

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LASHAWN A., *et al.*,

Plaintiffs,

v.

MURIEL BOWSER, *et al.*,

Defendants.

Civil Action No. 89-1754 (TFH)

**JOINT MOTION FOR ENTRY OF ORDER
APPROVING EXIT AND SUSTAINABILITY PLAN**

The Parties jointly request the entry of an order approving the attached Exit and Sustainability Plan (ESP), to replace the Implementation and Exit Plan (IEP) dated December 17, 2010. *See* Fed. R. Civ. P. 7(b) and LCvR 7(m).

Since the June 11, 2019 hearing, the Court Monitor has assisted the Parties in mediation and extensive negotiations to reach an agreed approach to finally terminate this litigation. The ESP reflects the substantial progress the District of Columbia (the District) has made in the last decade, by removing from court monitoring certain Exit Standards imposed by the IEP that the District has achieved and maintained for several years.

The ESP also provides a detailed strategy for—and commitment by—the District to focus on the remaining areas that require additional improvement, and to allow the District to achieve those important outcomes.

The Parties will meet after the Court Monitor’s next monitoring report and determine what additional steps are necessary to ensure that the District continues to progress towards achieving compliance with the remaining Exit Standards.

A memorandum of points and authorities and a proposed order are attached.

Dated: August 29, 2019.

/s/ Marcia Lowry

Marcia Lowry (#1187053)
A Better Childhood, Inc.
355 Lexington Avenue, Floor 16
New York, NY 10017
(646) 795-4456
m_lowry@abetterchildhood.org

/s/ Sarah Jaffe

Sarah Jaffe (#5230313)
A Better Childhood, Inc.
355 Lexington Avenue, Floor 16
New York, NY 10017
(646) 795-4456
s_jaffe@abetterchildhood.org

Attorneys for Plaintiffs

Respectfully submitted,

KARL A. RACINE

Attorney General for the District of Columbia

TONI MICHELLE JACKSON

Deputy Attorney General
Public Interest Division

/s/ Fernando Amarillas

FERNANDO AMARILLAS (#974858)
Chief, Equity Section

/s/ Andrew J. Saindon

ANDREW J. SAINDON (#456987)
Senior Assistant Attorney General
441 Fourth Street, N.W., Suite 600S
Washington, D.C. 20001
Phone: (202) 724-6643
Email: andy.saindon@dc.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LASHAWN A., <i>et al.</i>, Plaintiffs, v. MURIEL BOWSER, <i>et al.</i>, Defendants.	Civil Action No. 89-1754 (TFH)
--	---------------------------------------

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF JOINT MOTION FOR ENTRY OF
ORDER APPROVING EXIT AND SUSTAINABILITY PLAN

In support of the Parties' Joint Motion for Entry of Order Approving Exit and Sustainability Plan, the Parties rely upon:

1. Fed. R. Civ. P. 6(b)(1)(A) and (7)(b);
2. LCvR 7(m);
3. The Implementation and Exit Plan (IEP) dated December 17, 2010 [1073]; and
4. The inherent equitable powers of the Court.

Dated: August 29, 2019.

/s/ Marcia Lowry
Marcia Lowry (#1187053)
A Better Childhood, Inc.
355 Lexington Avenue, Floor 16
New York, NY 10017
(646) 795-4456
mlowry@abetterchildhood.org

/s/ Sarah Jaffe
Sarah Jaffe (#5230313)
A Better Childhood, Inc.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

TONI MICHELLE JACKSON
Deputy Attorney General
Public Interest Division

/s/ Fernando Amarillas
FERNANDO AMARILLAS (#974858)
Chief, Equity Section

355 Lexington Avenue, Floor 16
New York, NY 10017
(646) 795-4456
sjaffe@abetterchildhood.org

Attorneys for Plaintiffs

/s/ Andrew J. Saindon
ANDREW J. SAINDON (#456987)
Senior Assistant Attorney General
441 Fourth Street, N.W., Suite 600S
Washington, D.C. 20001
Phone: (202) 724-6643
Email: andy.saindon@dc.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LASHAWN A., *et al.*,

Plaintiffs,

v.

MURIEL BOWSER, *et al.*,

Defendants.

Civil Action No. 89-1754 (TFH)

ORDER

Upon consideration of the Parties' Joint Motion for Entry of Order Approving Exit and Sustainability Plan, and the entire record, it is:

ORDERED that the Joint Motion is **GRANTED**; and it is

FURTHER ORDERED that, pursuant to the Parties' joint request, the Court will enter a separate order approving the Exit and Sustainability Plan, which will replace the Implementation and Exit Plan dated December 17, 2010 [1073].

SO ORDERED.

Dated: _____

THE HONORABLE THOMAS F. HOGAN
Judge, United States District Court
for the District of Columbia

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**Lashawn A., by her next friend, Evelyn)
Moore, *et al.*,)**

Plaintiffs,)

v.)

