the chart below, nine children (41%) had documented health screens within 10 days of entering care, which is a significant decrease from Period 20 (59%) When the ten-day time frame is relaxed, 20 out of 22 children (91%) received an initial health screen. For those children whose health screens fell outside the 10-day window, the elapsed time ranged from 12 to 103 days. Two children did not receive an initial health screen.

Eleven children (50%) had a documented dental screen within 10 days. The total proportion receiving an entry dental screening was 82 percent. The 7 children who received their initial dental screens late, received those 11 to 41 days after entering care. Four children have no documented initial dental screens in their files.

Initial Health and Dental Exams at Foster Care Entry:

January 1 – June 30, 2016

N=22

Screen	Number	Percent	Cumulative Percent
<i>Initial Health Screen at Foster Care Entry</i>			
Received within 10 days	9	41%	
Received, but not within 10 days (12 to 103 days)	11	50%	91%
No initial health screen received by June 30, 2015	2	9%	100%
Total	22	100%	
<i>Initial Dental Screen at Foster Care Entry</i> (includes infants for a "gum check")			
Received within 10 days	11	50%	
Received, but not within 10 days (12-41 days)	7	32%	82%
No initial dental screen received by June 30, 2015	4	18%	100%
Total	22	100%	

Source: Case record review, January 1 – June 30, 2016.

Due to the low performance on initial health and dental screens during Period 19, the counties collaborated with Amerigroup to offer a mobile health clinic in the parking lot of the Fulton and DeKalb County Offices of the Department of Family and Children Services once a week. Thus, when children enter care, they are taken to the mobile health clinic for their health and dental screenings during their first week in care. Due to the continued increase in performance, it appears that this intervention is making a difference in the number of children who receive initial health and dental screens.

b. Initial Developmental /Mental Health Assessment

The Consent Decree requires that all children under the age of four years receive a developmental assessment in compliance with EPSDT standards within 30 days of placement.⁵³ Children four years of age or older are expected to receive a mental health screening in compliance with EPSDT standards within 30 days of placement.⁵⁴ Within the sample of 92 children in foster care in Period 21, 8 children were younger than age four, were in custody at least 30 days, and entered care on or after December 1, 2015.⁵⁵ Thirteen children in the foster care sample were age four or older, remained in care 30 days or more, and entered DFCS custody on or after December 1, 2015.

All 8 children under the age of four received a developmental assessment with only one being completed more than 30 days (41 days). The total percentage of children under four years of age who received their initial developmental assessment increased from 75 percent in Period 20 to 100% in Period 21.

For children over the age of four, there were 2 children in custody 30 days or more who did not have mental health assessment; 8 were completed within 30 days (62%), which is similar to the 64 percent completed within 30 days during Period 20. Three children had the assessment completed between 34 to 103 days after entering care. The following chart summarizes this information.

⁵³ See p. 20, paragraph 6A.3 of the Consent Decree.

⁵⁴ See p. 20, paragraph 6A.3 of the Consent Decree.

⁵⁵ In order to have a larger pool of children in the sample for whom the responsiveness to identified needs could be measured, the record review was designed to collect information on children who entered custody in June 2016 and, therefore, had sufficient time for identified needs to be addressed in Period 21.

**Initial Developmental and Mental Health Assessments at Foster Care Entry:
December 1, 2015 – May 31, 2016
N=varies depending on the assessment**

Assessment	Number	Percent	Cumulative Percent
Initial Developmental Assessment (children younger than age 4) (n=8)			
Received within 30 days	7	88%	
Received, but not within 30 days (41 days)	1	12%	100%
No initial Developmental Assessment received	0	0%	100%
Total	8	100%	100%
Assessment	Number	Percent	Cumulative Percent
Initial Mental Health Assessment (children aged 4 and older) (n=13)			
Received within 30 days (includes pre-assessments)	8	62%	
Received, but not within 30 days (34 to 103 days)	3	23%	85%
No Initial Mental Health Assessment	2	15%	100%
Total	13	100%	100%

Source: Foster Care Case Record Review, January1 – May 31, 2016.

c. Initial Case Plans

All fourteen children entering custody during the reporting period and remaining more than 30 days had an initial case plan developed by June 30, 2016 or their last date in custody. Seven of the 14 (50%) were completed within 30 days of entering care, the other seven were completed between 31 and 60 days.

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 screenings⁵⁶ in accordance with the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT)/Georgia Health Check Program standards.⁵⁷ DFCS' performance with respect to meeting these standards is discussed below. The case record review of 92 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.

Overall, 89 of the 92 children (97%) appeared to be current with their "well-child" visits as of June 30, 2016 because of receiving a required health screen prior to or during reporting Period 20; or

⁵⁶ See p. 30, paragraph 13A in the Consent Decree.

⁵⁷ See p. 20, paragraphs 6A 1 and 2, and p.21, 6B, paragraphs 1-8 of the Consent Decree.

receiving a health screen during Period 21 that brought them up-to-date. This is similar to the proportion found in Period 20 (98%). The chart below displays this information.

Status of Health Screening for Children⁵⁸
January 1 – June 30, 2016
N=92

Component and Action	Number	Percent	Cumulative Percent
No health screen required during period, children current with health check-ups during entire period	33	36%	
Children receiving timely health screens (according to EPSDT schedule) between January 1 and June 30, 2016	56	61%	97%
Required well child health screen(s) not received between January 1 and June 30, 2016	3	3%	100%
TOTAL	92	100%	

Source: Foster Care Case Record Review, January 1 – June 30, 2016.

As reflected in chart below, routine dental screenings were assessed for 92 children, with separate analysis for children over and under the age of three as of June 30, 2016.⁵⁹ Overall, 68 of the 76 children (89%) who required a dental screen were either current or received their dental screens during Period 21. Thirty (39%) of these exams were not done timely. For children under the age of three, 13 out of 16 (78%) were either current or received their oral health screen during Period 21. Four children received a late initial oral health screen.

The dental screen documentation consisted of either a dental report from a dental care provider, case manager notes, a reference in a Comprehensive Child and Family Assessment (CCFA), an entry in the SHINES health log or a combination of these forms.

⁵⁸ Includes initial health screens completed for children entering foster care in Period 20. EPSDT components are not always documented, see narrative.

⁵⁹ 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 and documentation of this component has improved sufficiently to provide the separate analysis.

