

**Metrics, Baselines and Targets  
Established by the Co-Neutrals  
For the Oklahoma Department of Human Services  
Pursuant to the Compromise and Settlement Agreement  
in D.G. v. Henry**

**1. Abuse/Neglect of Children in the Legal Custody of OKDHS**

The State of Oklahoma, the Oklahoma Department of Human Services (OKDHS) and Plaintiffs agree that children in the legal custody of OKDHS should be safe. For the purposes of OKDHS' reporting on these metrics, the Co-Neutrals determine that "children in the legal custody of OKDHS" include children who are in placement and children living in their own homes but for whom a court has ordered OKDHS to assume legal responsibility. Children in the legal custody of OKDHS may reside in various types of placement settings including but not limited to kinship homes, foster homes (including contracted, therapeutic, shelter host and emergency foster homes), adoptive homes and a range of institutional settings (shelters, group homes, residential treatment, etc.). This also includes children who reside in, or have been placed back in their homes of origin but who remain the legal responsibility of OKDHS. To meet the parties' goals, the metrics must include children in all of these settings, whether in home or in out-of-home settings.

Moreover, most children who have been removed from their homes of origin engage in visitation with their parents. Research shows that robust parent-child visitation is important to help children achieve permanency and well-being. The parties agree that children should also be safe from abuse or neglect during visitation.

In assessing child safety in custody, it is important to distinguish between repeat abuse/neglect by a parent versus abuse/neglect by a foster parent, kinship parent, or institutional staff person (whom we shall refer to as resource caregivers below). Both types of abuse/neglect are important to track, but as the potential remedies are different, the Co-Neutrals shall assess and monitor the two categories – resource caregiver and parent - separately.

## A. Abuse and Neglect by Resource Caregivers

This category includes abuse or neglect by all types of resource caregivers – foster parents, kinship or institutional staff – whether licensed or unlicensed. As set forth in the Pinnacle Plan, DHS historically divided responsibility for investigating alleged maltreatment in family settings from institutional settings and reported to the federal government on abuse and neglect by the former but not the latter. As part of this reform, OKDHS agreed to modify how they investigate incidents of alleged abuse or neglect in institutional settings and how they report to the federal government.<sup>1</sup>

**Methodology:** The Co-Neutrals have opted to utilize the widely accepted federal metric “Absence of Child Abuse and/or Neglect in Foster Care” with the addition of OKDHS reporting not only the rate but also the number of children maltreated. This federal metric explicitly excludes maltreatment by a parent. The use of the term “foster care” for reporting purposes to the Co-Neutrals includes all forms of resource care including but not limited to foster homes and kinship homes (approved and pre-approved) and all types of institutional settings. The Co-Neutrals adopt the federal definition for this metric:

*Of all children in foster care during the reporting period, what percent were not victims of substantiated or indicated maltreatment by foster parent or facility staff member. This data element is used to determine the State’s substantial conformity with CFSR Safety Outcome #1 (“Children are, first and foremost, protected from abuse and neglect”). A child is counted as not having been maltreated in foster care if the perpetrator of the maltreatment was not identified as a foster parent or residential facility staff. Counts of children not maltreated in foster care are derived by subtracting NCANDS count of child maltreatment by foster care providers from AFCARS count of children placed in foster care. The observation period for this measure is 12 months.*

OKDHS shall report on the following:

1. The number of unique children in the legal custody of OKDHS served over the 12 month period.

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<sup>1</sup> For more information, please see the Pinnacle Plan.

2. The number of children in the legal custody of OKDHS found to have been maltreated by a resource caregiver over the 12 month period.
3. The number of children in the legal custody of OKDHS found not to have been maltreated by a resource caregiver over the 12 month period.
4. The percentage of children in the legal custody of OKDHS found not to have been maltreated by a resource caregiver over the 12 month period.

**Frequency:**

- A. OKDHS shall report monthly on the number of children in the legal custody of OKDHS with substantiated abuse or neglect by a resource caregiver.
- B. OKDHS DHS shall report all four metrics every six months on the federal data reporting cycle.