Case No. 89-cv-1754 (TFH)

**MURIEL BOWSER, as Mayor of the)
District of Columbia, *et al.*,)**

Defendants.)

ORDER

Pending before the Court are the Parties' proposal for an Exit and Sustainability Plan. Pursuant to Modified Final Order ("MFO") § XX.B, the Court hereby enters the Exit and Sustainability Plan accompanying this Order. This plan replaces the *LaShawn A. v. Fenty* Implementation and Exit Plan dated December 17, 2010.

SO ORDERED.

, 2019

THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE

LaShawn A. v. Bowser

Exit and Sustainability Plan

August 29, 2019

PREAMBLE

This *LaShawn A. v. Bowser* Exit and Sustainability Plan includes: Outcomes to be Maintained, a listing of Exit Standards from the 2010 Implementation and Exit Plan that the District's performance met and maintained (Section I); Outcomes to be Achieved (Section II); Self-Regulation and Public Reporting Commitments (Section III); Placement Array Commitments (Section IV); and Sustainability and Exit (Section V). Citations from Federal law, District of Columbia law and regulations, the Modified Final Order (MFO), and CFSA policy are included. This plan supersedes and replaces the *LaShawn A. v. Fenty* Implementation and Exit Plan (IEP) dated December 17, 2010.

The Court Monitor shall continue to prepare and submit to the Court bi-annual performance reports setting forth 1) compliance with the "Outcomes to be Achieved" Exit Standards; and 2) Defendants' progress in carrying out the associated action steps set forth in the Placement Array Commitments and Self-Regulation and Public Reporting Commitments sections.

At the end of the first quarter of the calendar year, the Parties will convene a meeting to engage in good faith discussions to reassess the remaining Exit Standards and plans to exit the *LaShawn A.* lawsuit.

SECTION I: OUTCOMES TO BE MAINTAINED

Defendants and the Court Monitor shall not be required to report to the Court on the “Outcomes to be Maintained” (Section I) Exit Standards unless there is a reason to believe that they have not been maintained. At the Court Monitor’s discretion, or at the Plaintiffs’ request, the Court Monitor may request data and information on specific “Outcomes to be Maintained” Exit Standard(s) from Defendants in order to assess the District’s performance.

If the Monitor seeks to reinstate an outcome designated as an “Outcome to be Maintained” to an “Outcome to be Achieved,” Defendants may object and provide information to demonstrate that the performance change is either temporary, insubstantial, or based on reasonable justification.

The following 56 Exit Standards¹ are in the “Outcomes to be Maintained” Section because the District has demonstrated sustained performance and the parties agree that no future external monitoring is required.

1. Investigations (IEP citation I.A.1.c.)
2. Worker Visitation to Families with In-Home Services (IEP citation I.A.4.a.-b.)
3. Worker Visitation to Children in Out-of-Home Care (IEP citation I.A.5.a.-c.)
4. Relative Resources (at-risk) (IEP citation I.B.7.a.)
5. Relative Resources (removal) (IEP citation I.B.7.b.)
6. Placement of Children in Most Family-Like Setting (IEP citation I.B.8.a.)
7. Placement of Young Children (under 12) (IEP citation I.B.9.a.)
8. Placement of Young Children (under 6) (IEP citation I.B.9.b.)
9. Appropriate Permanency Goals (ASFA) (IEP citation I.B.12.a.)
10. Appropriate Permanency Goals (APPLA) (IEP citation I.B.12.b.)
11. Appropriate Permanency Goals (YTP) (IEP citation I.B.12.c.)
12. Legal Action to Free Children for Adoption (IEP citation I.B.15.a.-b.)
13. Timely Adoption (in approved placement within 9 months) (IEP citation I.B.16.a.i.)
14. Timely Adoption (finalization in 12 months) (IEP citation I.B.16.b.iii.)
15. Placement Licensing (IEP citation I.B.18.)
16. Sibling Placement and Visits (placement) (IEP citation I.C.20.a.)
17. Sibling Placement and Visits (visits monthly and bi-monthly) (IEP citation I.C.20.b.)
18. Health and Dental Care (preplacement and replacement screenings) (IEP citation I.C.22.a.)
19. Health and Dental Care (full medical evaluation) (IEP citation I.C.22.b.i.)
20. Health and Dental Care (QSR) (IEP citation I.C.22.c.)
21. Supervisory Responsibilities (IEP citation I.D.26.a. & b.i.-ii.)
22. Training for New Social Workers (IEP citation I.D.27.a.)
23. Training for Previously Hired Social Workers (IEP citation I.D.28.a.)
24. Training for Previously Hired Supervisors and Administrators (IEP citation

¹ *LaShawn A. v. Fenty et al.*, Implementation and Exit Plan (“IEP”) dated December 17, 2010.

- I.D.28.b.)
25. Training for Foster Parents (pre-service) (IEP citation I.D.29.a.)
 26. Special Corrective Action (IEP citation I.D.30.)
 27. Performance-Based Contracting (IEP citation I.D.31.)
 28. Interstate Compact for the Placement of Children (ICPC) (IEP citation I.D.32.)
 29. Licensing Regulations (IEP citation I.D.33.)
 30. Budget and Staffing Adequacy (IEP citation I.D.34.)
 31. Federal Revenue Maximization (IEP citation I.D.35.)
 32. Entering Reports Into Computerized System (IEP citation II.A.1.)
 33. Maintaining 24 Hour Response System (IEP citation II.A.2.)
 34. Checking for Prior Reports (IEP citation II.A.3.)
 35. Reviewing Child Fatalities (IEP citation II.A.4.)
 36. Investigations of Abuse and Neglect in Foster Homes and Institutions (IEP citation II.A.5.)
 37. Policies for General Assistance Payments (IEP citation II.B.6.)
 38. Use of General Assistance Payments (IEP citation II.B.7.)
 39. Timely Approval of Foster/Adoptive Parents (IEP citation II.B.9.)
 40. Placement within 100 Miles of the District (IEP citation II.B.10.)
 41. Licensing and Placement Standards (IEP citation II.B.11.)
 42. Case Planning Process (IEP citation II.B.12.)
 43. Appropriate Permanency Goals (IEP citation II.B.13.)
 44. Post-Adoption Services Notification (IEP citation II.B.15.)
 45. Family Court Reviews (IEP citation II.D.16.)
 46. Permanency Hearings (within 14 days) (IEP citation II.D.17.)
 47. Use of MSWs and BSWs (IEP citation II.E.18.)
 48. Social Work Licensure (IEP citation II.E.19.)
 49. Training for Adoptive Parents (IEP citation II.F.20.)
 50. Foster Parent Licensure (IEP citation II.G.22.)
 51. Quality Assurance (IEP citation II.G.23.)
 52. Maintaining Computerized System (IEP citation II.H.24.)
 53. Contracts to Require the Acceptance of Children Referred (IEP citation II.H.25.)
 54. Provider Payments (IEP citation II.H.26.)
 55. Foster Parent Board Rates (IEP citation II.H.27.)
 56. Post-Adoption Services (IEP citation II.H.28.)

SECTION II: OUTCOMES TO BE ACHIEVED

1. *INVESTIGATIONS – TIMELY INITIATIONS*²

Investigations of alleged child abuse and neglect shall be initiated or documented good faith efforts shall be made to initiate investigations within 48 hours after receipt of a report to the hotline of child maltreatment.³

Exit Standard: 95% of all investigations will be initiated within 48 hours or there will be documented good faith efforts to initiate investigations whenever the alleged victim child(ren) cannot be immediately located.

2. *INVESTIGATIONS (TIMELY CLOSURES)*⁴

Investigations of alleged child abuse and neglect shall be completed within 30 days after receipt of a report to the hotline of child maltreatment and the final report of findings for each investigation shall be completed within 5 days of the completion of the investigation.⁵

Exit Standard: 90% of investigations will be completed and a final report of findings shall be entered in FACES within 35 days.

3. *ACCEPTABLE INVESTIGATIONS*⁶

CFSA shall routinely conduct investigations of alleged child abuse and neglect. Evidence

² IEP citation I.A.1.a.; MFO II(G), X(D)(1)(a); D.C. Code §§ 4-1301.04(b), 4-1301.04(c)(3)(A), 4-1301.06(a) & (c)(1); CFSA Hotline Policy, Child Protective Services (revised 08/29/12); Investigations Policy (revised 01/16/15).

³ The 48-hour time period is consistent with local law (D.C. Code §§ 4-1301.04(a), (b) & (c)). Initiation of an investigation includes seeing all alleged victim child(ren) and talking with the child(ren) outside the presence of the caretaker. When the alleged victim child(ren) is not immediately located, documented good faith efforts to see the child within the first 48 hours shall satisfy this requirement if they include: 1) visiting the child's home at different times of the day; 2) visiting the child's school and/or day care in an attempt to locate the child if known; 3) contacting the reporter, if known, to elicit additional information about the child's location; 4) reviewing the CFSA information system and other information systems (e.g., ACEDS, STARS) for additional information about the child and family; and 5) contacting the police for all allegations that a child(ren)'s safety or health is in immediate danger.

⁴ IEP citation I.A.1.b.; MFO II(G), X(D)(1)(a); D.C. Code §§ 4-1301.04(b), 4-1301.04(c)(3)(A), 4-1301.06(a) & (c)(1); CFSA Hotline Policy, Child Protective Services (revised 08/29/12); Investigations Policy (revised 01/16/15).

⁵ The Court Monitor shall measure compliance with this requirement by validating FACES data regarding the percentage of all final reports of findings from investigations that were completed within 35 days after receipt of a report of child maltreatment.

⁶ IEP citation I.A.2.; *see generally* MFO II(H) and (J-K); D.C. Code §§ 4-1301.04, 4-1301.06 (b)(3)(B-D), 4-1303.01a(3A); Investigations Policy (revised 01/16/15).

of acceptable investigations include:

- a. Use of CFSA's screening tool in prioritizing response times for initiating investigations;
- b. Interviews with and information obtained from the five core contacts – the victim child(ren), the maltreater, the reporting source (when known), medical resources, and educational resources (for school-aged children);
- c. Interviews with collateral contacts that are likely to provide information about the child's safety and well-being;
- d. Interviews with all children in the household outside the presence of the caretaker, parents or caregivers, or documentation, by the worker, of good-faith efforts to see the child and that the worker has been unable to locate the child;
- e. Medical and mental health evaluations of the children or parents when the worker determines that such evaluations are needed to complete the investigation, except where a parent refuses to consent to such evaluations. When a parent refuses to consent to such an evaluation, the investigative social worker and supervisor shall consult with the Assistant Attorney General to determine whether court intervention is necessary to ensure the health and safety of the child(ren);
- f. Use of risk assessment protocol in making decisions resulting from an investigation; and
- g. Initiation of services during the investigation to prevent unnecessary removal of children from their homes.

Exit Standard: 80% of investigations will be of acceptable quality as measured by a qualitative review and verified by the Monitor.

4. SERVICES TO FAMILIES AND CHILDREN TO PROMOTE SAFETY, PERMANENCY AND WELL-BEING⁷

Appropriate services, including all services identified in a child or family's safety plan or case plan, shall be offered and children/families shall be assisted to use services to support child and safety, permanence and well-being.

CFSA shall provide for or arrange for services through operational commitments from District of Columbia public agencies and/or contracts with private providers. Services shall include:

- a. Services to enable children who have been the subject of an abuse/neglect report to avoid placement and to remain safely in their own homes;
- b. Services to enable children who have or will be returned from foster care to parents or relatives to remain with those families and avoid replacement into foster care;
- c. Services to avoid disruption of an adoptive placement that has not been finalized and avoid the need for replacement; and

⁷ IEP citation I.A.3.; see generally MFO III(B); D.C. Code §§ 4-1301.09(b), 4-1303.01a(b)(7, 9, 10), 4-1303.03(a)(3, 7, 13, 14), 4-1303.03(b)(1-4), (9) & (9A); Investigations Policy (revised 01/16/15); Family Team Meetings Policy (revised 04/04/13) and the Out-of-Home Practice Model (July 2009).

- d. Services to prevent the disruption of a beneficial foster care placement and avoid the need for replacement.

Exit Standard: 80% of cases in the QSR sample will have an acceptable rating on the Supports and Services Indicator.

5. *ASSESSING SAFETY DURING WORKER VISITATION TO FAMILIES WITH IN-HOME SERVICES*⁸

Workers are responsible for assessing and documenting the safety (e.g., health, educational and environmental factors and the initial safety concerns that brought this family to the attention of the Agency) of each child.

Exit Standard: 80% of the in-home sample will have an acceptable rating on two QSR indicators: Child Safety⁹ and Planning Interventions: Safety & Protection.¹⁰

6. *ASSESSING SAFETY DURING WORKER VISITATION TO CHILDREN IN OUT-OF-HOME CARE*¹¹

Workers are responsible for assessing and documenting the safety (e.g., health, educational and environmental factors and the initial safety concerns that brought this child to the attention of the Agency) of each child.

Exit Standard: 80% of the out-of-home sample will have an acceptable rating on two QSR indicators: Child Safety¹² the QSR Planning Interventions: Safety/Protection.¹³

7. *VISITATION FOR CHILDREN EXPERIENCING A NEW PLACEMENT OR A PLACEMENT CHANGE*¹⁴

- a. A CFSA social worker or private agency social worker with case management responsibility shall make at least two visits to each child during the first four weeks

⁸ IEP citation I.A.4.c.

⁹ The Safety indicator is a Child and Family Status Indicator within the QSR protocol. Safety will be considered “acceptable” when all sub-parts: home, school, community, and other are considered to be acceptable.

¹⁰ The Planning Intervention sub-part Safety and Protection indicator is a Practice Performance Indicator within the QSR protocol.

¹¹ IEP citation I.A.5.d.

¹² The Safety indicator is a Child and Family Status Indicator within the QSR protocol. Safety will be considered “acceptable” when all sub-parts: home, school, community, and other are considered to be acceptable

¹³ The Planning Intervention sub-part Safety and Protection indicator is a Practice Performance Indicator within the QSR protocol.

¹⁴ IEP citation I.A.6.a-d.; *see generally* MFO IX(A-B); D.C. Code § 4-1405(b); 29 DCMR § 6003.2(b); CFSA Visitation Policy (revised 08/11/11); CFSA Out-of-Home Practice Model, Visitation (July 2009).