Status of Dental Screening⁶⁰
January 1 – June 30, 2016
N=92

Component and Action Children aged 3 and older n=76	Number	Percent	Cumulative Percent
No annual dental exam required during period, children current with annual requirement during entire period	16	21%	
Children receiving a timely annual dental exam during period	30	39%	60%
Received more than 12 months after previous exam	11	14%	74%
Initial received more than 10 days after entering foster care	11	14%	88%
Required annual (or initial) dental exam not received as of June 30, 2016	8	11%	100%
TOTAL	76	100%	100%
Component and Action Children under the age of 3 N=15	Number	Percent	Cumulative Percent
No annual oral health screen due during entire period	2	13%	
Received a timely initial or annual oral health screen	10	63%	76%
Received a late initial oral health screen	1	6%	82%
No annual oral health screen	3	18%	100%
TOTAL	16	100%	100%

Source: Foster Care Case Record Review, January 1 – June 30, 2016.

⁶⁰ Includes initial dentals for children entering foster care in Period 20.

PART SIX – STRENGTHENING THE SERVICE DELIVERY INFRASTRUCTURE

Several of the Consent Decree requirements focus on DHS/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 part reports on the progress of the State in meeting Outcomes 25, 26 and 31 as well as capacity requirements.

Oversight of Placement Settings

Outcome 25 - Approved Placement Settings for Children

Outcome 25 stipulates that, “By the end of the tenth reporting period, at least **98 percent** of all foster placements serving class member children shall be in full approval and/or licensure status. Measurement of performance is based on the entire universe of out-of-home care placements subject to a DHS licensure or approval process. In computing this percentage, each placement shall be weighted by the approved and/or licensed capacity of that placement.”⁶¹

State Performance

- ***The State Did Not Meet the Outcome 25 Threshold***

At the end of Period 21, 748 of 826 placements subject to a DHS approval or licensure process were in full approval and/or licensure status. These placements had an approved or licensed capacity of 3438 children while the capacity of all placements with a child in care on June 30, 2016 was 3588 children; yielding an Outcome 25 measurement of **95.8 percent**. State leadership has set a goal of placing 50 percent of children in fully approved relative homes. However, the State continues to struggle with getting relative placements fully approved. In Period 21, only 68.3 percent of relative placements were in full approval/licensure status on the last day of the period which was similar to Period 20. Thus, figuring out the barriers to getting relatives approved will be essential. Additional detail on this measurement appears in the following chart, followed by a graph that displays the State’s performance over the past 12 reporting period.

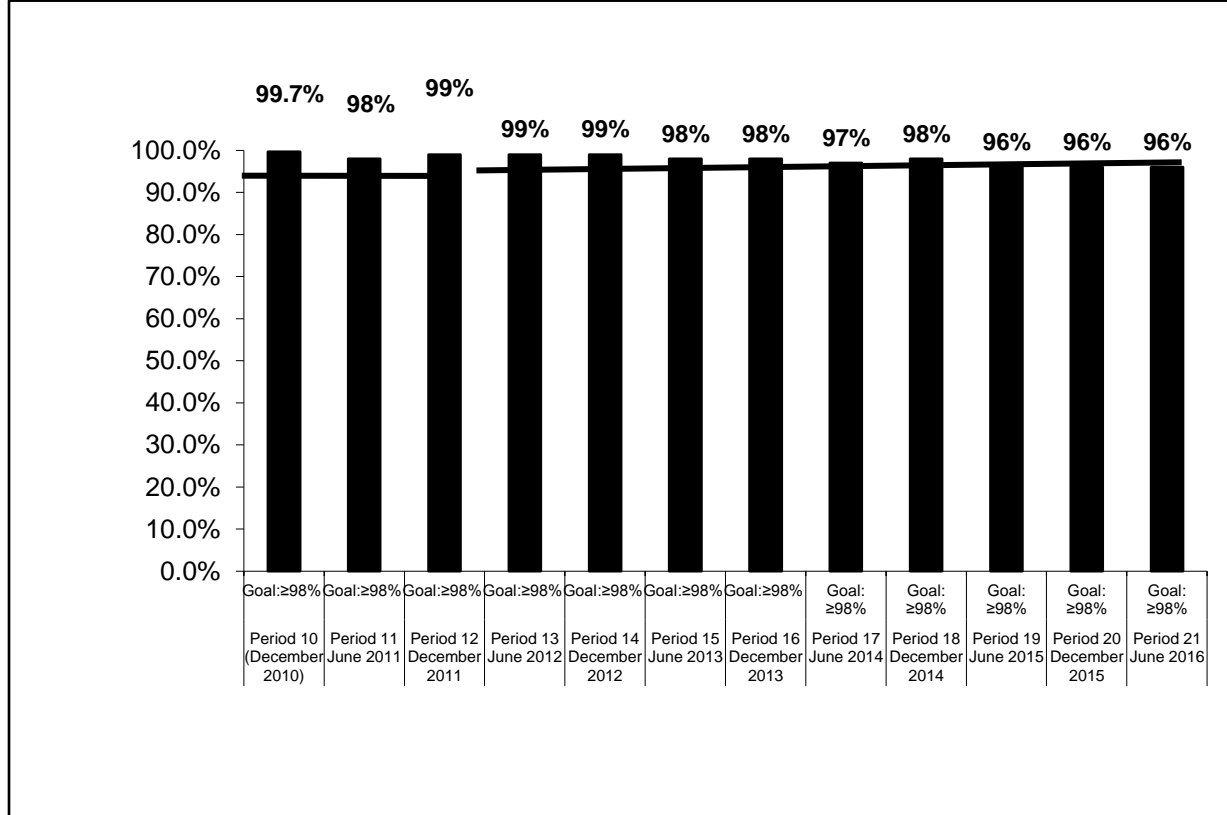
⁶¹ See p. 4, *Kenny A. v Perdue*, Stipulated Modification of Consent Decree, 1:02-CV-01686-MHS, effective November 22, 2010.

Outcome 25 – Placements in Full Approval Status

Placement Type	Number of Placements with a Class Member in Care on 6/30/2016	Number of Placements with a Class Member in Care on 6/30/2016 that were in Full Approval Status	Overall Capacity of Placement Settings with a Class Member in Care on 6/30/2016	Capacity of Placements with a Class Member in Care on 6/30/2016 that were in Full Approval Status	Capacity of Placements in Full Approval Status as a Percentage of Overall Placement Capacity
Relative Placement	221	154	360	246	68.3%
DFCS - supervised Foster Home	104	101	246	235	95.5%
Provider - supervised Foster Home	387	379	1044	1019	97.6%
Child Caring Institution	114	114	1938	1938	100%
Total	826	748	3588	3438	95.8%

Data source: SHINES

**Twelve Reporting Periods of State Performance on Outcome 25
Children Placed in Settings that are in Full Approval and/or Licensure Status**



Periods 9: Percent of Children in Placements in Full Approval Status/Periods 10-21: Percent of Placements in Full Approval Status

Sources - Periods 8-9: Placement file reviews, Georgia's ICPC records, child placing agency records, and SHINES; Periods 10-19: SHINES.

