

August 2017

Child Welfare Update

State Making Progress, But Quality Performance Measures Still Elusive



Federal Monitor Reports on Progress

On July 19, the court-appointed monitor presented her [latest report¹](#) to the Honorable Stanley Chesler, the federal judge overseeing the reform of New Jersey's child welfare system as a result of the class action lawsuit, *Charlie and Nadine H. v. Christie*. Judith Meltzer, Deputy Director of the Center for the Study of Social Policy (CSSP) explained that the state maintained the 20 performance measures previously achieved and reached the targets for four additional performance measures, including stability of foster care placements, rates of maltreatment of children after returning home, and educational, employment and housing outcomes for older youth exiting foster care without a permanent home. Of the remaining 12 performance measures not yet achieved, the state came close to meeting targets in several other areas.

Although the monitor was encouraged by the state's continued progress, the Department of Children and Families (DCF) is still missing the mark in several key quality measures related to engaging parents and the quality of case planning, which are essential components of good case work and fundamental to the implementation of DCF's case practice model. The case practice model defines "[who the agency serves, the expected outcomes of these services, and the guiding principles and expectations of the organization.](#)"²

How did we get to this point?

Phases of reform

Phase I of New Jersey's reform effort focused on building infrastructure within the newly created Department of Children and Families (DCF) and implementation of DCF's case practice model. The monitor worked with state officials and Marcia Robinson Lowry, the attorney who filed the lawsuit, to create performance measures with baselines, interim performance benchmarks and final targets to assess the state's performance on meeting the requirements of the 2006



[Modified Settlement Agreement \(MSA\)](#).³ The performance measures focused on in Phase I included such indicators as caseload sizes, training of staff and recruiting of foster homes, now called resource family homes. Phase II focused on the state's ability to reach and maintain defined performance levels that reflect a healthy child welfare system, which protects children who are brought to the attention of the child protection agency, provides the services to meet their health, mental health, developmental, and educational needs, engages parents to help address the problems which caused state involvement and ensures that these children are safely returned to their parents or placed into other permanent homes in a timely manner.

On November 4, 2015, the federal court approved a [Sustainability and Exit Plan \(SEP\)](#)⁴ which modified the MSA, changing some of the performance measures to give DCF more flexibility to meet the targets. Through the SEP, DCF sought to sustain its current infrastructure and to focus more attention on the foundational elements of a healthy child welfare system. A total of 48 indicators were identified and placed into two categories "to be maintained" and "to be achieved".

Giving Every Child A Chance

How did the SEP change the monitoring system?

In November 2015 there were 36 performance measures in the “to be achieved” category, which meant that DCF’s performance related to that measure had not yet reached the agreed upon standard. Once the state meets a performance measure for six months, the measure is moved to the “to be maintained” column, which included 12 performance measures when the SEP was approved. The monitor continues to review DCF data to verify the state’s continued compliance for all “to be maintained” measures, but does not have to verify the state’s performance as long as required standards continues to be met.

Take, for example, the health of children involved with the Division of Child Protection and Permanency within DCF, formerly the Division of Youth and Family Services or DYFS. As of November 2015 when the SEP was approved, DCF was reporting on eight separate indicators that the monitor independently verified. Because DCF had successfully met the benchmark indicators for a significant period of time, the health indicators were moved into the “to be maintained” category. DCF now reports on whether DCF is maintaining health units within the local offices. Data on individual indicators do not have to be shared with and verified by the monitor on a regular basis.

The monitor continues to receive data on the indicators in the “to be achieved” category every 6 months. Once DCF demonstrates that it has achieved compliance with the SEP for a continuous period of at least 12 months, the state can seek an end to federal oversight. The 2006 Modified Settlement

Agreement required the state to substantially meet the benchmarks for 2 years before it could seek to end federal oversight.

DCF’s Case Practice Model advances a strengths-based, family-centered, and child-focused approach with the goal of ensuring the safety, permanency, and well-being of children and families. There are six key areas to implementing the model: (1) quality investigation and assessment; (2) engaging youth and families; (3) working with family teams; (4) individualized planning and relevant services; (5) continuous review and adaptation; and (6) safe and sustained transition from DCF involvement. To better assess the state’s progress in handling child protection, ACNJ examined the SEP measures which we believe are vital to the successful implementation of the Case Practice Model. The following is ACNJ’s assessment.

Investigating Abuse and Neglect: Child Safety

Risk assessments are the essential first step in ensuring children’s safety and well-being. Timely and thorough risk assessments are necessary for caseworkers to properly identify the challenges facing a family and work towards an appropriate solution. DCF has reached four performance measures related to investigations and risk assessments completed prior to cases being closed during the prior monitoring periods. During the most recent monitoring period, the 0.11 percent rate of substantiated cases of abuse and neglect of a child by a resource parent remained below the 0.49 percent target, meeting the SEP standard. These performance measures were moved into the “to be maintained” column.