**Baseline:** OKDHS reported information on substantiations in the two types of settings – family and institutional – to the Co-Neutrals to establish a baseline over the most recent four years. In establishing this baseline, the Co-Neutrals recognize the caveat that this baseline may need to be revisited as OKDHS investigation practice is integrated and the burden of proof is standardized. The baseline for this metric is drawn from the FFY12 data reported by OKDHS and is as follows:

1. Over the 12 month period, OKDHS served **13,557** children and youth.
2. OKDHS found 126 children in family settings and 93 children in institutional settings had been maltreated by a resource caregiver for a total of **219** children and youth.
3. Of the 13,557 children and youth served, **13,338** were not maltreated by a resource caregiver.
4. The 13,338 children and youth reported as not maltreated are the numerator and the 13,557 served are the denominator for a rate of **98.38%**.

**Target:**

1. With respect to the percentage of children reported as safe from maltreatment by a resource caregiver, OKDHS shall meet the national standard established by the federal government of **99.68%**.

## **B. Abuse and Neglect by Parents While Child is in the Legal Custody of OKDHS**

**Methodology:** The Co-Neutrals are adapting the methodology utilized in the preceding section, Abuse and Neglect by Resource Caregivers, to measure abuse and neglect by parents while a child is in the legal custody of OKDHS. For purposes of reporting to the Co-Neutrals, this population shall include all children in OKDHS custody in their home of origin even if such a period of supervision extends beyond the federally recognized placement period capped at six months. This also includes the significant population of children who remain the legal responsibility of OKDHS but who reside in, or have been placed back in their homes of origin for trial home visits.<sup>2</sup> In Oklahoma, children can reside in trial home visits for months, and the parties recognize the importance of closely monitoring their safety.

The reporting period shall be 12 months.

*Of all children in the legal custody of OKDHS during the reporting period, what number and percent were not victims of substantiated or indicated maltreatment by a parent and what number were victims. Counts of children are derived from the State count of children in the legal custody of OKDHS. The observation period for this measure is 12 months.*

OKDHS shall report on the following:

1. The number of unique children served over the 12 month period.
2. The number of children found to have been maltreated by a parent over the 12 month period.

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<sup>2</sup> In the FFY11 data profile, the point in time count of children in placement in OKDHS included 905 children (11%) recorded as residing in their own homes on a trial home visit. While this number is significant, it is an undercount because federal rules exclude children who remain in trial home visits beyond six months from the official placement count – and OKDHS reports having additional children who have been in trial home visits beyond six months. For the purposes of this metric, OKDHS must count all children in trial home visits, not just the children whom the federal government acknowledges. From a metric perspective, this means that OKDHS will have more children at home but in placement than other systems. As a result, an incident at home, which occurs within six months of reunification, may be recorded in Oklahoma as maltreatment in care but in other systems, which forbid or limit trial home visits, that same child would be reunified, and the subsequent maltreatment would be recorded as repeat maltreatment and/or as a re-entry to placement, if the maltreatment resulted in re-placement.

3. The number of children found not to have been maltreated by a parent over the 12 month period.
4. The percentage of children found not to have been maltreated by a parent over the 12 month period.

**Frequency:**

- A. OKDHS shall report monthly on the number of children in the legal custody of OKDHS with substantiated abuse or neglect by a parent.
- B. OKDHS DHS shall report all four metrics every six months on the federal data reporting cycle.

**Baseline:** OKDHS provided the latest CFSR Data Profile, dated April 24, 2012, which helped inform the development of this baseline. The initial baseline for this metric is drawn from the FFY11 data reported by OKDHS and is as follows:

1. Over the 12 month period, OKDHS reported serving **12,533** unique children and youth.
2. OKDHS reported **181** children in their legal custody were maltreated by parents during this period.
3. Of the 12,533 children and youth served as reported to the federal government, 12,352 were not maltreated by a parent.
4. The 12,352 children and youth reported as not maltreated is the numerator and the 12,533 served is the denominator, resulting in a rate of **98.56%**.

**Target:** With respect to the percentage of children reported as safe from maltreatment by a parent, OKDHS shall meet a standard of **99.00%**, which the Co-Neutrals selected based on a review of available federal performance data.

## 2. Foster Homes & Therapeutic Foster Homes

### A. Foster Homes

On November 20, 2012, the Co-Neutrals approved the following:

**Baseline:** Based on OKDHS' initial data submission, the Co-Neutrals accepted 1,543 as the SFY11 baseline representing the number of new homes (non-therapeutic) approved by OKDHS in that year. The Co-Neutrals thereafter undertook initial verification work on the OKDHS baseline data submission. This review revealed that OKDHS and the Co-Neutrals used substantively different definitions for new resource homes. As a result, the Co-Neutrals requested that OKDHS analyze, verify and resubmit in detail the baseline data. The Co-Neutrals also requested that OKDHS clarify how many homes in the baseline number were adoptive versus foster homes. OKDHS' resubmission reduced the number of new homes (non-therapeutic) reported by OKDHS as approved in SFY11 to 1,398. The Co-Neutrals reviewed the resubmission and found additional mechanical duplications, as well as homes that already had been approved as a foster home and were then counted again as an adoptive home, reducing the baseline to 1,169. Of the 1169 baseline number of new resource homes, 738 are adoptive and 431 are foster (non-therapeutic) homes.

