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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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August 15, 2006

To: Mayor Michael D. Antonovich
Supervisor Zev Yaroslavsky, Chair Pro Tem
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe

From: Joan Smith
Acting Director

JUNE 7, 2006 BOARD AGENDA ITEM #69-C: A PLAN TO IMPROVE THE DEPARTMENT'S EXISTING OUT-OF-HOME CARE MONITORING RESOURCES

On June 6, 2006, in response to a motion by Mayor Antonovich and Supervisors Knabe and Molina, the Board ordered the Department of Children and Family Services (DCFS), the Chief Administrative Office and County Counsel to report back in 30 days on a plan to improve existing monitoring resources in a way that will ensure that all out-of-home placements where the County's foster children reside will be subject to a consistent, efficient, high quality level of oversight. On July 10, 2006 the Department requested an extension until August 15, 2006, in order to gain more input for the report. The report should include:

- Establishing a strong, efficient and consistent monitoring tool for all out-of-home care sites that focuses on outcomes and avoids duplicative activities.

- Exploring the feasibility of creating an inspection program and the use of State funds to inspect all out-of-home care, similar to the Public Health Facility Inspection Division.

- Working with State Community Care Licensing (CCL) on granting Los Angeles County enforcement authority and the necessary funding to monitor licensed foster care homes.

- Exploring the feasibility of placing certified foster homes and relative caregivers under the Foster Family Agency (FFA) jurisdiction and/or establishing monitoring and supportive services standards similar to those of the FFAs.

The report should also include procedures for out-of-home placement of children into FFAs, licensed foster homes, and relative caregivers to best match the child's needs to the placement and to ensure that funding is distributed based on a child's needs. Recommendations for any legislative changes that may be necessary should also be included.

Establishing a strong, efficient and consistent monitoring tool for all out-of-home care sites that focuses on outcomes and avoids duplicative activities.

Since June 2005, the Department has been using new tools to monitor the performance of contracted group home and FFA programs. These tools include an instrument specific to group home programs, another specific to FFA programs, and interview questionnaires for staff, foster parents and children. The Department has been meeting with contract providers to get feedback on these tools and the monitoring process they are part of, to collaborate on the identification of outcome measures, and to discuss any duplicative monitoring activities they are experiencing. After the Department releases the first year (calendar 2006) of performance scorecards for the contract agencies, projected to be in Spring 2007, we will reevaluate the performance-based contracting monitoring tools and process for fiscal year 2007-2008. We will continue to get regular feedback from providers to refine the monitoring process for group homes and FFAs.

The Department does have plans under development to use consistent tools on all types of home-based placements: licensed, certified and relative homes. The Department is working closely with the California Department of Social Services (CDSS), the Children's Research Center (CRC) and seven California counties to develop standardized Structured Decision Making (SDM) placement tools. SDM is a research-based assessment process, and its tools yield the highest degree of validity, reliability and equity in worker decision making. SDM tools provide social workers with a simple, objective, reliable framework with which to make the best possible decisions for children and families. Children's Social Workers (CSWs) will be provided with the critical pieces of information necessary to identify the best placement option for a child, including an assessment of the safety of a substitute caregiver's home and what types of support the placement may need to be successful. These tools will be used to monitor the care provider, safety factors, and the level of support necessary to maintain placement in that particular care provider's home.

This new SDM System for Assessment of Substitute Care Providers (SCP) will consist of automated structured tools that clearly define criteria for matching, and a research-based risk assessment instrument that determines the level of agency support and services recommended to increase the likelihood of placement stability. To support the

infrastructure, a set of clear definitions, policies and protocols is being established for each assessment tool. The following four SDM tools will be field tested in combination:

- The *California Child Strengths and Needs Assessment* (CSNA) tool, which is a ten-question section of the current Family Strengths and Need Assessment, completed as part of the current SDM protocol.

- A new *Substitute Care Provider (SCP) Willingness and Capacity Assessment* tool, which poses ten questions related to safety, well-being and permanency, and identifies an individual SCP's ability, willingness and need for additional training, skills or resources.

- A new *SCP Support Assessment*, intended to classify SCPs according to the level of agency support needed to increase the likelihood of placement stability and provide a means to determine how to best allocate resources to SCPs.

- A new *SCP Placement Protective Capacity Assessment*, to be used at the time of placement of a particular child into a particular home to determine if that home is safe for the child, and whether the placement will pose any concern for other children in the home.

Field testing of the preliminary assessment tools to determine how the tools are best utilized, who will utilize the tools, and what work processes must be established to successfully implement their use, will be completed by the end of 2006. After field testing, an automated application to match individual children with appropriate individual caretakers will be developed. Based on field testing, adjustments will be made to the tools and the protocol for their use, and an implementation plan will be developed.

Exploring the feasibility of creating an inspection program and the use of State funds to inspect all out-of-home care, similar to the Public Health Facility Inspection Division.

The Federal Government requires the State of California to assure that certain federal regulations are met in specified public health facilities, including skilled nursing facilities, hospitals, ambulatory surgical clinics, etc. The State has contracted with Los Angeles County to authorize the Public Health Facility Inspection Division ("Division") to carry out this function. The Division is provided with a budget each year and functions as a district office for the State of California, enforcing federal regulations and health facilities licensing regulations.