Outcome 31 – Foster Home Capacity Limits

Outcome 31 stipulates, “By the end of the tenth reporting period and continuing thereafter, no more than **ten percent** of all foster family home placements serving class member children at any time during the reporting period shall exceed the capacity limits referenced in Section 5.C.4.e. of this Consent Decree...”^{62,63} The measurement is based on the entire universe of family foster homes that had a class member child in care on the last day of the reporting period.

⁶² See p. 4, *Kenny A. v. Perdue*, Stipulated Modification of Consent Decree, 1:02-CV-01686-MHS, effective November 22, 2010.

⁶³ 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.” See p. 16 of the Consent Decree.

State Performance

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

Of the 962 family foster homes that had a child in care at any point during the period January 1 to June 30, 2016, 491 (51%) continued to have one or more children placed in them on June 30, 2016. Five of these 491 foster homes (**1.0%**) exceeded the Consent Decree's capacity limits. The chart below provides additional information regarding these homes, followed by a graph of the State's performance over the past 12 reporting periods. This is the 21st consecutive period in which the State has surpassed the ten percent threshold.

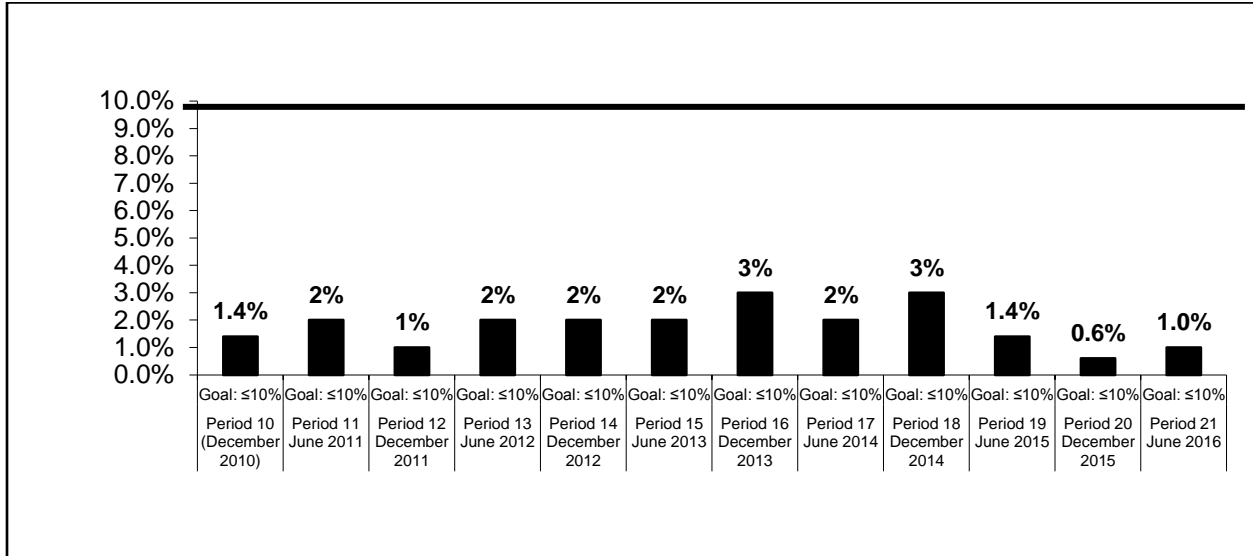
Outcome 31 – Foster Homes Exceeding Capacity Limits

N = 491

	Placement Type	Foster Homes with One or More Children in Care at Any Time During Period 21	Foster Homes with One or More Children in Care on 6/30/2015	Foster Homes with > 3 Foster Children on 6/30/2015	Foster Homes with ≥ 6 Children in Total on 6/30/2015	Number of Foster Homes with > 3 Foster Children and/or ≥ 6 Children in Total on 6/30/2015	Percent of Foster Homes with > 3 Foster Children and/or ≥ 6 Children in Total on 6/30/2015
DFCS & Relative FHs	DFCS - Supervised Foster Homes	168	104	1	0	1	1.0%
CPA Homes	Provider Supervised Foster Homes	794	387	3	1	4	1.0%
	Total	962	491	4	1	5	1.0%

Data Source: SHINES

**Twelve Reporting Periods of State Performance on Outcome 31
Children are Not in Foster Homes Exceeding Specified Capacity Limits**



Periods 8-9: Percent of Children in Placements in Full Approval Status/Periods 10-21: Percent of Placements in Full Approval Status

Caseloads and Supervisory Ratios

The Consent Decree establishes caseload caps for five primary types of case managers responsible for direct interventions with children and families.

Case Manager Types and Respective Caseload Caps

Case Manager Function	Responsibility	Caseload Cap
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 Family Support services.	12 cases (the equivalent of 12 families)
Family Preservation (Child Protective Services On-Going) Case Managers	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 ⁶⁴	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)

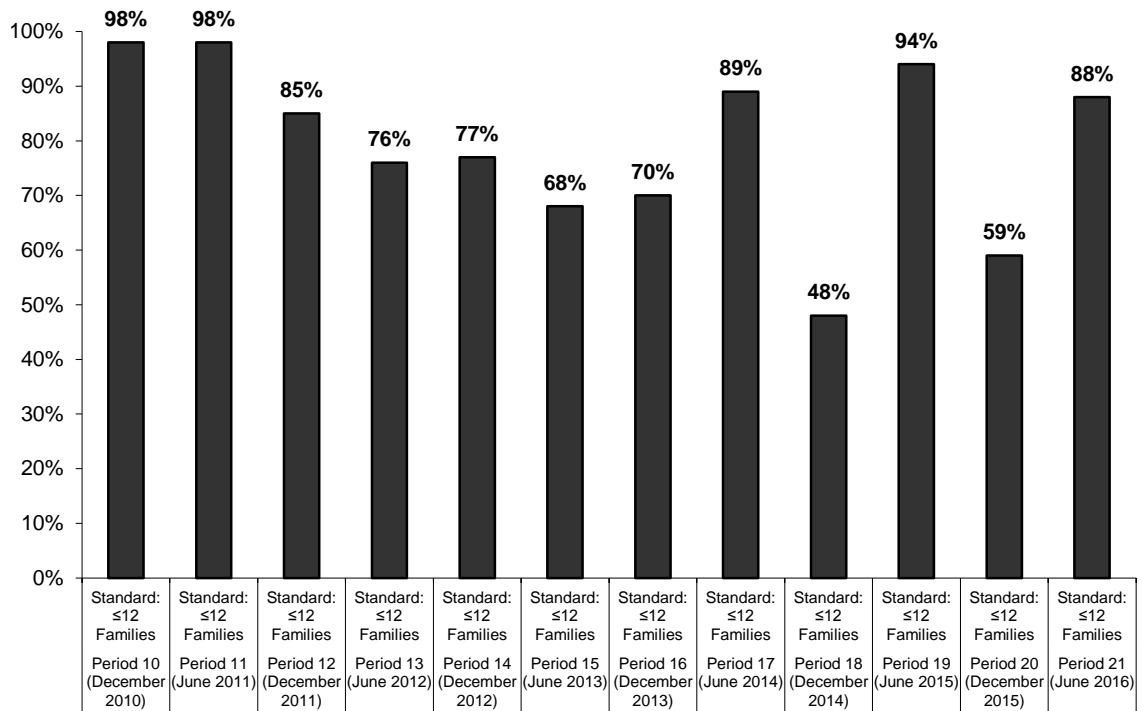
⁶⁴ The state has designated "placement" case managers as "permanency" case managers to emphasize their primary purpose is to promote permanency in the lives of children.