**Target:** For SFY13, the Co-Neutrals had approved the OKDHS target of approving 2,043 new foster homes (non-therapeutic), including 500 more foster homes (non-therapeutic) than OKDHS approved in the baseline year of SFY11. However, as the baseline has been reduced through additional analysis and verification work, the SFY13 target is being re-established as 1,669. Within this new SFY13 target, 781 will be newly approved foster homes and 888 newly approved adoptive homes not already opened as foster or therapeutic homes.

The SFY13 target and SFY11 baseline numbers include foster homes (state and contracted), emergency foster homes and shelter host homes, along with newly approved, unique adoptive homes. The Co-Neutrals will determine if these three categories of foster homes will be counted in future baselines and targets for this performance area. However, future baselines and targets will not include adoptive homes.

The Co-Neutrals will meet with OKDHS to settle the definitions, tracking processes and verification work necessary for future target setting and performance. In subsequent years, OKDHS shall conduct an analysis of the children in the legal custody of OKDHS who are in need of non-therapeutic foster care as compared to the available non-therapeutic foster homes to analyze how well their existing capacity meets the projected need for such homes and project the need for additional homes for the upcoming year. Based on that analysis, OKDHS shall establish targets for approving non-therapeutic foster homes to be submitted to the Co-Neutrals by May 30<sup>th</sup> of each year. Such targets are subject to the review and approval of the Co-Neutrals. The first such analysis and target proposal shall be submitted on May 30, 2013. In their annual analysis, OKDHS has committed to include at least the following:

- Trend analysis of children entering care including demographics, geography, sibling groups, parenting youth, medically fragile children, permanency goals, lengths of stay, placement stability, and safety in out of home care.
- Trend analysis of homes including demographics of resource parents, geography, and longevity characteristics (including closure patterns and reasons).
- Qualitative analysis of the business process of licensure.

With the SFY13 analysis, OKDHS shall also be able to establish a baseline with regard to the number of existing available foster homes and will submit that information to the Co-Neutrals for review.

## **B. Therapeutic Foster Homes**

**Baseline:** The Co-Neutrals recognize as the baseline the number of new therapeutic foster homes reported by OKDHS as licensed in SFY11, 64.

**Target:** For SFY13, the Co-Neutrals approve the OKDHS target of licensing 150 therapeutic foster homes. This is 86 more therapeutic foster homes than OKDHS licensed in the baseline year of SFY11.

The Co-Neutrals will meet with OKDHS to settle the definitions, tracking processes and verification work necessary for future target setting and performance. In

subsequent years, OKDHS shall conduct an analysis of the children in placement who are in need of therapeutic foster care as compared to the available therapeutic foster homes to analyze how well their existing capacity meets the projected need for such homes and project the need for additional homes for the upcoming year. Based on that analysis, OKDHS shall establish targets for licensing new therapeutic homes to be submitted to the Co-Neutrals by May 30<sup>th</sup> of each year. Such targets are subject to the review and approval of the Co-Neutrals. The first such analysis and target proposal shall be submitted on May 30, 2013.

In their annual analysis, OKDHS has committed to include at least the following:

- Trend analysis of children in placement including demographics, geography, behavioral characteristics, diagnosis, lengths of stay, placement stability, placement goals, and safety in out of home care.
- Trend analysis of homes including demographics of therapeutic resource parents, geography, longevity characteristics (including closure patterns & reasons), and trends in types of care for targeted age ranges and needs.

With the SFY13 analysis, OKDHS shall also be able to establish a baseline with regard to the number of existing available treatment homes and will submit that information to the Co-Neutrals for review.