- of a new placement or a placement change.
- b. A CFSA social worker, private agency social worker, family support worker or nurse care manager shall make two additional visits to each child during the first four weeks of a new placement or a placement change.
- c. At least one of the above visits during the first four weeks of a new placement or a placement change shall be in the child's home.
- d. At least one of the visits during the first four weeks of a new placement or a placement change shall include a conversation between the social worker and the resource parent to assess assistance needed by the resource parent from the agency.

Exit Standard: 90% of children newly placed in foster care or experiencing a placement change will have four visits in the first four weeks of a new placement or placement change as described above.

8. *PLACEMENT OF CHILDREN IN MOST FAMILY-LIKE SETTING*¹⁵

No child shall remain in an emergency, short-term or shelter facility or foster home for more than 30 days.

Exit Standard: No child shall remain in an emergency, short-term or shelter facility or temporary foster home for more than 30 days.¹⁶

9. *VISITS BETWEEN PARENTS AND WORKERS*¹⁷

- a. For children with a permanency goal of reunification, in accordance with the case plan, the CFSA social worker or private agency social worker with case-management responsibility shall visit with the parent(s) at least one time per month in the first three months post-placement.¹⁸
- b. A CFSA social worker, nurse care manager or family support worker shall make a second visit during each month for the first three months post-placement.¹⁹

¹⁵ IEP citation I.B.8.b.; MFO VI(A)(1, 5); D.C. Code § 4-1301.09(d)(1); 29 DCMR § 6256.4; CFSA Policy; CFSA Out-of-Home Practice Model, Placement (July 2009); Family Team Meeting Policy (revised 04/04/13); Notice of Removal to Adult Relatives of Children and Youth Entering Foster Care administrative issuance (December 2, 2009); Investigations Policy (revised 01/16/15).

¹⁶ Based on individual review, the Monitor's assessment will exclude, on a case-by-case basis, children placed in an emergency, short-term, or shelter facility or foster home for more than 30 days where moving them would not be in their best interests.

¹⁷ MFO VII(B)(6); Visitation Policy (revised 08/29/11); CFSA Out-of-Home Practice Model, Visitation (2009); Engaging Incarcerated Parents Policy (December 1, 2009); Elements of Good Documentation Tip-Sheet (November, 2009).

¹⁸ This exit standard is also satisfied when there is documentation that the parent(s) is(are) unavailable or refuses to cooperate with the Agency.

¹⁹ This exit standard is also satisfied when there is documentation that the parent(s) is(are) unavailable or refuses to cooperate with the Agency.

Exit Standard: 80% of parents will have twice monthly visitation with workers in the first three months post-placement as defined above.²⁰

10. VISITS BETWEEN PARENTS AND CHILDREN²¹

There shall be weekly visits between parents and children with a goal of reunification unless clinically inappropriate and approved by the Family Court. In cases in which visitation does not occur, the Agency shall demonstrate and there shall be documentation in the case record that visitation was not in the child's best interest, is clinically inappropriate or did not occur despite efforts by the Agency to facilitate it.

Exit Standard: 85% of children with the goal of reunification will have weekly visitation with the parent with whom reunification is sought.²²

11. REDUCTION OF MULTIPLE PLACEMENTS FOR CHILDREN IN CARE²³

Exit Standard:

- a. Of all children served in foster care during the previous 12 months who were in care at least 8 days and less than 12 months, 83% shall have had two or fewer placements.
- b. Of all children served in foster case during the previous 12 months who were in care for at least 12 months but less than 24 months, 60% shall have had two or fewer placements.
- c. Of all children served in foster care during the previous 12 months who were in care for at least 24 months, 75% shall have two or fewer placements in that 12-month period.

12. TIMELY APPROVAL OF FOSTER/ADOPTIVE PARENTS²⁴

CFSA shall have in place a process for recruiting, studying and approving families, including relative caregivers, interested in becoming foster or adoptive parents that results in the necessary training, home studies and decisions on approval being completed within 150 days of beginning training.

²⁰ This exit standard is also satisfied when there is documentation that the parent(s) is(are) unavailable or refuses to cooperate with the Agency.

²¹ IEP citation I.B.11.; MFO VII(B)(7); D.C. Code § 4-1303.03(a-1)(5); Visitation Policy (revised 08/29/11); Engaging Incarcerated Parents Policy (12/01/09); Elements of Good Documentation Tip-Sheet (November 2009); CFSA Out-of-Home Practice Model, Visitation (July 2009).

²² This exit standard is also satisfied in cases where it is documented that a visit is not in the child's best interest, is clinically inappropriate or did not occur despite efforts by the Agency to facilitate it.

²³ IEP citation I.B.13; *See generally* MFO VI(A) and VI(B); CFSA Family Team Meetings (FTM) Policy (revised 04/04/13); CFSA Out-of-Home Practice Model, Placement (July 2009).

²⁴ IEP citation I.B.14.; *see generally* MFO XV(E); no timeframes specified in D.C. Code, *see generally* D.C. Code § 4-1303.03(a-1)(4)(C); 29 DCMR §§ 6028.4 & 6028.5.