Case Manager Function	Caseload Cap: Number of cases (families and children)			Actual Performance				
		Number of Active Staff on 6/30/16	Number of Active, On-leave Staff on 6/30/16	Meeting Caps on Assigned Caseload		Not Meeting Cap On Assigned Caseload		Cases Assigned to Workers On Leave/ Supervisors
				Number	%	Number	%	Number
CPS Investigations	12 families	64	0	56	88%	8	12%	96
Family Preservation	17 families	29	0	29	100%	0	0%	3
Permanency Case Manager	15 children	63	0	22	35%	41	65%	2
Specialized Case Manager	12 children	30	0	12	40%	18	60%	0
Adoption Case Manager	16 children	*	0					
Total	0	186	0	119	64%	67	36%	101

During Period 21 CPS caseloads continued in a volatile pattern. In Period 17, 89 percent of caseloads met the cap. This decreased to 48 percent in Period 18, increased to 94 percent in Period 19, decreased to 59 percent in Period 20 and increased again to 88 percent in Period 21. This pattern may indicate that the strategies currently being implemented are not sustainable. The Robust Workforce work group will need to do further data analysis, as part of its continuous quality improvement process. The Family Preservation caseloads seem to be in a more stable improvement pattern after experiencing all time low performance in Periods 18 and 19. However, Permanency caseloads seem to have an inverse pattern with all-time low performances in Periods 20 and 21. This may indicate that the strategy of “borrowing” workers from other units to cover cases does not net overall improvement.

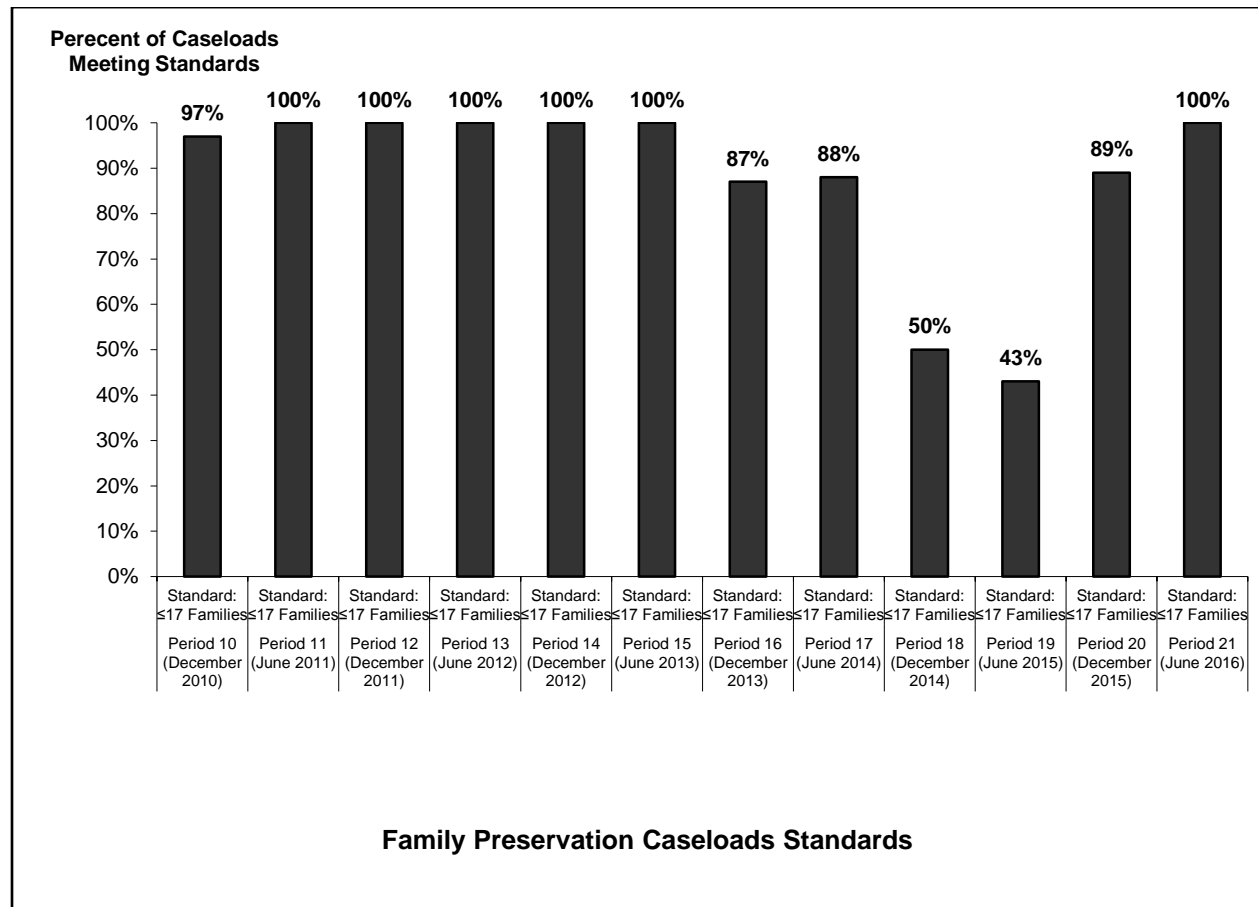
The State’s performance for CPS Investigations caseloads seemed to increase significantly from 59% in P20 to 88% in P21. However, 96 cases were assigned to on leave workers or supervisors. During the next review period, MTAT will work closely with the state to understand what this means and what work is actually occurring while cases are in this status.

**Percent of Caseloads
Meeting Standards**

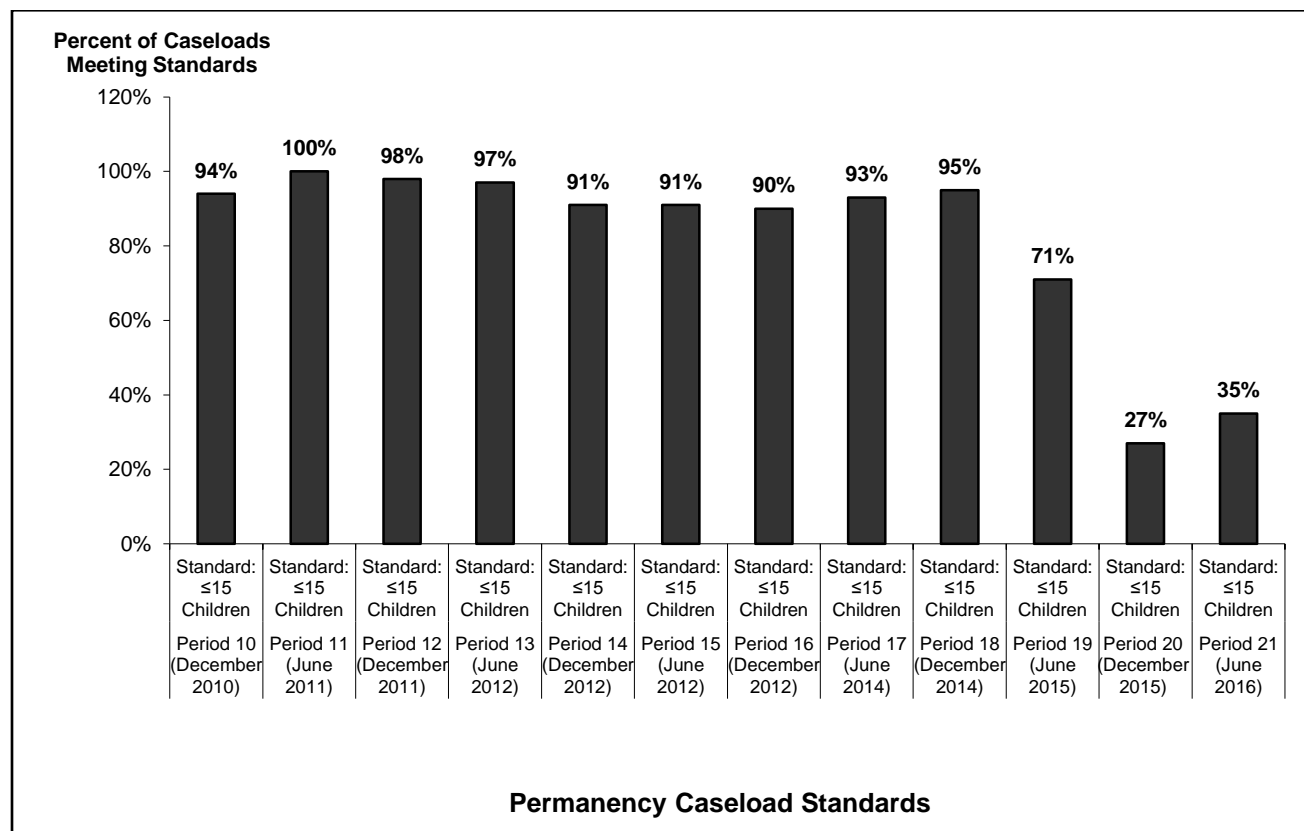


CPS Investigations Caseload Standards

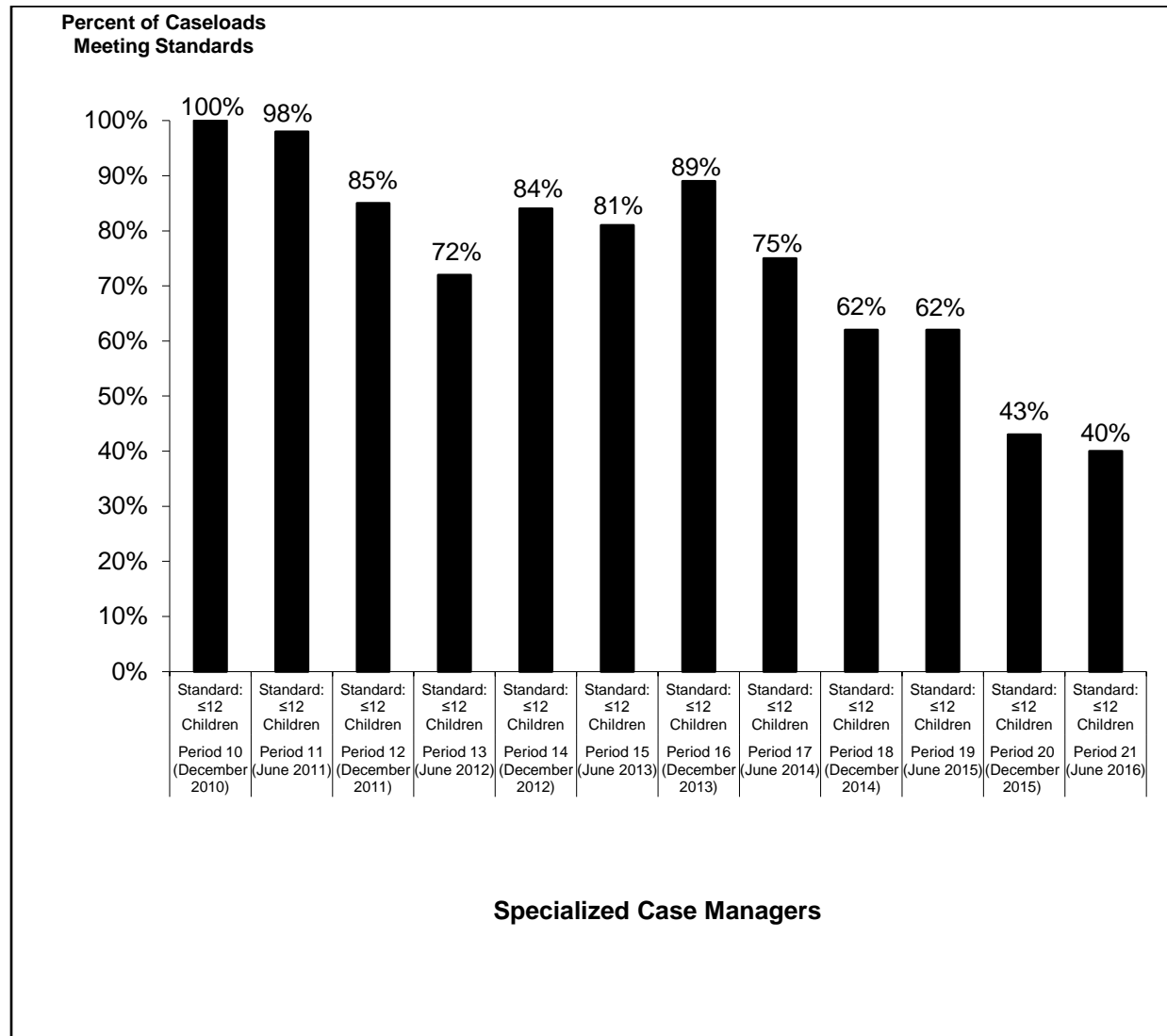
The State greatly improved its performance for Family Preservation Caseloads from 89 percent in Period 20 to 100% in Period 21.