Investigating Abuse and Neglect: Child Safety

	SEP Standard	December 2015	June 2016	December 2016	Met SEP Standard?
Timeliness of abuse/neglect investigation (60 days)	85%	83%	86%	84% (Nov. '16)	Yes
Quality of abuse/neglect investigation	85%	78%	83%	N/A	No
Safety/risk assessments conducted during initial investigation	98%	100%			Yes
Safety/risk assessments conducted prior to case closing	100%	100%			Yes
Abuse/neglect in foster care	0.49%	0.16%	N/A	0.11%	Yes

The state made progress in the quality performance measure, in that the percentage of investigations determined to meet the quality standard went from 78 percent to 83 percent, just shy of the SEP target in this area.

Engaging youth and families

Family Team Meetings (FTMs) provide the opportunity for enhanced collaboration and communication as families work to address the challenges they face. The goal is to bring family members, formal and informal supports, and providers "together to exchange information, participate in case planning, coordinate and follow up on services and examine and solve problems."⁵ Despite progress in holding FTMs, DCF continues to fall short in meeting the quality requirements for FTMs. Only 49 percent of the FTMs held met the minimum quality standards during the last monitoring period, down from 51 percent in the prior period. The target is 75 percent.

Case plans are also important in ensuring children's safety and well-being. Carefully crafted case plans are essential for

families to successfully identify and access needed services and resources. DCF continues to meet the performance standards for the timeliness of initial case plans and case plan modifications. However, the quality of case plans is far from meeting the SEP required standard. Only 49 percent of cases met the minimum quality standard during the last monitoring period, a percentage far below the 80 percent SEP requirement and lower than the level reached during the two prior monitoring periods.

The elements of an acceptable quality case plan include: the involvement of families in the case planning process, evidence that the child and family's needs are appropriately addressed in the case plan, and the continued development and adjustment of different services and interventions when necessary. The quality measures are assessed through a document review, service review and interview process with different stakeholders in the case, including: parents, family members, teachers, doctors, resource parents, caseworkers and the children when appropriate.

Engaging Families

	SEP Standard	December 2015	June 2016	December 2016	Met SEP Standard?
Initial FTM	80% within 45 days	85%	75%	84%	Yes
3 or more FTM within first 12 months of placement	80%	77%	86%	74% Temp decline	Yes
FTM quality	75%	40%	51%	49%	No
Initial case plan timeliness	95% within 30 days	88-100%	96%	95%	Yes
Ongoing case plan modifications completed	95%	97%	96%	96%	Yes
Case plan quality	80%	53%	51%	49%	No

Supervising children and families and family visitation

The federal monitor wrote in her report that “[v]isitation between children in foster care and their workers, parents and siblings is critical to protecting children’s safety, strengthening family connections and improving prospects for permanency in accordance with DCF’s [Case Practice Model].”⁶ The Monitor’s report showed that state child welfare workers continue to improve the frequency of visits with children living in foster care and with parents and family members. The state met the revised caseworker initial child visitation requirement in November 2015, 94 percent of children had at least twice per month face-to-face contact with their caseworker within two months of entering placement. While this performance was not maintained each month between July and December 2016,

(range of 89-94 percent) the monitor determined this to be a temporary decline in performance and still “within an acceptable range.”

The state exceeded the SEP standard for caseworkers visits with children in ongoing placements. Ninety-eight (98) percent of children in placement had at least one caseworker visit per month. While the CP&P’s performance in meeting the revised caseworker-parent visitation standard continues to improve, the 90 percent target has not yet been met; as of December 2016, 81 to 86 percent of parents with a reunification goal had twice monthly face-to-face contact with their caseworkers. This performance standard excludes cases in which in the parent is unavailable or the visit is not required.

Supervising Families and Children: Caseworker Visits with Children and with Parents

	SEP Standard	December 2015	June 2016	December 2016	Meet SEP Standard?
Caseworker visits (2/month during first 2 months)	93%	90-95%	91%	93%	Yes
Caseworker ongoing child visits (at least 1/month)	93%	95-97%	96%	98%	Yes
Caseworker 2 visits per month with parents when goal is reunification and parent available	90%	76-80%	74%	84%	No

Supervising Families and Children: Parent & Child Visits; Sibling Visits when Living Apart

	SEP Standard	December 2015	June 2016	December 2016	Meet SEP Standard?
Parent/child weekly visits; reunification goal and no court order prohibits visits	60%	73-81%	82-87%	82-87%	Yes
Parent/child visits; (2/month) reunification goal and no court order prohibiting visits	85%	85-90%	86-89%	94-96%	Yes
Sibling visits when not placed together (1/month)	85%	85%	71%	76%	No

Foster Care Placement

In her report, the monitor recognized that “[a]ppropriate, stable placement for children in foster care is critical to safety and well-being, and maintenance of family bonds.”⁷ The state continued to meet the standard for placing children in family settings and providing children with appropriate foster care placements. The most recent reporting period is the first time that DCF has met or substantially maintained all of the SEP performance measures related to foster care placement; placing siblings together and minimizing the number of foster care placements.