Exit Standard: 70% of homes licensed beginning April 1, 2019, will have been approved, and interested parties will have been notified within 150 days.²⁵

13. *TIMELY ADOPTION*²⁶

Timely permanency through reunification adoption or legal guardianship

Exit Standard:

- a. Of all children who entered foster care for the first time in FY 2018 and who remain in foster care for 8 days or longer, 45% will achieve permanency (reunification, kinship guardianship, adoption or non-relative guardianship) by September 30, 2019.
- b. Of all children who are in foster care for more than 12 but less than 25 months on September 30, 2018, 45% will be discharged from foster care to permanency (reunification, kinship guardianship, adoption or non- relative guardianship) by September 30, 2019.
- c. Of all children who are in foster care for 25 months or longer on September 30, 2018, 40% will be discharged through reunification, adoption, legal guardianship prior to their 21st birthday or by September 30, 2019, whichever is earlier.
- d. The above standards (i, ii, and iii) will continue for each year for as long as this agreement is in effect.

14. *CASE PLANNING PROCESS*²⁷

- a. CFSA, with the family, shall develop timely, comprehensive and appropriate case plans in compliance with District law requirements and permanency timeframes, which reflect family and children's needs, are updated as family circumstances or needs change, and CFSA shall deliver services reflected in the current case plan.
- b. Every reasonable effort shall be made to locate family members and to develop case plans in partnership with youth and families, the families' informal support networks, and other formal resources working with or needed by the youth and/or family
- c. Case plans shall identify specific services, supports and timetables of providing services needed by children and families to achieve identified goals.

Exit Standard: 80% of cases will achieve an acceptable rating on the Quality Service

²⁵ The exit standard is satisfied where there is documentation that establishes that failure to meet the 150 day timeline is due to delays that are beyond the control of the District of Columbia.

²⁶ IEP citation I.B.16.c; MFO VIII(D)(1) and (D)(2)(d);, 4-1303.01a(b)(11).

²⁷ IEP citation I.B.17.; MFO VII; D.C. Code §§ 4-1301.02(3), 4-1301.09(b); CFSA Out-of-Home Practice Model, Case Planning (revised July 2009); CFSA Diligent Search Policy (revised 07/10/14).

Reviews (QSR) Planning Intervention Indicator.²⁸

15. COMMUNITY-BASED SERVICE REFERRALS FOR LOW & MODERATE RISK FAMILIES²⁹

Exit Standard: 90% of families who have been the subject of a report of abuse and/or neglect, whose circumstances are deemed to place a child in their care at low or moderate risk of abuse and neglect and who are in need of and agree to additional supports shall be referred to an appropriate Collaborative or community agency for follow-up.³⁰

16. ASSESSMENTS FOR CHILDREN EXPERIENCING A PLACEMENT DISRUPTION³¹

CFSA shall ensure that children in its custody whose placements are disrupted are provided with a comprehensive and appropriate assessment and follow-up action plans to determine their service and re-placement needs no later than within 30 days of re-placement. A comprehensive assessment is a review, including as applicable the child, his/her family, kin, current and former caregiver and the GAL, to assess the child's current medical, social, behavioral, educational and dental needs to determine the additional evaluations/services/supports that are required to prevent future placement disruptions.

Exit Standard: 90% of children experiencing a placement disruption will have a comprehensive assessment as described above and an action plan to promote stability developed.

17. HEALTH AND DENTAL CARE (FULL DENTAL EVALUATION)³²

Children in foster care shall receive a full medical and dental evaluation within 30 days of placement.

Exit Standard: 25% of children shall receive a full dental evaluation within 30 days of placement. 50% of children shall receive a full dental evaluation within 60 days of

²⁸ The Monitor will determine performance based on the QSR Planning Intervention Indicator. This composite indicator will be considered to be "acceptable" when the sub-part Safety & Protection is rated acceptable, the sub-part Permanency is rated acceptable, and the majority of the sub-parts are rated acceptable. The District will conduct 140 QSRs annually to determine if practice is acceptable.

²⁹ IEP citation I.C.19.; *see generally* MFO XV(A)(2); D.C. Code §§ 4-1303.03(a-1)(3), (3A)(A), 4-1303.03a(a).

³⁰ Low and moderate risk cases for which CFSA decides to open an ongoing CFSA case are excluded from this requirement.

³¹ IEP citation I.C.21.; MFO III(B)(3-4), VI(C)(3).

³² IEP citation I.C.22.b.ii.; MFO VI(C)(1); *see generally* D.C. Code §§ 4-1303.03(a)(3), 4-1303.03(d); CFSA Out-of-Home Practice Model, Placement (July 2009); Investigations Policy (revised 01/16/15).

placement. 85% of children shall receive a full dental evaluation within 90 days of placement.