During Period 21, the State's ability to maintain caps on permanency caseloads increased slightly from 27 percent in Period 20 to 35 percent. This is still significantly lower than the 95 percent performance during Period 18.



The State's performance for Specialized Caseloads meeting the required cap slightly declined from 43 percent in P20 to 40 percent in P21.



Supervisory Ratios

In addition to caseload caps, the Consent Decree establishes supervisory ratios. Each supervisor should supervise no more than five case managers at any one time. During Period 20, 90 percent of supervisors met the 1 to 5 ratios required under the Consent Decree. The Period 21 performance of 79 percent is a significant decrease. MTAT will work closely with the Robust Workforce work group to understand the reasons for this decrease.

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)	19	16	84%	3	16%
Permanency Case Managers* (Regular and Specialized caseloads) (Includes Adoption)	19	14	74%	5	26%
Total	38	30	79%	8	21%

Source: Verified State Data

Maximizing Federal Funding

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. For children who entered care on or after October 27, 2005, judicial determinations that leaving children in their homes would be "...contrary to the welfare..." of the children 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. If either of these requirements are not met the State cannot claim federal Title IV-E reimbursement for the child's care the entire time the child is in custody even though the child's family meets the Title IV-E income test. All children in State custody after the Consent Decree's effective date should have a permanency hearing at least every 12 months with the appropriate language about the State's "*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. The State cannot claim federal reimbursement for the period of the gap.

a. Interpretation and Measurement Issues

Performance for this measure is based on a record review of a sample of 92 children in foster care.⁶⁵

Most of the children (73 of 85 or 86%) in the sample who entered foster care during the period had court orders from a shelter care order or 72-hour hearing containing the required IV-E language that it would have been contrary to their welfare to remain at home with their parents or caregivers.

Of those 85 children, 61 of them remained in foster care for 60 days or more. Almost all of those children (59 of 61 or 97%) had judicial determinations that reasonable efforts were made to prevent their removal from their parents or caregivers.

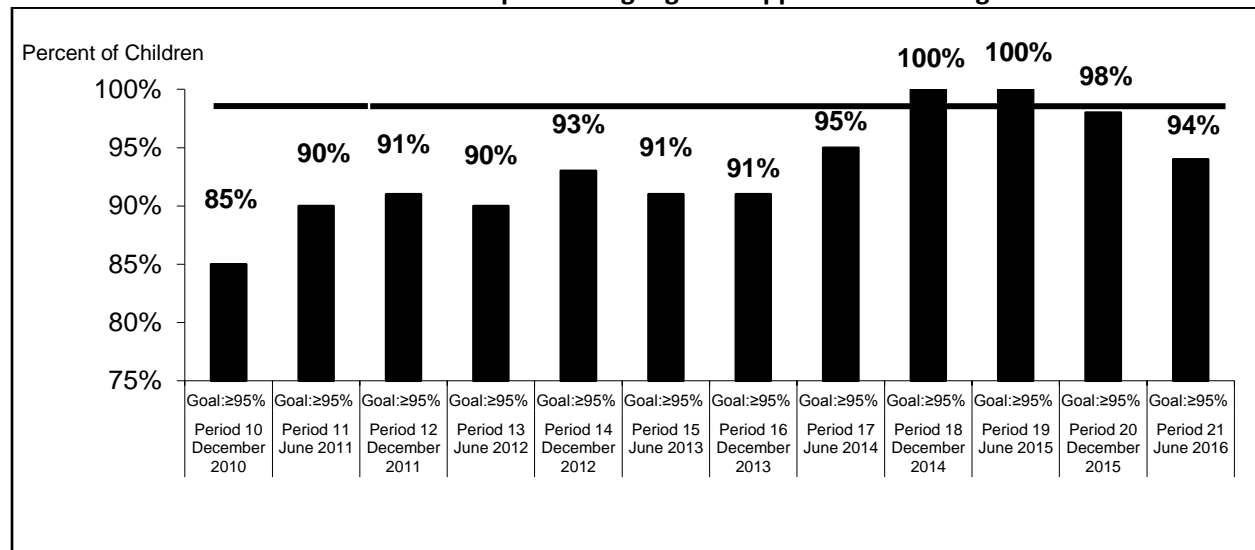
State Performance

- ***The State Surpassed the Outcome 26 Threshold.***

⁶⁵ See pp 36-37, Outcome 26 of the Consent Decree.

Of the 200 judicial determinations during the period, 188 (94%) of them contained the appropriate IV-E language.

**Twelve Reporting Periods of State Performance on Outcome 26
Court Orders Contain Required Language to Support IV-E Funding Claims**



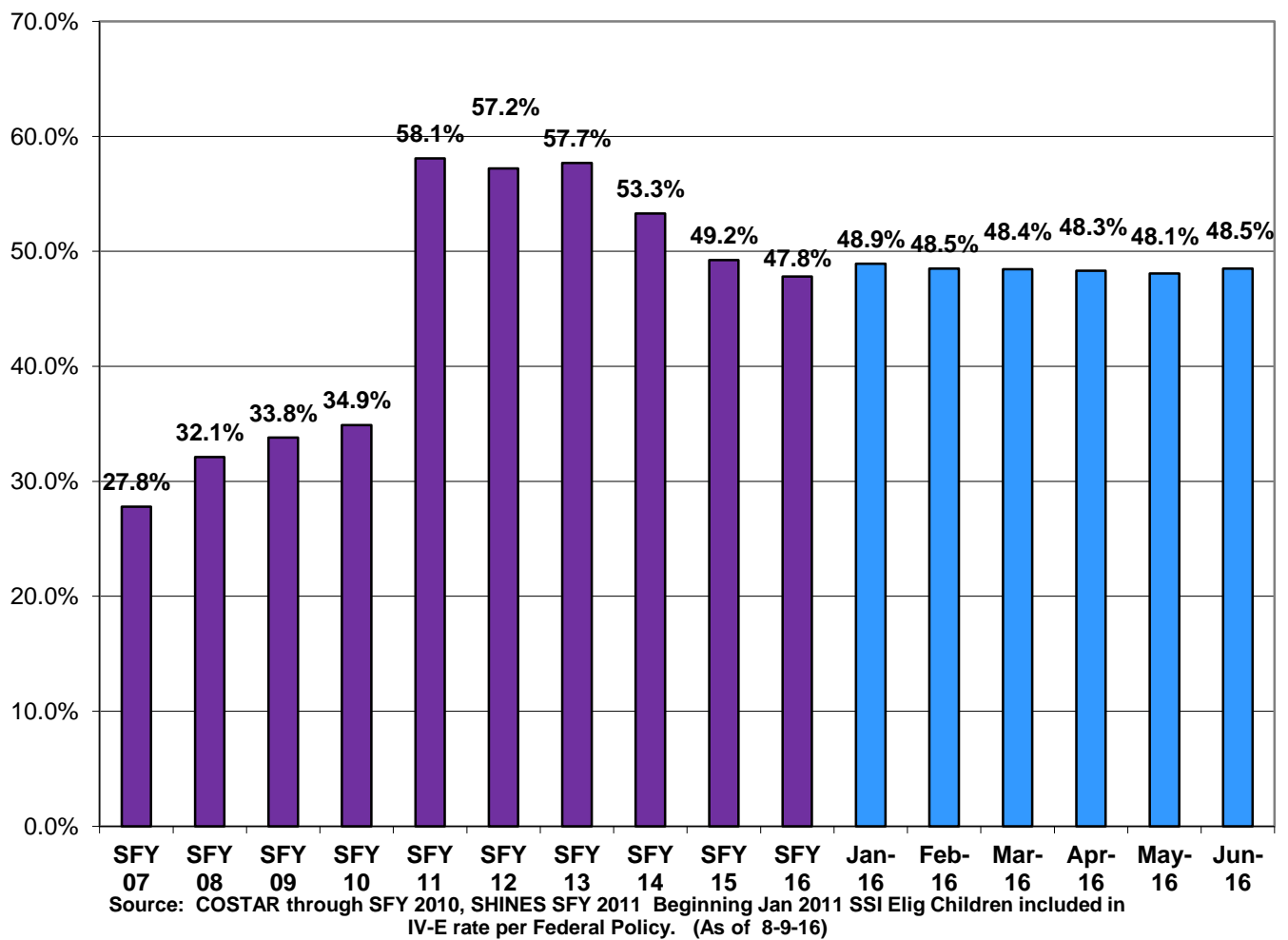
Source: Review Period Foster Care Case Record Reviews, July 2010 – June 2016.

State IV-E Penetration Rates

The ability of the State to claim federal reimbursement of foster care expenditures is referred to as the “IV-E penetration rate.” The higher the rate, the more reimbursement the State can claim from the federal government to cover the costs associated with providing safe and stable placements.

The State’s penetration rate in Period 21 was approximately **49 percent**, similar to the rate for SFY 2015.

State IV-E Penetration Rates



Appendix A

Selected Characteristics of the Children in the Custody of DeKalb and Fulton Counties

This appendix provides some additional information about the 1480 children in the custody of DeKalb and Fulton counties on June 30, 2016. The information is reported by the State and has not been independently verified by the Accountability Agents.

Gender of Children Remaining in Custody on June 30, 2016

N=1480

Gender	Percent of Children
Male	52%
Female	48%
Total	100%

Source: Georgia SHINES

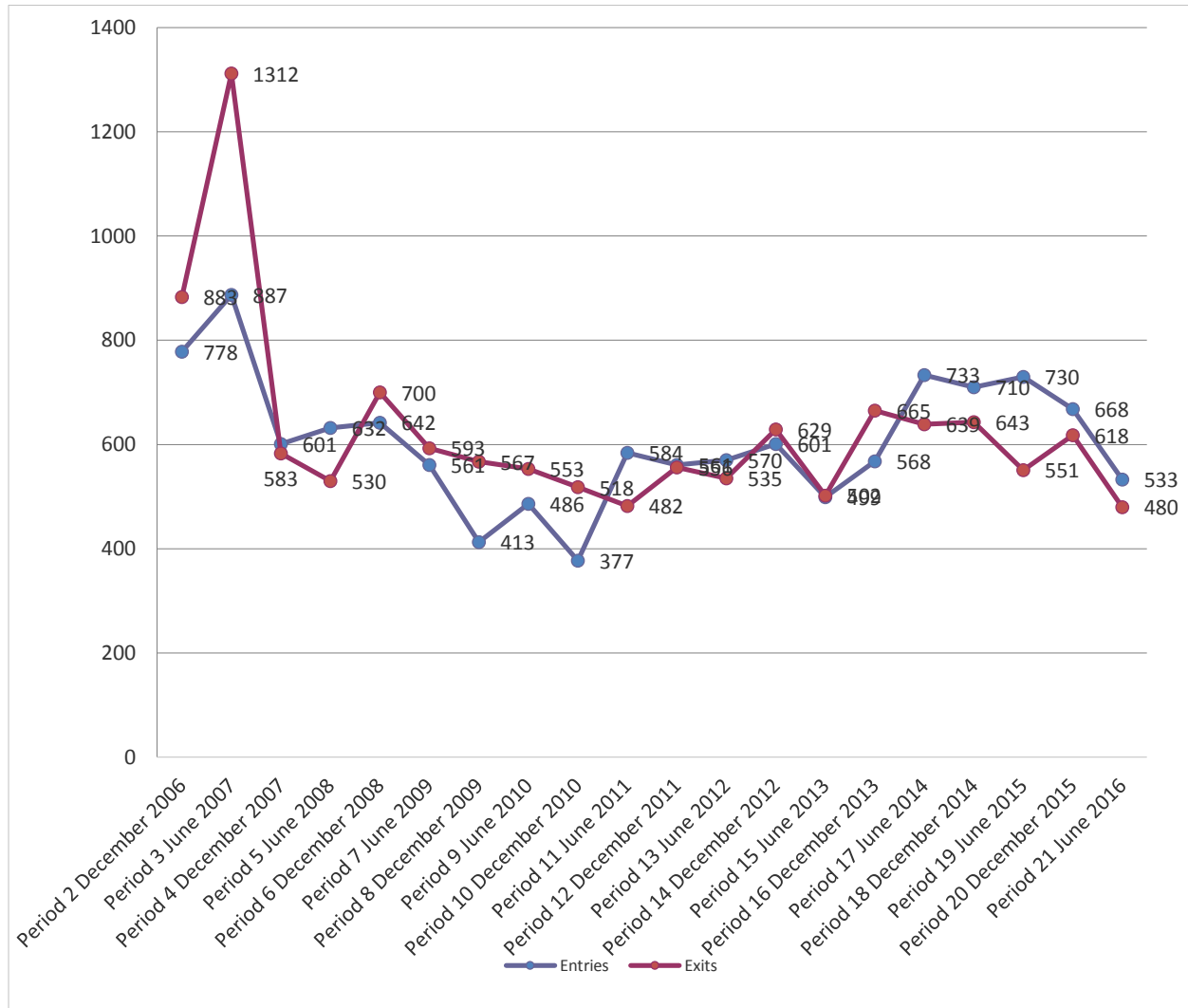
Age of Children Remaining in Custody on June 30, 2016