### **3. Caseworker Visits with Children**

The State of Oklahoma and Plaintiffs agree that children should receive regular monthly visits from caseworkers. Regular visits help ensure that children are safe, that they have the opportunity to ask questions and communicate concerns to their case workers, and to understand and contribute to their case plans. Regular visits also provide an opportunity for resource caregivers to discuss children's health and well-being, to communicate needs, and to understand their role in each case. Visits by the same caseworker to the same child are much preferred: continuity builds relationships between caseworkers, children, and resource caregivers; facilitates open communication; and provides caseworkers with a benchmark to assess children's safety and well-being from visit to visit. Caseworker continuity is also associated with swifter permanency.

This portfolio of measures is divided into two parts:

- Frequency of Visits
- Continuity of Caseworker

### **Frequency of Visits**

Federal and state regulations mandate that children in foster care receive visits at least once a month from a caseworker. Oklahoma practice had previously designated a secondary caseworker to visit children who are placed outside of their county of origin. The Pinnacle Plan commits OKDHS to end the practice of assigning secondary workers as more children are placed closer to home and as smaller caseloads allow primary case workers to visit all of the children to whom they are assigned. OKDHS is phasing down this practice now.

**Methodology:** The metrics in this section apply to children in the legal custody of OKDHS for more than 1 calendar month during the reporting period. The Co-Neutrals will use two indicators to assess Oklahoma’s progress on visiting children regularly. The first indicator is the 2012 federal metric for visitation:<sup>3</sup>

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

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

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

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<sup>3</sup> The federal Children’s Bureau changed the calculation of the federal visiting metric in 2012. Federal visiting data from prior years is not comparable to this revised federal metric.

OKDHS will use the methodology described by the federal government in calculating these metrics.

OKDHS shall report on the following:

1. The number of children in care for more than 1 calendar month during the reporting period.
2. The total number of required monthly contacts during the reporting period.
3. The total number of face-to-face visits between workers and the children to whom they are assigned, counting no more than one visit for each calendar month. To provide context, these data will include a table that categorizes the visits by the type of staff who made contact with the child (primary worker, secondary worker, et cetera).
4. The calculations used to produce indicators 3.1 and 3.2.

**Frequency:**

- A. Report monthly performance.
- B. Report aggregate performance with analysis every six months.

**Baseline:** OKDHS reported information to the Co-Neutrals to utilize in establishing a baseline for these two indicators:

- a. From July 2011 to June 2012, OKDHS reports that their staff made 90,355 of 94,639 minimum required monthly contacts. Dividing the numerator (90,355) by the denominator (94,639) produces a baseline of 95.5% of minimum required monthly contacts.

The Co-Neutrals recognize 95.5% as the baseline for indicator 3.1.

- b. From July 2011 to June 2012, OKDHS reports that primary caseworkers made 48,497 of 94,639 required monthly visits. Dividing the numerator (48,497) by the denominator (94,639) produces a baseline of 51.2% of minimum required monthly contacts by the primary caseworker.

The Co-Neutrals recognize 51.2% as the baseline for indicator 3.2.

## **Targets:**

3.1: OKDHS shall ensure that performance is sustained at 95%.

3.2: OKDHS shall ensure that performance reaches 90%.

The Co-Neutrals recognize that the elimination of secondary caseworkers will occur over time impacting performance with respect to indicator 3.2. As such, the Co-Neutrals establish the following interim targets for indicator 3.2. Once each interim target date is reached, the interim target performance remains the standard until it is super-ceded by the next interim target:

- In the last month of reporting period in 2013: 65%.
- In the last month of reporting period in 2014: 70%.
- In the last month of reporting period in 2015: 80%.
- In the last month of reporting period in 2016: 90%.

## **Continuity of Visitation**

**Methodology:** The metric the Co-Neutrals will use to assess Oklahoma's progress on continuity of caseworkers visiting children is staged in two phases.

**PHASE ONE:** For the period from January 1, 2014 to December 31, 2014, the Co-Neutrals will use a metric that measures continuity over a three month period:

3.3(a): The percentage of children in care for at least three consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent three months, or for those children discharged from OKDHS legal custody during the reporting period, the three months prior to discharge.

OKDHS shall report on the following for Phase One:

1. The total number of children in state custody for at least three consecutive months during the reporting period.

2. The total number of children who were visited by the same primary caseworker for the last three months of the reporting period, or for those children discharged from OKDHS legal custody during the reporting period, the last three months prior to discharge.
3. OKDHS will divide the number in (1) by the number in (2) and multiply by 100 to produce indicator 3.3(a).