18. HEALTH AND DENTAL CARE (MEDICAID NUMBER AND CARD)³³

CFSA shall ensure the prompt completion and submission of appropriate health insurance paperwork, and shall keep records of, e.g., Medicaid application dates, HMO severance dates, and enrollment dates. CFSA shall provide caregivers with documentation of Medicaid coverage within 5 days of every placement and Medicaid cards within 45 days of placement.

Exit Standard: 90% of children's caregivers shall be provided with documentation of Medicaid coverage within 5 days of placement and Medicaid cards within 45 days of placement.

19. CASELOADS³⁴

- a. The caseload of each worker³⁵ conducting investigations of reports of abuse and/or neglect shall not exceed the MFO standard, which is 1:12 investigations.
- b. The caseload of each worker providing services to children and families in which the child or children in the family are living in their home shall not exceed 1:15 families.
- c. The caseload of each worker providing services to children in placement, including children in Emergency Care and children in any other form of CFSA physical custody, shall not exceed 1:15 children for children in foster care.
- d. The caseload of each worker having responsibility for conducting home studies shall not exceed 30 cases.
- e. There shall be no cases unassigned to a social worker for more than five business days, in which case, the supervisor shall provide coverage but not for more than five business days.
- f. The above standards (a-e) will continue to be monitored as long as this decree is in effect.

Exit Standard: 90% of investigators and social workers will have caseloads that meet the above caseload requirements. No individual investigator shall have a caseload greater than 15 cases. No individual social worker shall have a caseload greater than 18

³³ IEP citation I.C.22.d.; MFO VI(C)(1); *see generally* D.C. Code §§ 4-1303.03(a)(3), 4-1303.03(d); CFSA Out-of-Home Practice Model, Placement (July 2009); Investigations Policy (revised 01/16/15).

³⁴ IEP citation I.D.25.; MFO XI(A, F); the D.C. Code does not mandate a staff ratio, *see generally* D.C. Code §§ 4-1303.02a(d), 4-1303.02a(e).

³⁵ All requirements apply to both CFSA workers and private agency workers. All CFSA contracts with private agencies providing foster care services shall include performance expectations for visitation of children in foster care in compliance with MFO visitation requirements.

cases. No individual worker conducting home studies shall have a caseload greater than 35 cases.

20. TRAINING FOR NEW SOCIAL WORKERS AND SUPERVISORS³⁶

- a. New direct service staff³⁷ shall receive the required 80 hours of pre-service training through a combination of classroom, web-based and/or on-the-job training.

Exit Standard: 90% of newly hired CFSA and private agency direct service staff shall receive 80 hours of pre-service training.

- b. New supervisors shall complete a minimum of 40 hours of pre-service training on supervision of child welfare workers within eight months of assuming supervisory responsibility.

Exit Standard: 90% of newly hired CFSA and private agency supervisors shall complete 40 hours of pre-service training on supervision of child welfare worker within eight months of assuming supervisory responsibility.

21. TRAINING FOR FOSTER PARENTS³⁸

CFSA and contract agency foster parents shall receive 30 hours of in-service training every two years.

Exit Standard: 95% of foster parents whose licenses are renewed shall receive 30 hours of in-service training.

22. PLACEMENT OF CHILDREN IN MOST FAMILY LIKE SETTING³⁹

No child shall stay overnight in the CFSA Intake Center or office building.

Exit Standard: Ongoing Compliance

³⁶ IEP citation I.D.27.b.; MFO XIV(D); *see generally* D.C. Code § 4-1303.02a(e); CFSA Out-of-Home Practice Model, Training (July 2009).

³⁷ Direct service staff includes social workers, nurse care managers, and family supports workers who provide direct services to children, youth and families.

³⁸ IEP citation I.D.29.b.; MFO XIV(F); 29 DCMR 6026.

³⁹ IEP citation II.B.8.; Family Team Meeting Policy (revised 04/04/13).

23. *TIMELY ADOPTION*⁴⁰

Within 95 days of a child's permanency goal becoming adoption, CFSA shall convene a permanency planning team to develop a child-specific recruitment plan which may include contracting with a private adoption agency for those children without an adoptive resource.

Exit Standard: For 90% of children whose permanency goal becomes adoption, CFSA shall convene a permanency planning team to develop a child-specific recruitment plan which may include contracting with a private adoption agency for those children without an adoptive resource.

⁴⁰ IEP citation II.B.14.; MFO VIII(D)(1), (2)(d); IP VIII(1-2).

**SECTION III:
SELF-REGULATION AND
PUBLIC REPORTING COMMITMENTS**

I. Policy: CFSA will continue to create and update policies to reflect changes in practice. By December 31, 2019, CFSA will finalize the following new or updated policies:

- In-Home Services
 - Safety Planning
 - Investigations
 - Hotline
 - Family Team Meeting
 - Engaging Incarcerated Parents
 - Child Fatality Review
 - Placement and Matching
 - Permanency
- a. Policy Development – CFSA Policy will continue to be developed through requests from the Director, program area deputy, new federal guidance or local legislation requiring a policy change, or when the agency determines that a policy requires an update following a biannual review or when a significant practice change requires staff guidance.
- b. Policy Dissemination – Any new or updated policies will be available on the online policy manual accessible through the CFSA website and CFSA intranet within 30 days of the policy finalization. New and updated policies will be disseminated through the quarterly CFSA Policy Press E-newsletter and CFSA Policy Press E-Newsletter Special Editions as needed. Other dissemination possibilities include internal management team meeting presentations, individual administration-wide presentations, inclusion in pre- service and in-service social worker and foster parent training, and at external committee meetings.
- c. Policy Training – When CFSA determines training is required for a new or updated policy, the training will commence within 45 days of the policy finalization.

II. Continuous Quality Improvement: CFSA will continue to enhance and strengthen its continuous quality improvement (CQI) system and use the information to self- regulate, evaluate and adjust practice and policy decisions to meet performance outcomes. CFSA will use qualitative and quantitative data including stakeholder feedback and frequent monitoring of the volume of work, process and quality of care, and performance outcomes. CFSA will create a public reporting process by December 31, 2019, and post quarterly and annual reports on the CFSA website.

III. Public Reporting: The District will produce the following annual reports and will make the reports publicly available within 30 days of finalization:

- a. Needs Assessment and Resource Development Plan⁴¹
- b. Financial Support for Community-Based Services⁴²

IV. CFSA will continue to do QSR reviews for at least two years after it exits from court jurisdiction. It will make the results of those reviews available to the public within 60 days of finalization.

⁴¹ IEP citation II.G.21.

⁴² IEP citation I.D.24.

**SECTION IV:
PLACEMENT ARRAY COMMITMENTS**

Defendants commit to improve and expand available placements. In addition to the commitments memorialized below, Defendants agree to continually reassess their array and ensure that it has sufficient placements to appropriately match all children in its care with appropriate, stable caretakers. No child shall remain in an emergency, short-term or shelter facility or temporary foster home for more than 30 days. Defendants will continue to immediately report to the Monitor if a child spends the night in the CFSA office, and provide the Monitor with monthly data regarding the number of children who have spent more than 30 days in an emergency, short-term or shelter facility or temporary foster home.

Defendants make the following commitments to improve and expand its Placement Array:

1. Recruit and license Stabilization Observation Assessment Respite (SOAR) Foster Parents for a total of four beds that will be available for placement by December 10, 2019.
2. Issue Request for Proposal (RFP) and contract for Intensive Foster Care beds by December 31, 2019 for 36 children. Placements will be available by January 31, 2020.
3. Secure six Congregate Care beds for children with Autism Spectrum Disorder. Placements will be available by December 10, 2019.
4. Secure six Behavioral/Therapeutic Congregate Care beds for children. Placements will be available by December 10, 2019.
5. Recruit and license 50 new family foster beds with necessary supportive services with a net increase of at least 25 family foster beds. Placements will be available by January 31, 2020.

**SECTION V:
SUSTAINABILITY AND EXIT**

Defendants shall continue to provide to the Court Monitor all information necessary to assess performance on the “Outcomes to be Achieved” (Section II) and the Placement Array Commitments (Section IV), until this matter is dismissed. The Court Monitor shall review and validate monthly data and report to the Court, providing a full report on the status of Defendants’ performance on each of the Outcomes to be Achieved Exit Standards in the Exit and Sustainability Plan. The Court Monitor shall continue to participate in internal Child Fatality Review Committee meetings and remain a member of the City-wide Child Fatality Review Committee for the duration of this Court Order.

Notwithstanding the above, Defendants may seek to exit court supervision when (a) the Court Monitor reports that Defendants have achieved all of the “Outcomes to be Achieved” Exit Standards and maintained each of the “Outcomes to be Achieved” for at least two consecutive six-month reporting periods; (b) Defendants petition the Court for an Order of Dismissal and demonstrate, based on the Court Monitor’s reports, substantial compliance with the outcomes and Exit Standards and the Court finds, after hearing the views of the Court Monitor and the Plaintiffs, that the case should be dismissed in the interests of justice; or (c) as the Court may otherwise direct. In assessing compliance with this Exit and Sustainability Plan, the Court will consider sustainability in light of how closely Defendants met the Exit Standards as well as how consistently the Exit Standards are met over time. A “miss” by 5% or less on certain measures will not necessarily foreclose a demonstration of durable compliance, but neither shall a superior performance on one measure necessarily provide a basis for forgiving a shortfall on another. A substantial compliance argument must be assessed on the totality of the circumstances.

If Defendants seek to petition the Court for an Order of Dismissal on the grounds of substantial compliance, Defendants shall first inform the Court Monitor and Plaintiffs and engage in good faith efforts to determine whether there is any opposition to the relief sought and, if necessary, to engage in dispute resolution for a period not to exceed 45 business days in an attempt to resolve disagreements.