DCF continues to recruit foster homes that can accommodate large sibling groups. The monitor reports that as of December 2016, DCF had 85 foster homes for large sibling groups; 27 that could accommodate five or more children and 58 homes that could accommodate four children.

Child Safety

A primary goal of the child welfare system is to ensure children’s safety and well-being. With lower rates of abuse and neglect in foster care and lower rates of repeat maltreatment in in-home cases, the state has made progress in keeping children safe. The rate of repeat maltreatment for children who remain at home after an allegation of abuse or neglect was substantiated was 6.5 percent for calendar year 2015, the most recent data available, exceeding the SEP requirement. And for the first time, DCF met the SEP performance standard for maltreatment post-reunification. In calendar year 2013 (the most recent calendar year available), 6.5 percent of the 2,153 children who exited foster care to be reunified with a parent or relative were victims of abuse and/or neglect within 12 months of their return home.

However, for children who enter foster care for the first time and who are discharged within 12 months to reunification, living with a relative or guardianship, 12 percent re-entered

Foster Care Placement

	SEP Standard	CY 2015	CY 2016	Met SEP Standard?
Placement of Siblings together				
Placing siblings together (2-3)	80%	79%	78%	Yes
Placing siblings in a group of 4 or more with at least one other sibling	80% with at least 1 other sibling	87%	84%	Yes
Stability of Placements	SEP Standard	CY2014	CY2015	Met SEP Standard?
Placement stability (no more than 1 placement change in first 12 months in foster care)	84%	82%	84%	Yes
Placement Stability (no more than 1 placement change during the 13 to 24 months following entry)	88%	95%	N/A	Yes

Child Safety

	SEP Standard	December 2015	December 2016	Met SEP Standard?
Repeat maltreatment, in-home cases	7.2%	6.5%		Yes
Repeat maltreatment, post reunification	6.9%	7.7% for CY 2012	6.5% for CY 2013	Yes
Re-entry into foster care	9%	11.5% for CY 2013	12% for CY 2014	No

care within 12 months of their discharge. While DCF has made progress since 2007 when 17 percent of these children were re-entering foster care, the state has still not met the target performance standard which is 9 percent.

Permanent Homes for Children

A safe, permanent home is essential to a child's well-being. This can be achieved through reunification with parents, adoption or kinship legal guardianship. There are four SEP standards related to achieving permanency for children living in foster care. The SEP revised previous MSA permanency measures to assess permanency within 12, 24, 36, and 48 months of entering placement.

For the first time, the division met the SEP target that 42 percent of children are discharged to permanent homes within 12 months of entering foster care. Sixty-five percent of children achieved permanency within 24 months of entering care, which was just shy of the SEP performance standard of 66 percent.

Seventy-eight percent of children entering foster care in calendar year 2013 were discharged to a permanent home within 36 months of those children entering foster care; the SEP target performance is 80 percent. And of the children who entered foster care during 2012, 85 percent were discharged to permanency within 48 months, again almost meeting the meeting the SEP performance target of at least 86 percent.

What's Next?

While the state has made significant progress in several key areas of child protection, there is still much work to do to ensure that all children, whenever possible, are living safely at home with their families. It is unclear why the case practice changes have failed to take firmer hold, despite extensive training of staff and other initiatives designed to change the culture of case practice at the DCF.

Making further progress will require a public discussion with those involved in the child protection system to explore ways that we can collectively advance the goal of strengthening families, protecting children and meeting what is, arguably, the state's most important responsibility—safeguarding children from abuse and neglect. To that end ACNJ will be distributing a survey to gather feedback from the professionals and volunteers who work with children and parents involved with New Jersey's child protection system, as well as the families themselves. We hope you will share your experiences and thoughts.

Please contact Mary Coogan from ACNJ at mcoogan@acnj.org for further information or if you have questions.

Endnotes

- <https://www.cssp.org/publications/child-welfare/new-jersey-charlie-and-nadine-h-v-christie/document/Charlie-and-Nadine-H.-v.-Christie-Monitoring-Report-XIX-July-19-2017.pdf> (hereinafter known as FMR)
- http://www.nj.gov/dcf/about/welfare/case/DCF_CasePracticeModel.pdf
- http://www.state.nj.us/dcf/documents/home/Modified_Settlement_Agreement_7_17_06.pdf
- <http://www.nj.gov/dcf/about/welfare/Sustainability-and-Exit-Plan-110415.pdf>
- FMR at page 44
- FMR at page 52
- FMR at page 57




35 Halsey Street
Newark, NJ 07102
(973) 643-3876
(973) 643-9153 (fax)
advocates@acnj.org
www.acnj.org

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