**Frequency:** Report aggregate performance to the Co-Neutrals every six months.

**Baseline:** The Co-Neutrals request that OKDHS submit baseline data for 3.3(a) by September 30, 2013. The baseline data should include:

1. All the data described above for the period January 1, 2013 to June 30, 2013.
2. The number and percentage of children that received continuous monthly visits from their caseworker for 3 months, using the same calculation methodology as described for indicator 3.3(a).

**Targets:** The Co-Neutrals will set a preliminary target for indicator 3.3(a) by December 31, 2013.

**PHASE TWO:** For the period beginning January 1, 2015 through the end of the Agreement, the Co-Neutrals will use a metric that measures continuity over a six month period. This metric, 3.3(b), shall supercede 3.3(a).

3.3(b): The percentage of children in care for at least six consecutive months during the reporting period who were visited by the same primary caseworker in each of the most recent six months, or for those children discharged from OKDHS legal custody during the reporting period, the six months prior to discharge.

OKDHS shall report on the following for Phase Two:

1. The total number of children in state custody for at least six consecutive months during the reporting period.
2. The total number of children who were visited by the same primary caseworker for the last six months of the reporting period, or for those

children discharged from OKDHS legal custody during the reporting period, the last six months prior to discharge.

3. OKDHS will divide the number in (1) by the number in (2) and multiply by 100 to produce indicator 3.3(b).

**Frequency:** Report aggregate performance to the Co-Neutrals every six months.

**Baseline:** OKDHS will submit baseline data for 3.3(b) by September 30, 2014. The baseline data should include:

1. All the data described above for the period July 1, 2013 to June 30, 2014.
2. The number and percentage of children who received continuous monthly visits from their caseworker for 6 months, using the same calculation methodology as described for indicator 3.3.

**Targets:** The Co-Neutrals will set a target for indicator 3.3(b) by December 31, 2014.

#### **4. Placement Stability**

The State of Oklahoma and Plaintiffs agree that children should have as few changes in placement as possible during their time in foster care<sup>4</sup>. Placement changes are traumatic, linked to increased behavioral challenges, and associated with poor educational and health outcomes.

While in placement, the goal is to have the first placement setting be the best placement setting. When children in foster care are moved to a new placement setting, the move should be one that promotes permanency. Moves from a foster home to another foster home or from a foster home to a congregate care setting are not moves toward permanency, while moves from a foster home to trial reunification or an adoptive home are moves toward permanency.

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<sup>4</sup> Children in foster care for reporting on placement stability include children who have been placed by OKDHS in settings other than their homes of origin, including but not limited to kinship homes, foster homes (contracted, therapeutic, shelter host and emergency foster homes) and a range of institutional settings (shelters, group homes, residential treatment, etc.).

**Methodology:** The Co-Neutrals have opted to utilize three indicators to assess Oklahoma’s progress on maintaining placement stability. In calculating these metrics, Adoption and Foster Care Analysis and Reporting System (AFCARS) definitions of placement settings, as well as calculation methodologies, will be used. The first indicator includes federal metrics C4.1, C4.2 and C4.3, and measures the number of children that experience two or fewer placement settings over different time periods. The second metric captures placement stability that occurs after children’s first 12 months in care. The third metric provides information on the type of moves children experience.

OKDHS shall report on the following:<sup>5</sup>

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

- a. Of all children served in foster care during the year who were in care for at least 8 days but less than 12 months, the percentage that had two or fewer placement settings.
- b. Of all children served in foster care during the year who were in care for at least 12 months, the percentage that had two or fewer placement settings.
- c. Of all children served in foster care during the year who were in care for at least 24 months, the percentage that had two or fewer placement settings.

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

4.3: Of all moves from one placement to another in the reporting period, the percent in which the new placement constitutes progression toward permanency.<sup>6</sup>

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<sup>5</sup> Note that indicators 4.1 and 4.2 count placement settings. Indicator 4.3 counts moves. For example, a child moves from a foster home back to his parent’s home for purposes of trial reunification. The parent’s home is not a placement setting and so is excluded from the count for the purposes of indicators 4.1 and 4.2. However, the move home is included for the purposes of indicator 4.3.

<sup>6</sup> The Co-Neutrals’ data expert shall provide technical guidance to define which placement moves constitute progress to permanency and which do not.

**Frequency:** DHS shall report these data to the Co-Neutrals every six months.

Table 4: Baselines and Targets for Placement Stability Metrics

Indicator	Baselines (12 months ending 9/2012)	Target	Target Deadline
4.1a	70%	88%	June 30, 2016
4.1b	50%	68%	June 30, 2016
4.1c	23%	42%	June 30, 2016
4.2	See below	TBD*	TBD
4.3	See below	TBD	TBD

\*TBD – To Be Determined

The Co-Neutrals shall measure progress toward the target annually, beginning in February 2014, utilizing the September 2013 federal data submission.

**Baselines:** Oklahoma staff reported the baselines for indicator 4.1 to the Co-Neutrals as shown in Table 4 above.

- The Co-Neutrals recognize 70% as the baseline for indicator 4.1a.
- The Co-Neutrals recognize 50% as the baseline for indicator 4.1b.
- The Co-Neutrals recognize 23% as the baseline for indicator 4.1c.

OKDHS will provide baseline information for indicators 4.2 and 4.3 by September 30, 2013. The Co Neutrals will set targets by December 31, 2013.

**Targets:** The targets in Table 4 are based on an analysis of national performance in federal fiscal year 2010.

## 5. Shelter Use

The State of Oklahoma and Plaintiffs agree that children should not be placed in shelters. Instead, children should be placed in family settings whenever possible. The Pinnacle Plan commits Oklahoma to ending the use of shelters.

**Methodology:** The Co-Neutrals have opted to utilize the number of “child-nights” spent in shelters as the metric to assess Oklahoma’s progress in eliminating

shelter use. One child-night is defined as one child in a shelter at midnight. The total number of child-nights is calculated by summing the number of children in shelters at midnight for each night of the reporting period.

OKDHS shall report on the following:

5.1: The number of child-nights during the past six months involving children under age 2 years.

5.2: The number of child-nights during the past six months involving children age 2 years to 5 years.

5.3: The number of child-nights during the past six months involving children age 6 years to 12 years.

5.4: The number of child-nights during the past six months involving children age 13 years or older.

**Frequency:**

- OKDHS shall report this data monthly.
- OKDHS shall provide an analysis of shelter usage every six months.

**Baseline:** OKDHS reported the number of child-nights spent in shelter for the period January 1, 2012 to June 30, 2012 in Table 5 below to the Co-Neutrals to utilize in establishing a baseline. The Co-Neutrals adopt the baselines in Table 5.

**Table 5: Baselines and Targets by Age, OKDHS Shelter Use**

	<b>Baseline, 01/2012 to 06/2012</b>	<b>Target</b>	<b>Target Date</b>
<b>5.1: Less than 2 years</b>	2,923 child-nights	0 child-nights	12/31/2012
<b>5.2: 2 to 5 years</b>	8,853 child-nights	0 child-nights	6/30/2013
<b>5.3: 6 to 12 years</b>	20,147 child-nights	0 child-nights	6/30/2014
<b>5.4: 13 years and older</b>	20,635 child-nights	TBD	TBD

**Targets:** As indicated in the Pinnacle Plan (pp. 12-13), Oklahoma committed to eliminating the use of shelters for children under 13 years old by June 30, 2014 and strictly limits the use of shelter care for adolescents.

- Less than 2 years: There is no interim target. The Co-Neutrals adopt a target of 0 child-nights in shelter by December 31, 2012.
- 2 to 5 years: There is no interim target. The Co-Neutrals adopt a target of 0 child-nights in shelter by June 30, 2013.
- 6 to 12 years: The Co-Neutrals adopt an interim target for children age 6 to 12 years of 10,000 child nights, a reduction of 50% from the baseline, for the six month period ending December 31, 2013 and a target of 0 child-nights by June 30, 2014.
- 13 years and older: The Co-Neutrals defer the establishment of interim targets, targets, and timelines for adolescent shelter use until December 31, 2013. The Pinnacle Plan commits Oklahoma to placing adolescents (children at least 13 years old) in shelters only when family-like settings are unavailable; to developing a system that will match the needs of children, including adolescents, to the capacities of families to meet those needs by June 30, 2013; and to developing a system that will match adolescents for whom a family-like setting is not therapeutically indicated for a level of care other than a family-like setting by April 1, 2014.

**Exceptions:** The Co-Neutrals approved the Pinnacle Plan which included certain exceptions for child nights in shelter care. For the purposes of reporting, the children who spend nights in shelter whom OKDHS deems meet the exceptions set forth in the Pinnacle Plan shall be included in the count of shelter nights. In reporting on shelter use, OKDHS shall add a narrative section detailing the count of child shelter-nights associated with those exceptions and narrative to explain the context for approving each exception. As the plan is implemented, the Co-Neutrals will engage with the parties to explore whether changes to the exception policy are warranted.

## 6. Permanency

The State of Oklahoma and Plaintiffs agree that foster care is a temporary stop on the path to a permanent, safe and loving home. Long spells in foster care are associated with a host of negative outcomes for children and families. Whether permanent homes are with families, adoptive families or kin guardians, moving children to permanency quickly and safely is a goal of all child welfare systems.

**Methodology:** The Co-Neutrals have opted to utilize eight metrics, which should be analyzed together as a full suite of indicators, to assess Oklahoma's progress in moving children to permanency. For the purposes of achieving permanency for children, permanency shall be reunification, adoption or guardianship only.

OKDHS shall report on the following:

6.1: Of children who were legally free but not living in an adoptive placement as of March 7, 2013, the number of children who have achieved permanency.

6.2: The number and percent of children:

- a. Who entered foster care between 12 to 18 months prior to the end of the reporting period who reach permanency within one year of removal, by type of permanency.
- b. Who entered their 12<sup>th</sup> month in foster care between 12 to 18 months prior to the end of the reporting period who reach permanency within two years of removal, by type of permanency.
- c. Who entered their 24<sup>th</sup> month in foster care between 12 to 18 months prior to the end of the reporting period who reach permanency within three years of removal, by type of permanency.
- d. Who entered their 36<sup>th</sup> month in foster care between 12 to 18 months prior to the end of the reporting period who reach permanency within four years of removal.

Note: This metric expands upon federal metric C3.1.

6.3: Of all children discharged from foster care in the 12 month period prior to the reporting period, the percentage of children who re-enter foster care during the 12 months following discharge.

Note: This metric is federal metric C1.4.

6.4: Among legally free foster youth who turned 16 in the period 24 to 36 months prior to the report date, the percent that exited to permanency by age 18, stayed in foster care after age 18, and exited without permanency by age 18.

6.5: Of all children who became legally free for adoption in the 12-month period prior to the year of the reporting period (i.e., there was a parental rights termination date reported to AFCARS for both mother and father), the percentage who were discharged from foster care to a finalized adoption in less than 12 months from the date of becoming legally free.

Note: This metric is federal metric C2.5.

6.6: The percent of adoptions that did not disrupt over a 12 month period, of all trial adoptive placements during the previous 12 month period.

Note: This metric was previously approved by the Co-Neutrals.

6.7: The percent of children whose adoption was finalized over a 24 month period who did not experience dissolution within 24 months of finalization.

Note: This metric was previously approved by the Co-Neutrals.

**Frequency:** OKDHS will report aggregate performance every six months.

**Baseline:**

6.1: Oklahoma staff will provide to the Co-Neutrals by May 30, 2013 the list of children who were legally free with no identified adoptive placement as of March 7, 2013.

6.2: OKDHS will submit baseline data for 6.2(a) (b) (c) and (d) by September 30, 2013, and the Co-Neutrals will publish targets by December 31, 2013.

6.3: Oklahoma staff report that 10.3% of children discharged in the year ending September 30, 2011 had re-entered foster care as of September 30, 2012.

6.4: Oklahoma staff report that 30% of children who turned 16 while in foster care and with parental rights terminated reached permanency prior to their 18th birthday. OKDHS did not report the number or percent that stayed in foster care after 18. By June 30, 2013, OKDHS will report to the Co-Neutrals the number and percent of children who turned 16 between July 1, 2009 and June 30, 2010 while in foster care and with parental rights terminated and who reached permanency prior to their 18th birthday.

6.5: OKDHS provided AFCARS data showing 54.3% for FFY 2012.

6.6: The Co-Neutrals approved a baseline of 97.1%.

6.7: The Co-Neutrals approved a baseline of 99%.

### **Targets:**

6.1: All of the children on the March 7, 2013 list should have permanency by June 30, 2016. The Co-Neutrals will publish interim targets by September 30, 2013.

6.2: OKDHS will submit baseline data for 6.2(a) (b) (c) and (d) by September 30, 2013, and the Co-Neutrals will publish targets by December 31, 2013.

6.3: The Co-Neutrals approve a target of 8.2%, the rate of performance reported in OKDHS' proposed metrics.

6.4: The Co-Neutrals will publish interim targets by December 31, 2013.

6.5: Of all children who became legally free for adoption in the 12-month period prior to the year of the reporting period (i.e., there was a parental

rights termination date reported to AFCARS for both mother and father), 75% will be discharged from foster care to a finalized adoption in less than 12 months from the date of becoming legally free. OKDHS shall meet this target by June 30, 2016.

6.6: The Co-Neutrals approved a target of 97.3%.

6.7: The Co-Neutrals approved a target of 99%.

## **7. Caseloads**

The State of Oklahoma and the Plaintiffs agree that child welfare work is challenging. It requires well-trained staff who garner enough experience over time with the help of strong and supportive supervision to make good decisions, form strong relationships with children and families, leverage resources and services, and advocate successfully for good outcomes. It is rewarding work at its best but challenging to do well on a day-to-day basis.

Because the learning curve is steep, the ability to find and keep good staff is critical, and the parties are committed to a reduction in the turnover rate among OKDHS caseload-carrying staff and supervisors. Moreover, because the work is challenging and all of the work is expected to be done under tight time constraints, it is important that caseloads be manageable. Researchers and professional organizations have studied the caseloads and provided guidelines about how to assess the work which informed the targets set forth in the Pinnacle Plan.

### **Methodology:**

DHS reports it has the capacity to count most caseloads electronically but it will have to supplement this process through hand-counting and by doing on-going validation of the electronic information.

The parties begin with a simple principle – all work counts. The caseload counting process for staff who are assigned 100% of the time to a single role and who work

full-time at that role (1.0 full-time equivalent or FTE) is straightforward. Whether the staff and cases are identified electronically or through hand-counting, the measure is the number of staff in each role who meet the standards for that role set forth in Table 7 below.

Caseload rates are to be pro-rated for staff who are less than full-time. Caseload rates for staff who spend part-time in caseload carrying or supervisor functions and part-time in other functions should be analyzed as if they are part-time staff and their caseloads pro-rated accordingly.

Staff who carry “mixed” caseloads carry more than one type of case. Utilizing the standards set forth in the Pinnacle Plan, each individual case is assigned a weight and then the weights are added up in order to determine a worker’s caseload.

- Meet caseload standards
  - Total equal to or less than 1.0 = 100%
- Over (but close)
  - Total is above 1.0 and to equal to or less than 1.20 = 101 to 120%
- Over
  - Total is greater than 1.20 = 121% or more

Table 7

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

\*The resource family standard may be revised subject to the approval of the Co-Neutrals if staff are responsible for completing assessments.

**Frequency:** OKDHS shall report quarterly on caseloads with the first report provided to the Co-Neutrals by September 30, 2013.

**Baselines:**

OKDHS has done extensive workforce analysis and believes that it will take a total net number of 1,550 staff by June 2014 to meet the caseload standards embedded in the Pinnacle Plan.

The Co-Neutrals understand that OKDHS is continuing to refine its workload analysis and will be able to improve projections with respect to each of the roles detailed in the Pinnacle Plan over time. By September 2013, the Co-Neutrals would expect to see workload analysis reporting by role.

The Co-Neutrals would also expect to see a turnover analysis utilizing a methodology to be agreed upon in consultation with the parties by September 2013.

In the interim, utilizing the existing available data, the Co-Neutrals recognize the following estimates as baselines with respect to all caseload carrying staff workloads:

- 27% meet standards
- 8% have workloads that are 1-20% above standards
- 65% have workloads that are 21% or more above standards

**Targets:**

The Co-Neutrals recognize the following interim targets set for December 31, 2013 with respect to all caseload carrying staff:

- 45% meet standards
- 30% have workloads that are 1-20% above standards
- 25% have workloads that are 21% or more above standards

Finally, OKDHS is prioritizing the filling of supervisory positions in early 2013. Because of the significant changes to the supervisory workforce over the next several months, OKDHS will have to further refine their workload methodology in order to analyze supervisory workloads and report a baseline against which the Co-Neutrals can measure progress. OKDHS shall report that baseline by June 30, 2013 and the Co-Neutrals shall set an interim target effective December 31, 2013.

Final Targets: The final targets were established in the Pinnacle Plan and are set forth below. The target is to have 90% of staff by role meet each standard.

Table 7B

<b>Role</b>	<b>Target: June 30, 2014</b>
Supervisors	5 Workers Maximum
CPS	12 Open Investigations or Assessments
OCA	12 Open Investigations
Family Centered Services	8 Families
Permanency Planning	15 Children
Resource	22 Families*
Adoption	8 Families & 8 Children

\*The resource family standard may be revised subject to the review and approval of the Co-Neutrals if staff are responsible for completing assessments.