The Division operates under federal requirements; the Federal Government identifies the number of facilities that the Division must monitor each year and the timeframe in which the monitoring must be completed based on the type of facility to be monitored. The Division must meet these requirements or it will not be paid for this service. The purpose

of each monitoring visit is to assure that federal requirements are being met. Monitoring consists of observation, including physical site inspection; interviews with staff, patients, patients' families, and visitors; and a review of records. If a problem is noted, the Division may create a corrective action plan with the facility, cite the facility with possible attachment of civil penalties, and/or recommend facility closure to the Federal Government. In addition to facility monitoring, the Division responds to complaints regarding issues such as facility safety, cleanliness, and patient-to-staff ratio brought to its attention by patients, patients' families, staff, etc. The Division identifies itself as a regulatory agency rather than an agency that purchases these services. It does not contract with the facilities it is mandated to monitor and does not monitor "contract compliance," and so is not analogous to this Department's role.

DCFS, on the other hand, contracts with group homes and FFAs and has fiscal and legal responsibilities to monitor the performance and compliance of the purchased service providers. Group homes and FFAs are contracted with to provide treatment services for children with various high level and specialized needs. The children in these homes are expected to achieve specific outcomes related to safety, well-being/education and permanency. Through the monitoring process put in place in June 2005, DCFS' Out-of-Home Care Management Division is able to effectively identify those agencies that are demonstrating success in treating children and where children are achieving successful outcomes, and those agencies who may need technical assistance or corrective action. Historically, CDSS has not provided specific funds for such monitoring activities, and is unlikely to specifically fund these activities.

Working with Community Care Licensing on granting Los Angeles County enforcement authority and the necessary funding to monitor licensed foster care homes.

The Department has been in contact with CDSS Interim Director, Cliff Allenby, to begin the discussion around the possibility of Los Angeles County assuming a level of responsibility over foster home licensing and monitoring, which are currently state responsibilities for which the state pays. Further discussions to explore the various options and possibilities, including the advantages and disadvantages of each, are being scheduled.

Mayor Antonovich provided Fifth District Discretionary funds for FY 2006-07 to finance the cost of four CSW positions to inspect the approximately 2,400 State-licensed homes in Los Angeles County. These four staff will constitute a small Foster Home Re-Evaluation Unit with the capability to complete an average of 520 home assessments annually. Protocol and policy are being developed to provide direction to this staff towards improving safety and stability in out-of-home care in State-licensed homes for Los Angeles County foster children. The focus will be on homes currently in use.

The Foster Home Re-Evaluation Unit will monitor that licensed foster parents are providing a safe and healthy environment for children placed in out-of-home care. Re-evaluations of foster homes will occur to determine that all standards and services are

being maintained as detailed in CCL regulations and California Code provisions. The process will include:

- Home visits to confirm the home is in compliance with licensing requirements, including health and safety regulations
- Contacts with the social workers who have children placed in the home
- Consultation with CCL regarding history of complaint investigations
- Search of CWS/CMS for history of child abuse investigations and dispositions
- Verification of required ongoing training that the foster parents have received
- Making recommendations for future placements and/or continued use of the foster home for the placement of children
- Reporting any licensing violations to CCL
- Reporting any child endangerment issues that may be found immediately to the Child Abuse Hotline for investigation

As noted previously, the Foster Home Re-Evaluation Unit will initially complete re-evaluations of foster homes with children currently placed in the home. Priority will be given to foster homes with children under the age of five, foster homes with children receiving specialized foster care ("D" & "F") rates, and foster homes with substantiated or inconclusive child abuse investigation referrals within the last twelve months.

Exploring the feasibility of placing certified foster homes and relative caregivers under the Foster Family Agency (FFA) jurisdiction and/or establishing monitoring and supportive services standards similar to those of the FFAs.

Since FFAs are responsible for certified homes, we assume that this provision meant to specify licensed foster homes instead.

The State sets the classifications for different types of foster parents and the monthly rates per child paid by counties to them or to an agency through which they have been certified, with the exception that the county determines the specialized care increments for the "D" and "F" rates. Relative caregivers and homes licensed by the State receive the Basic rate associated with the age of the child placed in their home, unless the child meets criteria as emotionally disturbed (Schedule "D" rate) or physically handicapped or developmentally delayed ("F" rates).

FFA rates are significantly higher than rates paid to relatives and homes licensed by the State, because they are considered treatment placements and include additional

increments for the child, and social work and administrative costs. The cost of putting either licensed or relative homes under FFA rates could be high. We would be paying for more administration and services than what is needed, which is licensing and monitoring individual homes. The average Basic rate paid for a child is $506 per month, the average "D" rate paid is $1140 per month, the average "F4" rate paid is $1349, and the average FFA rate is $1717 per month. If all 2530 "D" rate placements were served by FFAs (at an additional average monthly cost of $577), the annual costs associated would increase by over $17 million. Currently FFAs are authorized by the State to pay foster parents a rate between $414 and $580 monthly depending on the age of the child placed, which is less than current "D" rate homes receive. In addition, the Department does not have the ability to force licensed or relative caregivers to work with FFAs.