N=1480

Age Group	Percent of Children
Ages 0 to age 3 years	24%
Ages 3 to 6 years	18%
Ages 6 to 10 years	21%
Ages 10 to 13 years	8%
Ages 13 to 16 years	17%
Ages 16 to 17 years	13%
Total	100%

Source: Georgia SHINES; User Defined Report.

Number of Children Entering DeKalb and Fulton Custody since July 1, 2006 **in Six-Month Increments***



Source: IDS and SHINES: *An additional 294 children entered between October 27, 2005 and December 31, 2005.

*Periods prior to Period 11 (January –June 2011) include youth under the age of 18 placed voluntarily in DFCS as well as those adjudicated into custody

Appendix B

Data Sources and Methodology for Measuring State Performance in Reporting Period 21

The Accountability Agent and the Monitoring and Technical Assistance Team (MTAT) used several methods to arrive at the judgments, conclusions and recommendations contained in this report: (1) review of written materials and data supplied by the State and counties; (2) interviews; (3) extensive case record reviews; and (4) strategic engagement of State and county personnel for pro-active, hands-on monitoring through bimonthly meetings known as G2 meetings. This appendix describes these data sources and methods.

Four primary sources of information were used to assess the State of Georgia's progress during Period 21, January to June 2016. The challenge for data collection and analyses in Period 21 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. The timeliness of scanning external documentation into SHINES is improving but record reviews still generally need both the paper documentation and SHINES access to complete all data collection.

1. State Data System – SHINES

The first source of information is the DFCS administrative data housed in Georgia SHINES.

Like all information systems, the accuracy of SHINES data is a function of the accuracy with which data put into the system. Most of the identified discrepancies were 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 entered into the system.

2. Document Review and Interviews

During the monitoring period, the Accountability Agent and the Monitoring and Technical Assistance Team collected written reports and materials including, but not limited to foster care and adoption policy, provider reporting and the use of hotels. At the local county level, interviews were conducted primarily with county leadership. At the state level, interviews were conducted with top leaders, members of the Knowledge Management Team, Kenny A. leads, and persons responsible for training and education, quality assurance and provider management.

3. Structured Case Record Reviews

A third source of information are structured case record reviews. Four case record reviews were conducted: 1) all investigations of maltreatment-in-care during the period; 2) foster home approval and capacity, 3) children in foster care placements who entered foster care at any time up to June 30, 2016, and 4) children in foster care placements during the period. The chart below summarizes sample characteristics of each review. The following discussion provides more detail on the sampling approach, review instrument design, review logistics, reviewer qualifications and training, quality assurance, and analytical processes.

a. Sampling Approach

As indicated in the chart below, 100 percent of the investigations of maltreatment-in-care completed between January 1 and June 30, 2016 were read. Therefore, observed differences in these results do not reflect sampling error.

For the three other case record reviews, random samples were drawn from two different universes:

- All foster homes that had a DeKalb or Fulton child placed in the home at any time between January 1 and June 30, 2016. This included private agency supervised homes as well as DFCS supervised homes.
- All foster care cases (children) active in DeKalb and Fulton counties anytime between January 1 and June 30, 2016.
- All foster care cases (children) active in DeKalb and Fulton counties who entered foster care after January 1, 2016 and remained at least 60 days.

For each of these reviews, samples were drawn such that the findings would have no more than a +/- 10% error rate at a 95% confidence level. This sampling methodology was determined to be a reasonable estimation of performance and agreed upon for this streamlined evaluation period.

Target of Review	Universe of Cases	Desired Sample Size	Actual Number of Cases Reviewed	Confidence Level and Margin of Error
Investigations of Maltreatment in Care	112	100% of maltreatment in care investigations during period	112	Not Applicable
Foster Homes	730	82	82	95% Confidence Level Margin of Error +/- 10 percent
Children in Foster Care who entered Foster Care any time before June 30, 2016	1910	92	92	95% Confidence Level Margin of Error +/- 10 percent

b. Instrument Design

Four separate data collection instruments were used, one for each review. They have been developed over time in conjunction with the DFCS Program Evaluation and Analysis Section 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.

c. Data Collection Schedule and Logistics

Planning for the data collection effort began with discussions with DFCS 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 database through a GSU secure web site. This eliminated a separate data entry step.

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

DFCS staff persons were the primary case readers. These staff members have many years of experience in DFCS and are very familiar with the DFCS's policies and practices. They have been selected over the years for this task based on their skills, experience, and knowledge.

There were training session before commencing these reviews. 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.

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 DFCS reviewers were designated team leaders. They were responsible for responding to reviewer questions regarding clarification or how to interpret information contained in the record and consulting with the Accountability Agent and MTAT when necessary. These team leaders shared with one another the questions being asked and the responses they were giving to reviewers 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. 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.

The Georgia State University (GSU) project coordinator and several research assistants with master's degrees in social work or a related field and backgrounds in child welfare and case record review provided an additional level of Quality Assurance (QA). The GSU QA team reviewed 33 percent of the case records reviewed. Review guides that had different responses from the GSU QA staff and the PEAS reviewers were set aside, investigated and resolved as possible by the GSU project coordinator and PEAS team leaders and changes were made to the data set as necessary. 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 Cronbach's Alpha to determine 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 were between .91 and .99. All measures were above the threshold of .70.

f. Data Analysis

Microsoft Excel and SAS software were used for analyzing the collected data and calculating inter-rater reliability. GSU staff assisted in creating descriptive statistics for the Accountability Agent and Monitoring and Technical Assistance Team.

4. Meetings with the management teams of Fulton and DeKalb County DFCS (G2)

The Accountability Agents met once or 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.