We discussed the plans to re-evaluate licensed homes in a section above. In addition, for children placed in licensed or relative D rate homes, the Department has set up a special section, where initial referrals are reviewed by one of the 10 very experienced Evaluators, all of whom are licensed mental health professionals (Licensed Clinical Social Workers or Licensed Marriage and Family Therapists). Licensed psychologists do an assessment of the child and an assessment of the home for its ability to meet the child's needs, and determine goals that the child can attain within the next six months to improve his/her functioning. Every six months thereafter, the child and his/her situation and placement are reassessed for improvement in functioning, and to re-determine what interventions and treatment remain necessary. The Evaluators make all necessary linkages to required services. The Evaluators also work with the caregivers, explaining techniques for working with the child and forge relationships to help meet the child's needs. The caregiver can contact the Evaluator and her/his supervisor at any time to discuss a problem, get a referral, link with other entities, revise a case plan, or discuss any problem, knowing that they will get help and support. Public Health Nurses reassess children in "F" rate placements every six months. They also evaluate the children's health needs, make referrals and provide support.

Approximately 11,000 children in Los Angeles County are placed in relative care. The Department recently established the Kinship Support Division to support relatives and non-relative extended family caregivers. In addition, 8,000 children receive KinGAP payments and their caregivers are provided support through the DCFS Kinship Resource Centers.

AB 1695 Chapter 653, Statutes of 2001 and the settlement provisions of the Higgins vs. Saenz lawsuit established the standards and requirements for assessing and approving the homes of relatives and non-relative extended family caregivers. State regulations set requirements for the assessment and approval of relatives and non-relative extended caregivers that are consistent throughout the State. These requirements include the following:

1. For initial cases, all standards must be met by the date of approval;
2. The home must meet home approval standards on or prior to the placement date;
3. Annual re-assessment/approval must occur on or before the last day of the 12th month following the previous assessment/approval date;

4. Criminal background checks must be completed for the caregiver and all adults living in the home, and all required clearances and exemptions obtained;
5. The caregiver must be assessed as able to provide care and supervision of the child and provide for the child's needs;
6. An onsite inspection of the home's building and grounds must be conducted and a determination made that the home is clean, safe, sanitary, in good repair, and that it meets required health and safety standards;
7. Information regarding the personal rights of the child must be provided to the prospective caregiver, and the caregiver must agree to provide a copy of this information to the child to be placed in the home (or child's authorized representative where applicable); and
8. The caregiver must receive a summary of the State approval regulations and complete the orientation provided by the county.

The State provides an allocation of funds to the County to complete the assessment and approval of relative and non-relative extended family caregivers. Presently, the State allocates 15 hours to complete the initial assessment and 3 hours to complete the annual re-assessment. We are currently working with CWDA and the State to re-evaluate the time needed for assessments and re-assessments.

Procedures for out-of-home placement of children into Foster Family Agencies (FFAs), licensed foster homes, and relative caregivers to best match the child's needs to the placement and to insure that funding is distributed based on a child's needs, including recommendations for any legislative changes that may be necessary.

State law and regulation require that a child be placed in the least restrictive, most family-like setting consistent with the best interests and special needs of the child. DCFS Policy further acknowledges the importance of maintaining a child within his or her own community. DCFS policy requires CSWs to search for placement resources in the following order:

1. relatives, even if they reside outside the child's community;

2. non-relative extended family members who have a pre-existing relationship to the child as defined as "any adult caregiver that has an established family or mentoring relationship with a child;"

3. a licensed foster family home within the ZIP code from which the child was removed;

4. a FFA-certified foster family home within the ZIP code from which the child was removed;

5. a licensed foster family home or FFA-certified foster family home in adjacent ZIP codes until a suitable placement is located;

Once a child is placed in a particular setting, the State-established rate system dictates the amount of money paid to that provider. The State maintains the authority to set rates; we are unaware of any current efforts at CDSS to change the entire rate setting system, under which payment is made to the provider depending upon factors such as the child's age and special needs. However, Kinship caregivers will benefit from child welfare enhancements recently enacted in the State Budget, which included the expansion of KinGAP to add the clothing allowance and the ability to be paid at the level of the "D" and "F" rate specialized care increments.

The Department is working closely with the State on the new SDM System for Substitute Care Providers, which ultimately will include an automated application matching the needs and strengths of individual children with individual care providers. Additionally, the Department has begun rolling out the use of the more comprehensive Child and Adolescent Needs and Strengths (CANS) instrument to assess children in placement, or at risk of placement, in a group home setting. Both of these processes will help to ensure a better match of the child's needs with the placement. Additionally, the SDM System for SCP Assessments will assist in making better decisions about the supports and resources that care providers need.

At this time, we have not identified any other legislative changes that are needed. The Department will continue to assess the need for legislation and work with the CAO to develop proposals for inclusion in the 2007 State Legislative Agenda.

If you have any questions, please call me or your staff may contact Susan Jakubowski, Manager, Board Relations Section, at (213) 351-5530.

JS:LP:emm

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors