

LASHAWN A v. DIXON

MODIFIED FINAL ORDER

November 18, 1993

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DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
LaSHAWN A v. DIXON MODIFIED FINAL ORDER

I. NAMED PLAINTIFFS

- A. The Commissioner of the Commission on Social Services shall monitor the work of the Child and Family Services Division (CFSD) to assure that continual and steady progress toward permanency is maintained with regard to the named plaintiffs.
- B. The Commissioner of the Commission on Social Services shall ensure that all plans are implemented and that all necessary services are provided.
- C. Plaintiffs and defendants shall attempt to agree on necessary services and plans for the named plaintiffs. If the parties are unable to agree on necessary services and plans for the named plaintiffs, they shall select an independent expert to oversee the cases of the named plaintiffs. Such expert shall have decision-making authority with regard to necessary services and plans. Failure to implement the expert's decisions shall be a violation of this Order.
- D. The Commissioner of the Commission on Social Services shall ensure that plaintiffs' counsel receive quarterly reports concerning the children's status, services that have been provided, and implementation of plans for the named plaintiffs. Complete copies of all updated entries and new documents added to the children's records shall be provided to plaintiffs' counsel every 30 days.
- E. The provisions of this section of the Order shall go into effect immediately.

II. PROTECTIVE SERVICES

- A. The Department of Human Services shall establish, staff and maintain a 24 hour system for receiving and responding to reports of child neglect and abuse which conforms with reasonable professional standards.

- B. In conjunction with the Metropolitan Police Department, the Department shall develop and implement written policies and procedures for the cooperative screening and investigation of complaints of alleged child abuse; these policies and procedures shall remain in effect for as long as the Metropolitan Police Department retains any responsibility for such complaints. At a minimum, these policies and procedures shall require the following:
1. The Department shall be notified of all reports of abuse received by the Metropolitan Police Department.
 2. A Department social worker shall accompany the Metropolitan Police Department official or employee in the investigation of all abuse complaints.
 3. All requirements of this Order concerning the provision of services and the use of the risk assessment policy and form shall apply to any reports originating with the Metropolitan Police Department as well as all other reports covered by this Order.
- C. All reports of abuse/neglect shall be entered immediately into the Department's unitary computer information system and an investigating worker or supervisor reviewing the report shall use the information system to determine whether there have been prior reports of abuse/neglect in that family or to that child. This information shall immediately be available to the worker to whom the case has been assigned.
- D. The Department shall develop policies and procedures to screen complaints of abuse and neglect to determine whether these complaints of abuse/neglect are within the definitions of abuse/neglect contained in District law. The Department shall also screen out all those reports that are not and make general referrals and provide information for those referrals not within the legal definition.

- E. The Department shall develop policies and procedures for prioritizing response times to each report.
- F. Time periods for initiating investigations of all reports of abuse or neglect shall range from immediately to within 48 hours.
- G. All reports of abuse and/or neglect must be initiated within 48 hours and the investigation completed within 30 days:
 - 1. A report shall not be deemed initiated unless the worker has seen the child and talked with the child out of the presence of caretakers alleged to have abused or neglected the child; or
 - 2. The worker has made documented, good faith efforts to see the child but has been unable to locate the child.
- H. The Department shall develop policies and procedures to conduct risk assessment and to assure that child protective services investigations and decisions are based on a full and systematic analysis of a family's situation and the factors placing a child at risk and to guide decision- making concerning:
 - 1. Whether abuse/neglect has occurred;
 - 2. Whether the provision of services will enable the child and/or other children to remain safely in the home and, if so, what services should be provided. However, the lack of services necessary to enable the child to remain in the home shall be documented in writing, where such services are necessary but unavailable;
 - 3. Whether the child and/or children are in danger and must be removed from the home.

- I. In developing the risk assessment process, the Department shall consult with other District departments for the purpose of ensuring that, to the extent possible, the Department's risk assessment is compatible with or complementary to the risk assessment or family and child assessment instruments used by those departments. The intent is to minimize the duplicative and contradictory assessments that might otherwise be conducted when a child or family is served by more than one department.
- J. The Department shall develop policies and procedures to determine which children (who are the subject of abuse/neglect reports, or other children in the household) should receive a complete medical, psychological or psychiatric evaluation as part of the investigation:
 1. All children for whom such evaluations are necessary, as defined in this policy, shall receive the required evaluations during the investigation process and prior to the time the investigation is completed; and
 2. All children for whom a report of neglect or abuse has been supported, who have not otherwise received a medical examination during the investigation, shall receive a complete medical evaluation no later than 48 hours after the report has been supported, except in those instances in which it is documented in the case record that the child has recently received a comprehensive medical examination within the time period recommended by the American Academy of Pediatrics guidelines for children of the child's particular age.
- K. The Department shall develop policies and procedures for the reporting, investigation, and determination of reports of neglect/abuse (including specifications of what information must be included), in a final determination of whether abuse/neglect has occurred. All such determinations must be

recorded on a standardized form.

- L. The Department shall establish and fund a pool of specialized resource people, including but not limited to, psychiatrists, psychologists, and physicians:
 - 1. The resource pool shall be available by telephone and/or in person on an emergency basis to consult with workers and supervisors concerning the investigation and determination of complaints of child abuse or neglect;
 - 2. The availability and use of this resource pool shall be made known in writing to workers and supervisors and included in the pre-service training; and
 - 3. Where resources are provided within the Department, such pool should be governed by written agreements and their job descriptions shall include their functions as part of resource pool.
- M. The Department shall develop policies and procedures, in conjunction with the Police Department, to ensure workers receive immediate access to police protection in appropriate circumstances. The Metropolitan Police Department shall accompany Department workers on the investigation of all complaints for which the Department deems police protection to be necessary, subject to the jointly developed procedures described above.
- N. The defendants shall establish and maintain a Fatality Review Committee:
 - 1. The Fatality Review Committee (Committee) shall include, but not be limited to, the Administrator of the Family Services Administration; the Chief of the Child and Family Services Division; and four persons not employed by the District of Columbia, one of whom will

be selected by the plaintiffs, one of whom will be selected by the defendants, and the third and fourth of whom will be selected by the first two. The committee members shall select one of the members not employed by the Department to chair the committee;

2. In any instance in which a child in the plaintiff class dies under any circumstances, the Department shall provide the Committee with complete access to all DHS records and workers relating to or involved with the child and his or her family;
3. The Committee shall have access to the Quality Assurance staff of this Order to assist in any record reviews if the Committee deems such access appropriate;
4. At the end of each District of Columbia Fiscal Year, the Committee shall issue a formal report reviewing all fatalities of members of the plaintiff class during the year and make recommendations concerning appropriate corrective action to be taken by the defendants to avert future fatalities;
5. The Department shall implement all such recommendations of the Committee; and
6. The annual Committee report shall be a public document and shall not contain any child or family identifiable information.

III. SERVICES TO CHILDREN AND FAMILIES

- A. The Department shall develop policies and procedures for determining and ensuring that families are referred to and receive the intensity and level of services necessary to preserve family relationships, to prevent additional abuse/neglect, to promote better parental care, and to assure

good care for the child.

B. The Department shall provide services in the following manner:

1. To enable children who have been the subject of an abuse/neglect report to remain safely in their own homes;

a. For all families who have been the subject of a report of neglect/abuse that has not been founded, service needs, if any, shall be identified, the family shall be referred to an appropriate agency, and services shall be provided wherever possible.

b. For all families who have been the subject of a report of neglect/abuse that has been founded and the determination has been made that the child can safely remain at home based on a child and family risk assessment, the family shall receive appropriate services based on their needs.

c. For all families who have been the subject of a report of neglect/abuse that has been founded and for whom the determination has been made that the child is likely to be placed in foster care:

(1) The worker must make and document reasonable efforts to avoid the need for placement by considering a range of services to keep the child safely at home and providing those services that would enable the child to remain at home;

(2) The worker must make a determination that it would not be possible to maintain

the child safely at home with the provision of services; and

- (3) The worker must consider intensive family services as part of this determination.

2. To enable children who have been returned from foster care to parents or relatives to remain with those family members and avoid replacement in foster care:

- a. As part of the process for discharging a child from foster care, the case plan shall be reviewed and revised to determine those services necessary to support the child and the family when the child is returned and to avoid the need for replacement in foster care; and
- b. All services identified in the case plan to avoid the need for replacement in foster care shall be provided.

3. To avoid the disruption of an adoptive placement:

- a. In the event that an adoptive placement that has not been finalized is in danger of disrupting and the worker determines that the placement is beneficial to the child, the case plan shall be reviewed and revised to determine those services necessary to support the child and the family and to avoid the need for replacement; and
- b. All services necessary to avoid the need for replacement shall be provided.

4. To prevent the disruption of a foster home placement under those circumstances in which the placement is

a long-term placement and the placement is beneficial to the child:

- a. In the event that the worker has determined that the placement is beneficial to the child, but is in danger of disrupting, the case plan shall be reviewed and revised to determine those services necessary to support the child and the foster family and to avoid the need for replacement; and
 - b. All those services necessary to avoid the need for replacement shall be provided.
- C. The Department shall develop policies and procedures specifying the criteria for the provision of family services and for the referral of families to any private agencies with which the Department contracts for such services:
1. The Department shall develop a range of community services available to families; and
 2. Reasonable efforts to avoid the need for foster care placement shall be defined as services that cover a range of intensity relating to families' needs, including:
 - a. Intensive home-based crisis intervention services;
 - b. Homemaker services (including 24 hour);
 - c. Parent education/counselling;
 - d. Mental health services (including day treatment);
 - e. Substance abuse programs;
 - f. Housing assistance;

- g. Respite care;
 - h. Day care;
 - i. Emergency cash assistance;
 - j. Access to other public benefits;
 - k. Less intensive family services.
- D. Within 240 days of the entry of this Order, the Department shall establish five community based intensive home-based services units with five workers each, who shall have maximum caseloads of 2-4 families, with additional units to be established as determined by the Department and/or under contract by the process described in the section on Resource Development and Contract Review below.
- 1. The units shall be established according to the following schedule: within 90 days of the entry of this Order, the first unit shall be established; within 150 days the second unit shall be established; within 180 days the third unit shall be established; within 210 days the fourth unit shall be established; and within 240 days the fifth unit shall be established. A unit shall be deemed "established" once it is fully staffed and operational;
 - 2. The Department shall develop policies and procedures for the referral of families to these units; and
 - 3. An evaluation mechanism shall be developed to track, monitor, and evaluate the effectiveness of all services provided both by DHS and private agencies and the need for any additional resources in avoiding placement and improving the outcome for children and families within twelve months after these services begin operating, and annually thereafter.

- E. The defendants shall assure that all services described in this section are available, either directly or under contract with private agencies, subject to the processes described in the Resources Development section and the Contract Review section, and subject to the timetables developed in the Implementation Plan.

IV. EMERGENCY CARE

- A. The Department shall develop policies and procedures for the use of Emergency Care, or voluntary placement, including a form for the parents that fully informs parents of the nature and scope of Emergency Care.
- B. Emergency Care shall be used only under the following circumstances:
 - 1. As soon as a parent requests Emergency Care, the Department shall conduct an assessment of the family's need for services and determine whether the provision of services will avoid the need for Emergency Care placement;
 - 2. The Department shall provide family services to avoid the need for foster care placement, as described in the Services to Families section of this Order, rather than take a child into Emergency Care, wherever appropriate;
 - 3. Emergency Care shall be used only when there is no other way to care for the child due to the short-term incapacity or unavailability of the parent, as more fully set forth in the policies and procedures to be developed pursuant to this Order;
 - 4. A worker's decision to accept a child into Emergency Care and to release a child from Emergency Care must be approved in writing by the Chief of CFSD;

5. Emergency Care shall be limited to 21 days, except when circumstances, expressly documented in the case record, strongly suggest that a child can return home within 21 additional days. In those instances in which Emergency Care is extended to 42 days, the worker's Branch Chief must approve the extension in writing. Such circumstances include the active involvement of the parent in a drug treatment program exceeding 21 days or other rehabilitative services which require the parent to be in residence. Where such programs permit children to co-reside with the parent, they shall do so.
 6. Within 21 days of any child entering Emergency Care, or 42 days for those children for whom Emergency Care has been so extended, the Department shall return the child to the parent or, if grounds exist, the Corporation Counsel shall file appropriate papers with the Superior Court seeking legal custody of the child.
- C. Any parent who has consented to a child being placed in Emergency Care may revoke his or her consent at any time. In those instances in which a parent does revoke consent, the Department shall return the child to the parent if such is appropriate. If returning the child to the parent is not appropriate, the Department must immediately seek legal custody of the child subject to the provisions of D.C. Code Section 16-2301, et seq. The decision to seek court custody of a child who has entered Department custody through Emergency Care does not have to be approved by the worker's Branch Chief or by the Chief of CFSD.

V. GENERAL ASSISTANCE

- A. The Department shall not use the General Assistance Program as a substitute for foster care. When a Department worker arranges a child's placement in response to a complaint of abuse/neglect, the child's placement may not be made under

the General Assistance Program.

- B. The Department shall develop procedures to determine those circumstances in which it is appropriate for children to be placed with unrelated adults under the General Assistance Program instead of being placed in foster care custody:
 - 1. The standard that shall be used in developing these procedures is that children placed away from family members generally should be under the supervision of the Department and the courts and that the General Assistance Program should be used only under limited unusual circumstances;
- C. The Department shall identify and determine the number of children living with unrelated adults in the General Assistance Program.
 - 1. As part of this analysis, the Department shall conduct an assessment of the individual circumstances of those children, their need for services, and the appropriateness of their living situations;
 - 2. For those children determined by this analysis to be in need of services, the Department shall ensure that those services are provided; and
 - 3. The Department shall seek legal custody of those children in the General Assistance Program whose circumstances require it.
 - 4. For all those children for whom it is determined that living arrangements under the General Assistance Program are appropriate, the Department shall develop policies and procedures to provide oversight and supervision concerning the child's situation.

VI. PLACEMENT OF CHILDREN

A. Placement of Children

1. The Department shall develop and implement policies and procedures governing the process for placing children with the primary goal of ensuring that all children are placed in the least restrictive, most family-like setting that meets their individual needs and that they are placed in or in close proximity to the homes and communities in which they resided before entering the Department's custody. The Department shall adhere to all such policies and procedures.
2. The Department shall establish and maintain a Placement Office with sufficient staff and other resources so as to ensure that all children requiring placement are placed promptly and appropriately, and in accordance with their needs.
3. The Placement Office shall have continuous and complete access to information sufficient to assure a careful and appropriate match between a child's individual needs and a placement with the resources to meet those needs. This information shall be available from the unitary computerized information system mandated by Section XVII of this Order:
 - a. For each child who needs to be placed, Department placement personnel shall have available in a unified format, the following information: the name of the child; the child's age; whether the child has any siblings in the Department's custody and, if so, the facility in which the sibling(s) is placed; the child's permanency goal, if one exists; the child's placement history; for those children with a permanency goal of returning home, the street address of the parent(s) or other caretaker(s) to whom return home is sought; and any special

needs of the child based on assessments conducted by or on behalf of the Department; and

- b. For each facility licensed to accept children, Department placement personnel shall have available from the unified computer information system in a unified format the following: whether the facility has any vacancies; the ages and genders of children whom the facility is licensed to accept; the age and gender of all other children in the facility; the level of care that the facility can provide; specialized services available through the facility or by the foster parent; the names of the foster parents if the facility is a foster home; the name of the supervisor or licensee if the facility is a group home or institution; and the total number of children who may reside in the facility at any one time pursuant to the facility's license.
4. As soon as the Department has determined that a child is in need of a placement, it shall initiate the placement process. In all such instances, it shall be the responsibility of the Placement Office to locate an appropriate placement; under no circumstances may the office return the request for a placement to the child(ren)'s worker and leave the worker to locate a placement.
5. All children shall be placed in accordance with their individual needs, taking into account the child's need to be placed as close to home and community as possible, the importance of placing siblings together, and the need to place children in the least restrictive, most home-like setting.
6. Wherever possible and appropriate, children shall be

placed with relatives whom the Department has certified for emergency placement pursuant to Section XV(F) of this Order.

7. No child shall be placed in a foster home if that placement will result in more than three foster children in that foster home, or a total of six children, including the foster family's natural children; more than two children under two years of age; or more than three children under six years of age.
 - a. The sole exception to the limits established by Section VI(A)(7) of this Order shall be in those instances in which the placement of a sibling group in a foster home with no other children in the home would exceed the limits. In such instances, Section VI(A)(7) shall not preclude the placement of the sibling group together.
 - b. The defendants shall incorporate the limits established by Section VI(A)(7) of this Order into all relevant District of Columbia licensing provisions.
8. No child under six years of age shall be placed in a group care non-foster home setting, except for children with exceptional needs which cannot be met in any other type of care. No child under twelve shall be placed in a group care non-foster home setting for more than 30 days unless the child has special treatment needs that cannot be met in a home-like setting and unless the setting has a program to treat the child's specific needs.
9. No child shall remain in an emergency, short-term, or shelter facility or foster home for more than 30 days.

10. No child shall be placed in a group-care setting with a capacity in excess of 8 children without express written approval by the Chief of CFSD based on written documentation that the child's needs can be met only in that specific facility, including a description of the services available in the facility to address the individual child's needs.

B. "Boarder Babies"

1. The Department shall establish and implement policies and procedures that will assure the prompt and appropriate placement -- including return home, where appropriate -- of infants who are residing in hospitals located in the District of Columbia but who are, or are soon to be, medically ready for discharge.
2. In conjunction with hospitals located in the District of Columbia, the Department shall establish a reporting mechanism or process by which the Department will be notified of all children in the hospitals who are likely to not be discharged to their parents and of their ongoing status.
3. Within three (3) working days of learning of any child in a hospital in the District of Columbia who is not likely to be discharged to his/her parents, the Department shall make every reasonable effort to locate a parent or other family member to whom the child can safely and appropriately be returned or placed once he or she is medically ready for discharge and to determine whether that parent or appropriate family member is in need of services as described in the Services to Children and Families section to avoid the need for foster care placement.
4. Upon notification from a hospital that a child who cannot be discharged to his/her parents will be

medically ready for discharge within the following five days and that the child needs a placement, the Department shall locate an appropriate placement for the child within 72 hours. In all such instances, the Department first shall consider whether it is appropriate to return the child to a parent or place the child with another family member and, if necessary, provide services as described in the Services to Children and Families section of this Order. If the child cannot be returned home, the Department shall place the child in an appropriate placement within 24 hours of the child being medically ready for discharge.

C. Placement Evaluations

1. All children shall receive a medical screening within 24 hours of entering the Department's physical custody and a full medical and dental examination within two weeks of entering physical custody.
2. The defendants shall contract with a well-staffed hospital that operates 24 hours a day -- such as Howard University Hospital -- to provide the medical screening and examinations mandated in Section VI(C)(1) above.
3. In all instances in which the Department places a child in a substitute-care facility -- whether from the child's home, from another substitute care facility, or from any other prior placement -- the Department shall assure that the child receives a thorough, professional evaluation of his or her needs, before placement if possible, or as soon thereafter as possible, but in no event later than 30 days after the child is physically placed in the new placement. The resource pool mandated in Section XV of this Order shall be available to assist in the evaluation of the child's needs.

D. Placement Support Services

1. Within 180 days of the entry of this Order, the Department shall complete an assessment of the support services to be provided to foster homes and facilities to assure that placements for children are appropriate and stable.
2. Consistent with the findings of the assessment mandated by Section VI(D)(I), the Department shall establish, either directly or through contract, placement support services sufficient to assure that placements for children are appropriate and stable.
3. On a periodic basis, but no less frequently than once every 2 years, the Department shall formally assess the effectiveness and sufficiency of its placement support service programs. Consistent with the findings of these assessments, the Department shall modify its placement-support service programs to assure that placements for children continue to be appropriate and stable.

E. No child shall be placed in a facility, foster home, group home, institution, or other facility such that his or her placement in the facility would result in there being more children in the facility than is permitted by the facility's license as specified in Section VI (A)(7) of this Order.

F. No child shall be placed in a facility -- foster home, group home, institution, Consortium home, or other facility -- that does not have a current permit or license.

G. In conjunction with the plaintiffs, the defendants shall promulgate regulations governing all foster-care facilities in which it places children.

VII. PLANNING

A. In consultation with the plaintiffs, the Department shall develop and implement policies and procedures that will establish a planning process that (1) initially will seek to work intensively with the child's parent(s) and other appropriate family members to allow the child to remain at home, if appropriate; (2) in those instances in which removal from the home is necessary, will work intensively with the child's parents and other appropriate family members in a collaborative process to return the child home under appropriate circumstances consistent with reasonable professional standards; and (3) if, after all reasonable efforts have been made under appropriate circumstances, but have not succeeded in returning the child home, will assure the child an alternative, appropriate, permanent placement as quickly as possible.

B. Initial Planning Process

1. The Department shall establish, implement, and maintain policies and procedures for assuring that in all instances in which a report of abuse or neglect is supported, the case is transferred to a foster-care worker within two (2) working days of the finding. When the case is transferred, the foster-care worker will be provided with all documents produced or obtained by the Department prior to the transfer.
2. In all cases in which a report of neglect or abuse is substantiated, the Department worker assigned to the child and family's case shall meet as soon as possible with the child's parent(s) to initiate the planning process:
 - a. This meeting shall take place as soon as possible, but in all instances must occur within seven (7) calendar days of the substantiation;

- b. This meeting shall take place in the parent(s)'s home, unless extraordinary circumstances, documented in the record, make meeting in the home inappropriate;
 - c. The purposes of the meeting are to discuss the problems that necessitated the child's removal; to identify the changes by the parent(s) that may be necessary to allow the child to return home; to identify the services that need to be provided to the parent(s) to allow the child to return home; to arrange a visitation schedule between the child and the parent(s); to assure that, where necessary, day-care and transportation resources exist to allow the visitation to take place; and to arrange for a schedule of contacts between the parent(s) and the worker. In the event that the parent(s) cannot be located or refuses to meet with the worker, the worker shall make and document all efforts made to locate the parent and to ensure that the meeting take place; and
 - d. In all cases in which the parent(s) whereabouts are unknown to the Department as of the time the allegation of abuse or neglect is supported, the Department immediately shall institute a diligent search for the parent(s), which shall be documented in the child and family case records.
3. In all instances in which it is impossible to meet with the parents, the planning process shall begin as described above with consideration by the worker of the factors in Section VII(B)(2)(c) of this Section, and with the initiation of the diligent search described in Section VII(B)(2)(d) of this Section, no later than 7 days after a report of neglect or abuse is supported.

4. Within 30 days of the child entering the Department's physical or legal custody, the worker assigned to the child's case shall develop, with the child's parent(s) if possible, a written case plan for the child and the family, taking into account all information from meetings with the child's parent(s) and all information obtained during the initial investigation and risk assessment process. The worker shall make every reasonable effort to involve fully the parents and other appropriate family members in the development of the plan. If the worker is unable to involve the parent(s), the reasons for such shall be clearly specified in the record.
5. There shall be a written case plan for each child. The case plan shall be recorded on a standardized form or set of forms, shall be signed by the child's parent(s) if possible, shall be approved and signed by the worker's supervisor, and shall include at least the following:
 - a. the child's permanency goal;
 - b. the specific reasons necessitating the child's being in foster care;
 - c. the specific needs of the child's family as they relate the child's permanency goal;
 - d. the specific objectives that must be accomplished by the parent(s), worker, and other involved parties to effect the permanency goal;
 - e. the specific services that will be provided to the child and family, if the permanency goal is return home, to allow the child to return home;
 - f. an individualized and specific timetable for the

provision of the services that will be provided to the family, if the permanency goal is return home, to allow the child to return home;

- g. an identification of the responsibilities of the Department worker or, where appropriate, the worker(s) from a private agency in the provision of services that will be provided to the family, if the permanency goal is return home, to allow the child to return home;
- h. the specific needs of the child while he or she is in the Department's custody;
- i. the specific services that will be provided to meet the child's specific needs;
- j. an individualized and specific timetable by which the specific services the child needs will be provided to the child;
- k. an identification of who will be responsible for the provision of the specific services the child needs that will be provided to the child;
- l. a discussion of the appropriateness of the child's placement to include a specific explanation as to how the child's placement meets his or her needs;
- m. A specific schedule of visitation between the child and the child's parent(s) and other appropriate family members, including siblings; and
- n. A specific schedule of service contacts between the child and family's worker(s) and (1) the child; (2) the child's parent(s) and other

appropriate family members; and (3) the foster parents or other caretaker where the child is placed.

6. For all children with a permanency goal of return home, the child's worker, in accord with the written case plan, shall visit and work with the child's parent(s) in the home as often as is necessary to facilitate the child's return home. In every case the worker must meet with the child's parent(s) no less frequently than twice a month during the first 3 months after the permanency goal becomes return home.
7. The Department shall assure that all visitations between children and their parents and siblings take place in the parent's home unless there are reasons documented in the record that home visits would pose a danger to the child. In all instances, visits shall take place in the most family-like setting possible. The Department shall assure that all children with a permanency goal of return home are permitted to visit with their parent(s) at least once a week, unless the best interest of the child, specifically documented in the child's case record, requires less frequent visitation.

C. Permanency Goals - The Department shall assign children one of the following permanency goals: return home, adoption, legal custody with permanent caretakers, continued foster care, or independent living.

1. All children who enter the Department's custody shall initially have a permanency goal of return home with the following exceptions:
 - a. Children for whom both parents have relinquished custody or are deceased;
 - b. Children whose parents cannot be located after a

diligent search, not to exceed three months initiated as soon as the child enters placement; and

- c. Children whose parents have been found guilty of repeated serious abuse or neglect of the child or the child's siblings such that termination of parental rights is appropriate.
2. For any child who has a permanency goal of return home for more than 12 months, the child's worker and supervisor must include in the record a written explanation justifying continuation of the goal. No child shall have a permanency goal of return home for more than 18 months, unless there are documented in the record and approved by the child's worker's supervisor extraordinary circumstances and reason to believe that the child can still be returned home within a specified and reasonable time period.
 3. No child shall be assigned a permanency goal of legal custody with permanent caretakers unless (1) the child is at least 12 years old; (2) the Department has made every reasonable effort, documented in the record, to return the child home, to place the child with an appropriate family members, and to place the child for adoption; and (3) the person to whom the Department proposes to assign permanent caretaker status has demonstrated a commitment to assuming long-term responsibility for the child. This permanency goal may also be used for children whose parents do not have custody of their children solely because of permanent disability, for whom in-home services will not enable them to assume care of the child, but who have a significant and meaningful relationship with the child.
 - a. The Department may assign a permanency goal of legal custody with permanent caretakers to a child younger than 12 for whom it has not made adoption efforts if:

- (1) the child is placed with a relative;
 - (2) the relative is willing to assume long-term responsibility for the child but has legitimate reasons for not adopting the child; and
 - (3) it is in the child's best interest to remain in the home of the relative rather than be considered for adoption by another person(s).
4. No child shall be assigned a permanency goal of continued foster care unless
 - a. the child is at least 12 years old;
 - b. the Department has made every reasonable effort, documented in the record, to return the child home, to place the child with an appropriate family member, or to place the child for adoption; and
 - c. the Department has considered and rejected the possibility of the child's foster parents assuming legal custody as permanent caretakers of the child.
5. No child younger than 16 shall be assigned a permanency goal of independent living. The Department may, however, provide services to children 14-years old or older in anticipation of their permanency goals being changed to independent living once they become 16.

D. Subsequent Planning Review

1. The child's worker and supervisor shall have an ongoing responsibility to assure that the child's permanency goal is appropriate or to change it if it is not, to assure that the child's services and placement are appropriate and are

meeting the child's specific needs; to assure that the parents and other appropriate family members are receiving the specific services mandated by the case plan and that they are progressing towards the specific objectives identified in the plan; and to assure that, in those cases in which there are multiple service providers, the provision of services is coordinated so as to assure the delivery of the mandated services.

2. Within 90 days of the child's entry into the Department's physical or legal custody, and every 90 days thereafter, the Department shall review in a supervisory conference the progress of the child and the child's family and shall review and update the child and family's written case plan:
 - a. At a minimum the review must address the following: the appropriateness of the services being provided to the child, the child's parent(s), and the child's foster parent; in those cases in which return home is the permanency goal, the progress the parent(s) have made towards accomplishing the specific objectives that must be met for the child to return home, the progress that must still be made, and what barriers, if any, are hindering the parent(s)'s progress; the appropriateness of timetables; whether additional or different services are necessary; and the appropriateness of continuing the child's permanency goal;
 - b. All subsequent reviews shall be attended by the Department worker(s) responsible for the case, the worker(s)'s supervisor(s), and if the child is in placement with a private agency, with the worker at the private agency who is responsible for the child;
 - c. The Department shall make every reasonable effort to facilitate the participation of child's parent(s) and other appropriate family members in these reviews. At the very least, the Department shall provide written notice

of the review so that the parent(s) and other appropriate family members receive the notice at least seven calendar days before the review is scheduled and the Department shall make whatever arrangements are necessary -- including providing transportation and day care services -- to assure that those parents or other appropriate family members who wish to attend are able to do so;

- d. The findings of these subsequent reviews shall be recorded on a standardized form or set of forms, entered into the record, and provided to the child's parent(s) when their whereabouts are known;
 - e. The Department worker shall be responsible for assuring that all steps recommended in the subsequent reviews be implemented and the Department shall establish a mechanism for assuring this implementation; and
 - f. The subsequent reviews required to take place six months following placement and every six months thereafter as long as the child continues in the Department's custody shall be coordinated with the concurrent six-month judicial or administrative reviews mandated by Section X of this Order so as to eliminate unnecessary duplication of effort by the worker, supervisor, parent(s), and other Department staff.
- E. The pool of specialized resource people mandated by Section XV of this Order shall be available by telephone and in person to consult with workers and supervisors in the development and review of plans for services for families and for children.

VIII. ADOPTION

- A. The process of freeing a child for adoption and seeking and securing an adoptive placement shall begin as soon as the child's permanency goal becomes adoption within the time periods set forth in this section.
- B. The Department shall develop and implement policies and procedures governing the process of freeing children for adoption and matching children with adoptive homes. Those procedures shall include the requirements in this section.
- C. Freeing a child for adoption
 - 1. No later than 15 working days after a child's plan has become adoption, the child's worker shall make every effort to obtain a relinquishment of parental rights from both of the child's parents.
 - 2. No later than 15 days after a child's plan has become adoption, the child's worker shall renew or initiate a diligent search for any parent whose whereabouts are unknown and shall begin, in conjunction with Corporation Counsel, the process of seeking to notify such a parent by publication.
 - 3. For those children for whom the Department is unable to obtain a voluntary relinquishment from both parents:
 - a. Within 30 days of the child's permanency goal becoming adoption, the child's adoption worker shall confer with Corporation Counsel to determine the sufficiency of the grounds for terminating parental rights, to determine all necessary documentation that need be submitted to Corporation Counsel, and to seek to secure a waiver of confidentiality.

- b. Within 60 days of the child's permanency goal becoming adoption the child's adoption worker shall submit all necessary documentation to the Corporation Counsel for the termination of parental rights.
 - c. Within 15 days of receiving the documentation from the child's adoption worker, Corporation Counsel shall file a petition with the Family Division to terminate parental rights so long as Corporation Counsel believes that there are legal grounds to seek termination of parental rights. In those cases in which the plan is adoption but Corporation Counsel declines to file the termination petition within 15 days, there shall be a procedure established by the Department, involving the Division Chief and Senior Corporation Counsel, to resolve the dispute. This shall not preclude guardian ad litem or other attorneys from filing for termination of parental rights.
- 4. The adoption branch shall be notified by Corporation Counsel no later than three days after entry of a judgment terminating parental rights.
- 5. The Corporation Counsel shall designate a Coordinator or Liaison for the termination of parental rights, who shall have specific responsibility for monitoring all procedures and requirements concerning legal activity in the process of terminating parental rights:
 - a. The Coordinator shall work with CFSD to develop policies and procedures to ensure that legal activities concerning termination of parental rights are occurring as required by this Order; and

- b. The Coordinator shall identify any problems concerning the process for terminating parental rights as required by this Order that exist between CFSD and the Corporation Counsel or with the Superior Court and make any necessary recommendations concerning such problems to the Corporation Counsel and to the Commissioner of the Commission on Social Services, who shall take all necessary steps to implement such recommendations.

D. Referral/Transfer to Adoption Branch and adoptive placement

1. The cases of all children with a permanency goal of adoption shall be referred to the Adoption Branch within five days of the child's permanency goal becoming adoption:
 - a. The foster care worker and the adoption worker shall jointly develop a written Transition Plan detailing the individualized procedures to prepare the child and to facilitate and expedite the child's placement;
 - b. The foster care and adoption workers shall both work as a team with the child during the period between the selection of adoption as the child's permanency goal and the child's placement in an adoptive home and for a period of time following placement. The foster care worker shall retain responsibility for routine supervision of the child in foster care, management of medical and psychological services, and handling the financial arrangements relating to the child's placement. The adoption worker shall be responsible for the preparation of the child, including the compiling of the child's

history and preparation of the life book; discussion of the adoption plan as well as relinquishment counseling with the child's parent(s), the preparation of termination rights packets, and the recruitment and selection of an appropriate adoptive family for the child. During this period the case will count as a case for each worker for purposes of the caseload limits in this Order.

- c. The child's foster care worker shall be the case manager prior to placement; the adoption worker shall be the case manager following placement; and
 - d. The Transition Plan shall be submitted to an adoption supervisor for review and approval and shall include a full assessment of the appropriateness of the foster family as a potential adoptive family pursuant to Section VIII(E), below.
 - e. In conjunction with the plaintiffs and the LaShawn A. Monitor, the Department shall formally assess the appropriateness of the allocation of case responsibilities mandated by Section VIII(D)(1)(b) after it has been in effect for one year. Should the assessment determine that a change in the allocation is appropriate, the Department shall implement the appropriate changes.
2. For all children referred to the Adoption Branch, the Department shall immediately begin the process of identifying and, if necessary, doing individual recruiting for an adoptive home, subject to the time periods set out below:

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- a. The Department shall determine whether it has approved potential adoptive families for a child within 10 days after the child's case has been referred to the Adoption Branch;
- b. For those children not placed within 30 days of being referred to the adoption branch, the child shall be presented to Homes for Black Children, or other appropriate private adoption agencies.
- c. The Department shall register on all appropriate local, regional and national adoption exchanges any child who has not been matched with an adoptive family within 45 days after the child has been referred to the Adoption Branch;
- d. The Department shall begin individual child specific adoptive home recruitment, consistent with the procedures and standards contained in the adoptive home recruitment plan described in Section XV, for any child for whom an adoptive home has not been identified within 90 days after the child has been referred to the Adoption Branch; and
- e. Foster parent adoptions:
 - (1) The time periods in Section VIII(D)(2) above shall not apply to a child whose foster family has formally applied to become an adoptive parent for the child, as referred to in Sections VIII(E)(3) and (F)(2) below, within 30 days after being notified that the child's permanency plan is adoption;
 - (2) In the event that the child's foster family is not approved as an adoptive family within three months after the child's permanency goal has been changed to adoption, the time periods in

Section VIII(D)(2) (a-d) of this Section shall begin to run; and

- f. Legal Risk placements:
- (1) The Department, in conjunction with Corporation Counsel, shall establish criteria and a procedure for designating children with a permanency goal of adoption for whom termination of parental rights seems likely as Legal Risk adoptive placements;
 - (2) Children categorized as eligible for Legal Risk placements shall be placed in an adoptive home as soon as one has been identified, provided that the adoptive family is fully informed of the nature and status of Legal Risk placement; and
 - (3) Children not categorized as eligible for Legal Risk placements shall be placed in an adoptive home as soon after entry of a judgment terminating parental rights as possible, consistent with the judgment of the worker and supervisor responsible for the case.

E. Foster parent adoptions

1. Once a child's permanency goal has become adoption, the Department shall consider the appropriateness of the foster family applying to be an adoptive family for the child no later than 5 days after the permanency goal becomes adoption. The child's foster care worker shall assist the adoption branch worker in making the assessment of the foster family.
2. The Department shall notify in writing all foster families for children whose permanency goal has become adoption and such families shall receive written

notification of the child's permanency goal, of the availability of adoption subsidy, that they have the right to seek to adopt the child, and of the applicable procedures to begin the formal adoptive home study process.

3. Foster parents who have had responsibility for the child for six months or more, who are interested in becoming adoptive parents for the child, and who are considered suitable parents by the child's worker shall immediately be referred for a home study. The child shall not be considered to be in an adoptive placement, however, for purposes of the required adoption recruitment activity contained in Section VIII(D)(2) above, unless the foster parents have initiated the home study process and have been approved as adoptive parents.

F. Adoptive home studies

1. The process of screening and approving applicants for adoption shall not exceed three months from the date the application to be approved as an adoptive family is received. The screening process shall not exceed two months for families already providing foster care for a child and seeking to adopt that child.
2. Foster parents who have had responsibility for a child for six months or more, who apply to adopt the child, and who are considered suitable adoptive parents by the child's worker, shall have a preference with regard to adopting their foster child.
3. In the event that any child who is legally free for adoption has been awaiting an adoptive placement for more than six months from the date the child's permanency goal became adoption, the Department shall be required to contract with a nationally- recognized

model adoptive home recruitment program to provide individual adoptive home recruitment for the child.

G. Post-adoptive placement services

1. All of the provisions of this Order concerning access to services, periodic reviews, and supervision of placement shall continue to apply to all children in adoptive placements until such time as the adoption becomes final, except that an adoptive placement shall be treated as a new placement, for purposes of the frequency of worker visiting, even in those instances in which a foster home is converted into an adoptive placement.
2. All services necessary to preserve families, as described in Section III, shall be available to adoptive families, both prior to and subsequent to the finalization of the adoption, and families shall receive notification at the time that the adoption becomes final of the availability of family services.
3. Under appropriate circumstances to be determined by the worker and the supervisors, families in which an adoptive placement is in danger of disruption, either prior to or subsequent to the finalization of the adoption, shall receive intensive family services as described in Section III.

IX. SUPERVISION OF PLACEMENT

- A. During the first eight weeks after a child is placed in a DHS foster home, the Department worker shall visit the child in the foster home as frequently as is necessary to assure the child's adjustment to the placement, but no less frequently than once a week. Thereafter, the worker shall visit the child in the foster home as frequently as is necessary, but no less frequently than once every two weeks. Each visit shall include a private visit with the child outside the presence of the foster parents except in those cases where the child is a very young infant.
- B. During the first eight weeks after a child is placed in a private-agency foster home, the Department shall require that social services workers from the private agencies providing placement services shall visit each child placed in a foster home as frequently as is necessary to assure the child's adjustment in the placement, but no less frequently than once a week. Thereafter, the worker shall visit the child in the foster home as frequently as is necessary, but no less frequently than once every two weeks. Each visit shall include a private visit with the child outside the presence of the foster parents except in those cases where the child is a very young infant.
- C. The child's foster care worker shall visit each child placed in a foster family or facility operated by a private agency that provides placement services in the foster home or facility once a month. Each visit shall include a private visit with the child outside the presence of the foster parents or facility staff. The private agency's worker assigned to the case shall accompany the foster care worker.

- D. Any reports of alleged abuse or neglect of a child in a foster home or other child-care facility shall be investigated by the Department in the same manner as those concerning children not in Departmental custody, as set forth in Section II of this Order, except that the investigating worker shall notify and consult the Department worker with direct responsibility for the child's case and any private provider worker with direct responsibility for the child's case, if the child is placed through such an agency.

X. CASE REVIEW SYSTEM

- A. The Department shall develop and implement a case-review system that assures (1) that all children in the Department's foster care custody receive timely and meaningful reviews of their individual cases; and (2) that assures that DHS management personnel are able to monitor the Department's compliance with CFSD policies and procedures, District of Columbia law, and the provisions of this Order. Moreover, the Department shall make every reasonable effort to develop and implement a coordinated case review system to minimize the time required by social workers to participate in the review system.

B. Child-Specific Reviews

1. Administrative Reviews

- a. The Department shall develop and implement policies to ensure that all children receive administrative reviews as mandated by this Order.
- b. The Department shall establish and maintain, directly or by contract, an office or unit with sufficient staff and other resources to assure

that all children in Departmental custody receive administrative reviews as mandated by this Order. This office or unit shall have continuous and ongoing access to the Department's unitary computerized information system.

- c. Within 180 days of a child's entry into the Department's physical or legal custody and every 180 days thereafter, the Department shall conduct an administrative review of the child's case, regardless of the timing or content of review conducted by the Family Division of the Superior Court:
 - (1) Administrative reviews shall determine, but shall not be limited to, the following: the child's legal status; whether the child's legal status is appropriate; the child's planning goal; whether the child's permanency goal is appropriate; whether the child has a written case plan, as required by District of Columbia law and this Order; whether the child's case plan is appropriate and, if it is not, the steps that need to be taken to make the plan appropriate; the services being provided to the child and, in those cases in which the child's planning goal is return home, the services being provided to the child's parent(s); the adequacy of the services being provided to the child and the parent(s); the child's placement; and whether the child's placement is appropriate;
 - (2) At a minimum, the child's worker and the child's worker's supervisor shall attend the administrative review, which shall be

conducted by an individual not employed by CFSD. For any child whose case is being reviewed and for whom the planning goal is return home, the Department shall make every reasonable effort to assure that the child's parent(s) and foster parent(s) attend the administrative review; in such instances, the Department shall notify the parent(s) in writing at least 14 days in advance of the review;

(3) The information compiled in administrative reviews shall be recorded on a standardized form or group of forms, a copy of which shall be placed in the child's record; and

(4) Administrative reviews shall be coordinated with the subsequent planning reviews mandated by Section VII of this Order.

2. The defendants shall assure that every child in their physical or legal custody receives a hearing, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long-term basis) and, in the case of a child who has attained age 16, the

services needed to assist the child to make the transition from foster care to independent living.

- a. Within sixty (60) days of the entry of this Order, the Mayor or her designee shall arrange with the Family Division of the Superior Court for the implementation of a process by which the Family Division shall conduct the hearings as is required by section X(B)(2) of this Order. As part of these efforts, the Mayor shall make all reasonable efforts to implement a process by which the Family Division judges shall be informed of the significance of such hearings.

C. Quality Assurance Reviews

1. The Department shall establish and maintain a Quality Assurance Unit to conduct periodic reviews of case records. The unit shall be directed by a person with a master's degree in social work and at least five years experience in child welfare services. The unit shall be adequately staffed and shall receive special training to perform the duties described in this section.
2. The Department shall develop policies and procedures by which the Quality Assurance Unit will conduct quality assurance reviews:
 - a. The purpose of the reviews is to provide necessary information to Department management personnel and to determine on an ongoing basis whether the Department is following the provisions of this Order, of CFSD policy, and of good social work practice; and
 - b. Policies and procedures shall be developed to enable the Quality Assurance Unit to determine the adequacy of worker and supervisor activity

and to identify structural, organizational or other problems interfering with the provision of services as required by this Order. They will include specific processes and procedures for identifying workers or supervisors who, as a result of the results of a Quality Assurance review, are in need of additional training.

3. Categories of review

- a. At a minimum, the Quality Assurance Unit shall, once every twelve months, review a statistically significant number of cases from each supervisory unit within CFSD with responsibility for children in DHS custody.
 - b. If significant problems are identified within a particular caseload or supervisory unit, the policies and procedures developed in accordance with Section X(C)(2) above, shall provide for 100% review of cases in a particular workload or supervisory unit. Workers or supervisors for whom Quality Assurance review identifies problems in meeting the requirements of this Order shall receive appropriate additional training.
 - c. The Quality Assurance Unit shall conduct all specialized reviews of particular categories of children, as requested by the LaShawn A. Monitor to address specific issues.
4. At a minimum, the Quality Assurance reviews shall examine the complete case records of the children whose cases are being reviewed.
 5. The Department shall develop a standardized form or set of forms to be used in the quality assurance

process and shall then assure that this form or set of forms is used in the process.

6. Within 30 days of the completion of quality assurance for any particular supervisory unit, completed quality assurance review forms along with a report summarizing the contents of those forms shall be provided to the relevant supervisor and branch chief. Within 30 days of receipt of the completed forms and the report, the branch chief and supervisor, in consultation with an appropriate representative from the Quality Assurance Unit, shall develop a corrective action plan to remedy problems identified in the quality assurance reviews. The branch chief and supervisor shall then take all necessary steps to implement the corrective action plan.
7. On a periodic basis, but no less frequently than once every six months, the Director of the Quality Assurance Unit shall submit to the Chief of CFSD and to the LaShawn A. Monitor a complete report summarizing the results of the quality assurance process and the steps that have been taken or need to be taken to remedy problems or noncompliance with this Order identified by Quality Assurance Unit. This report shall not contain individually identifiable information and shall be public information.

D. Special Reviews

1. At a minimum, the following cases shall be reported to and reviewed by the Chief of CFSD and the LaShawn A. Monitor:
 - a. All cases in which there have been four or more reports of neglect or abuse concerning a single child, a single perpetrator, or a single family;

- b. All cases in which a child has been placed in four different placements, excluding a return home;
 - c. All cases in which a child who has a plan of return home for more than 24 months and has such a plan at the time of the report;
 - d. All cases in which a child has had a permanency goal of adoption for more than one year and has not been placed in an adoptive home at the time of the report; and
 - e. All children who have been returned home and have reentered care more than twice and have a plan of return home at the time of the report.
2. In the event that the Chief of CFSD does not take appropriate action on the case within 30 days after the report has been made, the LaShawn A. Monitor may, in the exercise of its discretion, recommend specific action to be taken on the case. If action is not taken, plaintiffs may seek an Order from the court directing that such action be taken.

XI. CASELOADS

- A. For the purpose of this caseload limit, any case that is not closed or is not transferred to another worker is included in calculating the number of cases in a worker's caseload. These maximums apply to each individual worker's caseload:
- 1. The caseload of each worker conducting investigations of reports of abuse and/or neglect shall not exceed a maximum of 12 investigations at any one time. Each family shall count as a case, regardless of the number of children in the family on whom the neglect/abuse report has been received:

2. The caseload of each worker providing services to families in which the child or children in the family are living in their home shall not exceed 17 families. Each family shall count as a case. This limit is a maximum and shall not apply to those workers providing intensive family services, as described in Section III;
 3. The caseload of each worker providing services to children in placement, including children in Emergency Care and children in any other form of Department physical custody, shall not exceed 12 for children with special needs and shall not exceed 20 for all other children. Each child shall count as a case, regardless of whether any children in the caseload are siblings;
 4. The Department shall ensure that these caseload limitations are in effect and are followed by any private agencies with which the Department contracts for either in-home family services or for placement services;
 5. The caseload of each Department worker, having responsibility for any child in placement with a private agency and in those situations in which the private agency has responsibility for both the child and the family, shall not exceed 30 children.
 6. The caseload of each Department worker having responsibility for any child in the Adoption Branch shall not exceed 12 children, or 15 children involving cases of independent adoption; and
 7. The caseload of each Department worker having responsibility for conducting home studies shall not exceed 30 cases. A case shall consist of an adoptive family.
- B. The Department shall develop policies and procedures for a

caseload weighing formula to ensure that any workers who have caseloads that fall into more than one of the categories described in Section XI(A) have caseloads that conform with the equivalent of the maximum limits set forth above.

- C. Supervisors who are responsible for supervising workers who are carrying caseloads shall be responsible for no more than six workers, including case aides, or five case workers.
- D. The Department, in consultation with the plaintiffs, shall conduct or contract to have conducted a workload study:
 - 1. This workload study shall be conducted within a time period set forth in the Final Implementation Plan and based upon the implementation of the new policies and practices required by this Order; and
 - 2. The caseload limitations set out above shall be subject to adjustments based on the information gathered through the workload study.
- E. Any child who is in the Department's custody shall be assigned to a worker within 3 hours of the Department's assuming custody of the child.
- F. When a worker with responsibility for a case leaves the Department, the case shall be reassigned according to the following requirements:
 - 1. If the worker leaves the Department after giving notice, the cases in that worker's caseload will be reassigned to other workers no later than 5 working days after the worker gives notice;
 - 2. If the worker leaves the Department without giving notice, the cases in that worker's caseload will be reassigned to other workers not later than 5 working days after the worker has left; and

3. Supervisors shall not carry cases, except during the 5 day period described in Section XI(F)(2) above.

XII. STAFFING

- A. In consultation with plaintiffs, the Department shall formally identify and assess the following: (1) District of Columbia practices and procedures that affect the recruitment and retention of social workers, including but not limited to worker salaries and other working conditions, career opportunities within CFSD, the availability of police protection for CFSD social workers, and the availability of support services such as cars and support staff; and (2) the role of paraprofessional workers in assisting CFSD social workers.
- B. Consistent with the assessment required by Section XII(A), the Department shall develop and implement a written plan for assuring that it has sufficient staff at all times for recruiting and retaining social workers and other staff and for making the best use of professional and paraprofessional staff.

XIII. WORKER QUALIFICATIONS

- A. The Department may not change the current requirement that all persons hired as social workers have a Masters Degree in Social Work without the consent of the plaintiffs.
- B. All persons hired or promoted as supervisors after the entry of this Order shall have a Masters Degree in Social Work and shall have a minimum of 3 years of social work experience in child welfare.

XIV. TRAINING

- A. Training Program - The defendants shall develop policies and procedures that assure a comprehensive child-welfare training program that will assure that all persons charged with responsibilities for children in the plaintiff class shall receive sufficient training that will permit them to comply with the relevant mandates of CFSD policy, District of Columbia law, and with all of the provisions of this Order.
- B. Training Unit - The Department shall establish a full-time training unit directed by a Chief of Training that will have sufficient staffing, budget funds, and other resources to assure that it can provide comprehensive child-welfare training that will assure that all persons charged with responsibilities for children in the plaintiff class shall receive sufficient training that will permit them to comply with the relevant mandates of CFSD policy, District of Columbia law, and with all the provisions of this Order. The person with operational responsibility for this training unit shall have a Master of Social Work and experience in providing child welfare training.
- C. Training Study and Evaluation
 - 1. Within 120 days of the entry of this Order, the defendants in conjunction with the LaShawn A. Monitor shall complete a comprehensive formal assessment of the training needs of the Department relating to the operation of the child welfare program. At a minimum, this assessment shall focus on needed training resources, programs, and curricula as they relate to both general and specialized training for DHS workers, supervisors, and administrative and managerial personnel; for foster parents and adoptive parents; and for employees or others under the supervision of entities with which the apartment contracts to provide services to children and families.

2. Consistent with the assessment mandated by Section XIV(C)(1) of this Order, the Department shall assure adequate training resources, programs, and curricula as they relate to both general and specialized training for DHS workers, supervisors, and administrative and managerial personnel; for foster parents and adoptive parents; and for employees or others under the supervision of entities with which the Department contracts to provide services to children and families.
3. For all training programs that it implements, the Department shall establish a formal process by which it will be able to assess on an ongoing basis the effectiveness of the training programs. In conducting these assessments, the Department shall take into account results from the administrative reviews mandated by this Order and the results from the quality assurance process.

D. Department Personnel Training

1. CFSD Social Workers

- a. Pre-service Training: Every newly hired CFSD social worker shall receive a minimum of 80 hours of instructional training and a minimum of 80 hours of field training. Prior to the completion of the mandated training, no newly hired CFSD social worker may assume responsibility for any cases, except to the extent that the pre-service training program includes on-the-job training that includes closely supervised case duties.
- b. In-service Training: During each calendar year, all CFSD social workers shall receive a minimum of 40 hours of ongoing training. Workers providing specialized services, including, but,

not limited to, investigations of child abuse/neglect, services to families, ongoing foster care supervision, adoption, and monitoring shall receive specialized training in these areas.

- c. **Previously Hired Workers:** Any social worker hired prior to the date of this Order shall receive pre-service training as specified in Section XIV(D)(1)(a) within 180 days of the entry of this Order unless a needs assessment specifically indicates there is no training deficit.

- 2. **Other Social Work Training** - All CFSD personnel, other than those included in Section XIV (D)(1) who have any casework responsibility shall receive a minimum of 24 hours of training to facilitate their ability to deliver services to children and families.

- 3. **Department Supervisor Training**

- a. **Pre-service Training:** Within three months of assuming supervisory responsibility, any newly hired or promoted CFSD supervisor shall receive a minimum of 40 hours of training that is directed specifically at the supervision of child-welfare, social workers.
- b. **In-Service Training:** During each calendar year, all CFSD supervisors shall receive a minimum of 24 hours of ongoing training.
- c. **Previously Hired Supervisors** - Any supervisor who had been hired as of the date of this Order shall receive pre-service training as specified in Section XIV (D)(3)(a) within 90 days of the entry of this Order unless a needs assessment specifically indicates there is no training deficit.

4. Administrative Staff Training - During each calendar year, all CFSD Branch Chiefs and other administrative personnel shall receive at least 24 hours of training to build their capacity to manage CFSD, to plan and implement systems changes, and to advocate for needed resources.
- E. Private-Provider Training - The Department shall assure that all persons providing social work services under or pursuant to a contract with the Department shall have received training similar in substance and duration as that specified in Section XIV(D)(1).
- F. Foster-Parent Training
1. Any person who seeks to become a foster parent shall receive a minimum of 15 hours of training prior to having a child placed in their home. Except for emergency relative placements, no child shall be placed in a person's home until the person has completed the entire training program and has demonstrated a satisfactory mastery of the training curriculum.
 2. The Department shall assure that all foster parents receive a minimum of 15 hours of training each year.
 3. At a minimum, foster-parent training shall provide prospective foster parents with the information and training necessary to allow them to comply with the relevant mandates of CFSD policy, District of Columbia law, and with all the provisions of this Order; shall enable them to meet experienced foster parents; and shall provide, where appropriate, specialized training to permit prospective foster parents to care for children with special needs, be they medical, behavioral, developmental, or emotional.

G. Adoptive-Parent Training

1. Any person who seeks to become an adoptive parent shall receive a minimum of 30 hours of training, excluding the orientation process. No child shall be placed in a prospective adoptive parent's home until the prospective adoptive parent has completed the entire training program and has demonstrated a satisfactory mastery of the training curriculum:
 - a. Any person who is seeking to become an adoptive-parent and who has participated in CFSD sponsored adoptive-parent training in the prior 18 months need receive only 15 hours of training; and
 - b. The Department shall develop a separate training program for such prospective adoptive parents.
2. At a minimum, adoptive parent training shall enable prospective adoptive parent(s) to meet adoptive parents and shall provide, where appropriate, specialized training to permit prospective foster parents to care for children with special needs, be they medical, behavioral, developmental, or emotional.

H. Judicial Training

1. In conjunction with Court Social Services and Counsel on Child Abuse and Neglect (CCAN), the Department shall establish and maintain a judicial training program for the judges of the Family Division of the Superior Court.
2. The Defendants shall make all reasonable efforts to assure that the judges of the Family Division of the

Superior Court participate in the Department's judicial training program.

I. Training Curriculum and Written Materials

1. In consultation with the LaShawn A. Monitor, the Department shall develop formal curricula to guide the training programs mandated by this Order. These curricula shall be tailored to provide specialized training for Department workers who have specialized responsibilities such as protective services, foster care services, adoption, or monitoring.
2. The Department in conjunction with the LaShawn A. Monitor shall develop formal standardized, written materials to be used in conjunction with all training programs mandated by this Order. The Department shall assure that all individuals participating in Departmental training receive a set of the relevant written materials that they may retain.
3. All persons, except judges, to whom the Department must provide training pursuant to this Order must demonstrate a satisfactory mastery of the relevant training curriculum. The Department shall not permit any newly-hired or promoted social worker to become a permanent employee before and until that person has demonstrated a satisfactory mastery of the relevant training curriculum.

XV. RESOURCE DEVELOPMENT OFFICE

A. Creation of Resource Development Office

1. The Department shall create and maintain a Resource Development Office headed by Chief of Resource Development, who shall have a minimum of five (5) years of child welfare experience. The Department

shall assure that the office has sufficient staff, background, training and other resources to fulfill the requirements of this Section.

2. The Resource Development Office is responsible for needs assessment and resource development as required by this Order and shall develop necessary resources to provide community-based placement prevention and out-of-home care and related supportive services for children.

B. Development of Resources

1. A needs assessment will be undertaken, in accordance with the provisions of the Implementation Plan, beginning no later than 60 days after the entry of this Order to determine what services are available and the number and categories of additional services and resources that are necessary, including in-home and placement-related services, to ensure compliance with this Order.
2. The needs assessments described in Section XV(B)(1) above, and as more fully described in Section XV(C-D) below, shall be repeated every two years, in accordance with the provisions of the implementation plan, using the unitary computerized information system referred to in Section XVII insofar as possible, once that system is functioning.
3. Based on the needs assessment, a written Resource Development Plan shall be developed, in accordance with the provisions of the implementation plan. The Plan shall specify the quantity of each category of resources and services, the time periods within which they will be developed, and the specific steps that will be taken to ensure that they are developed.

4. In developing these resources and services as required by this Order, the Department shall move toward a decentralized neighborhood and community-based system of service delivery.
5. In developing all such services, existing service delivery systems and existing agencies shall be utilized wherever possible, through the development of inter-agency agreements and contracts, subject to the provisions of Section XVI, Contract Review, of this Order.
6. The Resource Development Plan shall be implemented within the time period determined by the Implementation Plan.

C. Community-Based Services

1. The needs assessment and Resource Development Plan shall determine the need for an adequate number of community-based services to prevent unnecessary placement, replacement, adoption and foster home disruption, as described in the Services to Children and Families section, which are necessary to make reasonable efforts to prevent the placement or replacement of children in appropriate circumstances. These services shall include:
 - a. Intensive home-based crisis intervention services;
 - b. Homemaker services (including 24 hour)
 - c. Parent education/counselling;
 - d. Mental health services (including day treatment);
 - e. Substance abuse programs;

- f. Housing assistance;
 - g. Respite care;
 - h. Day care;
 - i. Emergency cash assistance;
 - j. Access to other public benefits;
 - k. Less intensive family services; and
 - l. Medical services.
- 2. In developing decentralized community-based services, the Department shall move toward ensuring the availability of needed resources in each Ward of the District to assure that the needs of children and families are met within their own neighborhoods. To the extent possible, new resources should be located in agencies and organizations which are accessible to parents.
 - 3. All services for which there is a need shall be developed, provided and/or made available within a time period and in locations to be determined by the Implementation Plan.
 - 4. With regard to services for which there is a need only under extraordinary and rarely-occurring circumstances, a process shall be developed, including the use of specialized contracts, to ensure the availability of those services when necessary.

D. Placement Resources

- 1. The Department shall take whatever steps are necessary to ensure that it has available to it at all times a sufficient number of foster homes, group

homes, therapeutic foster homes, residential treatment facilities, and other facilities to allow it to place children promptly in the least restrictive, most family-like setting in or within close proximity to their homes and communities.

2. A written report projecting the number of emergency placements, foster-homes, group homes, therapeutic foster homes, and institutional placements that will be required by children in the Department's custody during the next twelve (12) months shall be developed within 180 days of the entry of this Order in accordance with the provisions of the Implementation Plan.
3. Consistent with the Resource Development Plan, the Department shall develop in writing a plan to assure that it has available, either directly or through contract, a sufficient number of appropriate placements for all children in its physical or legal custody. The Department shall then take all steps necessary to implement this plan.
4. By the beginning of each District of Columbia Fiscal Year, a written report shall be developed in accordance with the Implementation Plan projecting the number of emergency placements, foster homes, group homes, therapeutic foster homes, and institutional placements that will be required by children in the Department's custody during the upcoming Fiscal Year:
 - a. Consistent with these projections, the Department shall develop in writing a plan to assure that it has available, either directly or through contract, a sufficient number of appropriate placements for all children in its physical or legal custody; and

- b. The Department shall then take all steps necessary to implement this plan.
5. In conjunction with the plaintiffs and their experts, the Commission on Mental Health Services and the Commission on Social Services, the defendants shall formally assess the possibility of developing additional residential treatment resources in the Metropolitan Washington area. Consistent with this assessment, the Department shall make every reasonable effort to develop such resources.
6. Foster/adoptive homes:
 - a. The Department shall raise District board rates to a level consistent with the Department of Agriculture standards concerning the actual costs of raising children and utilizing specialized rates as necessary to assure an appropriate number and range of foster homes as required by this Order. At a minimum, the Board rates equal the USDA total costs of raising a child in the urban South in families with projected incomes between \$29,600 to \$47,800. There shall be an annual adjustment at the beginning of each fiscal year of board rates for all foster homes and the adjustment shall equal the USDA annual adjustment;
 - b. The Department shall comply with the substance and the timetable in the plan referred to in Section XV(D)(2), above;
 - c. The Department shall establish a budget dedicated solely to the recruitment of foster and adoptive parents and shall hire sufficient personnel to assure that the Department can recruit and train a sufficient number of foster

homes and adoptive homes so as to assure appropriate and permanent placements for all children in the Department's physical or legal custody; and

- d. The Department shall develop an annual specific Adoptive Home Recruitment Plan, including an annual assessment of the need for adoptive families and specific procedures and plans for the recruitment, training, and retention of potential adoptive families based on the annual assessment:
- (1) The Department shall use nationally-recognized model adoptive home recruitment programs in developing the Adoptive Home Recruitment Plan;
 - (2) The Adoptive Home Recruitment Plan shall also include specific procedures for adoptive home recruitment for individual children; and
 - (3) In the event that the number of children with a permanency goal of adoption awaiting an adoptive placement for more than 90 days from the date the child has been legally freed for adoption in any calendar year exceeds a number mutually agreed upon by the plaintiffs and the Department, the Department shall be required to contract with a nationally-recognized model adoptive home recruitment program with demonstrated effectiveness to provide adoptive home recruitment for all such children.

E. Licensing and Monitoring

1. The Department shall be responsible for approving and monitoring all placement facilities and foster homes in which children in the Department's physical and/or legal custody are placed.
2. In conjunction with the Department of Consumer and Regulatory Affairs, the Defendants shall develop policies and procedures to assure that decisions concerning the issuance of a license for any foster-care facility -- including foster homes, group homes, residential treatment centers or other child-care facilities -- in which a member of the plaintiff class may be placed are made promptly:
 - a. Within 45 days of any prospective foster parent(s)'s completion of foster-parent training, the defendants shall make and implement a final decision about the issuance of a license to the prospective foster parent(s); and
 - b. Within 90 days of the receipt of any application for a license to operate a group home, residential treatment or other non-foster-home child care facility, the defendants shall make and implement a final decision about the issuance of a license to the prospective foster parent(s).
3. The Department shall develop, review and, if necessary, revise the standards and the process for certifying and utilizing foster homes and group care facilities, including all facilities in which children are placed by the Department, to ensure that they conform with nationally-accepted standards and with good social work practice.

4. The Department shall develop policies and procedures for monitoring all facilities and foster homes in which children in the Department's physical and/or legal custody are placed:
 - a. All such standards shall ensure that individuals with training and experience in child welfare are involved in the licensing and monitoring process;
 - b. All such standards shall ensure that foster homes and group facilities are visited by the monitoring unit at least once a year to issue a license renewal for the coming 12 month period and to ensure continued compliance with standards. In relicensing foster homes and facilities, the monitoring unit shall take into consideration:
 - (1) Any reports and investigations of neglect/abuse that have been filed concerning the foster home or facility;
 - (2) The foster families' participation in mandatory training and the facility worker's participation in planning staffings; and
 - (3) Reports obtained from case workers for children placed with the foster family or facility on the effectiveness of their work with children;
 - (4) No worker having full-time responsibility for monitoring foster homes shall be responsible for monitoring more than 35 foster homes; and

- (5) No worker having responsibility for monitoring group homes or institutions shall be responsible for monitoring more than 30 group homes or institutions. In no instance shall a worker responsible for monitoring group homes or institutions be responsible for monitoring more than 10 such facilities that are located more than 100 miles from the District of Columbia.

F. Relative foster homes

1. The Department shall develop policies and procedures for licensing relatives as foster parents.
2. The standards for licensing relatives as foster parents shall provide:
 - a. An emergency certification procedure so that children can be placed immediately with relatives, where appropriate;
 - b. A formal certification of relatives as foster parents no later than 30 days after the children are placed under the emergency certification procedure; and
 - c. Standards that will ensure appropriate care for children, but will allow flexibility in licensing relatives whose living facilities may not conform with all specifications for non-relative foster parents but which are nevertheless suitable for the care of the particular child.

- G. Specialized Resource Pools - The Department shall ensure the availability of a pool of specialized resource people to workers and supervisors for consultation on issues relating to

investigation, service provision and planning for individual children and families as referred to in this Order. These resource pools shall consist of specifically designated individuals who are regularly and continuously available to perform this task and who have expertise in the specific situations described in this Order as well as general skills in child welfare and child development and who are available to workers and supervisors by telephone or in person and on an emergency basis when necessary.

XVI. CONTRACT REVIEW

- A. All services within the scope of this Order for which the Department contracts with private providers or agencies shall be subject to a contract screening and review process within the Department.
- B. The Department shall develop policies and procedures for specific contract performance and a contract performance review process for each category of services:
 - 1. No contract concerning any of the services referred to in this Order shall be entered into by defendants that does not include specific contract performance standards;
 - 2. No contract concerning any of the services referred to in this Order shall be renewed prior to an evaluation and review of services rendered under the previous contract, a determination by the Administrator of the Family Services Administration that the services have been performed satisfactorily and that the contractor has fulfilled the contract performance standards;
- C. All contracts entered into by the Department concerning any of the services referred to in this Order shall provide that the contracting agency shall accept for service all clients referred by the Department pursuant to the terms of the contract,

subject only to a lack of a vacancy; and

- D. The FSA Administrator shall approve all initial contracts and all contract renewals subject to the provisions of this section.

XVII. INFORMATION SYSTEM

- A. Unitary Computerized Information System - In accordance with the provisions of the Implementation Plan, the Department shall develop a unitary computerized information system that will record and report information sufficient to permit Department social workers and administrators to achieve compliance with relevant provisions of District of Columbia law and with all the provisions of this Order.
- B. Mandated Data Elements - The Department unitary computerized information system shall record all data sufficient to permit Department social workers and administrators to achieve compliance with all the provisions of this Order as well as with all relevant provisions of relevant District of Columbia law.
 - 1. At a minimum, the Department's unitary computerized information system shall record the following data for all children about whom the Department has received a report of abuse or neglect and for all children in the Department's custody:
 - a. the full legal name of the child;
 - b. the child's date of birth;
 - c. the full legal name of the child's mother;
 - d. the child's mother's address;
 - e. the full legal name of the child's father;

- f. the child's father's address;
- g. the date the Department assumed physical custody of the child;
- h. the date the Department assumed legal custody of the child;
- i. all periods during which the Department had physical or legal custody of the child prior to the most recent period of custody;
- j. the child's current legal status (e.g. committed to DHS, emergency care, etc.);
- k. the date the child's current legal status was established;
- l. the child's current permanency goal;
- m. the date the child's current permanency goal was established;
- n. all prior permanency goals of the child and the dates that they were established;
- o. the date the child's current, written case plan was established;
- p. details about the current physical location of the child, including the type of facility in which the child is residing, the exact address of the facility in which the child is residing, and the name(s) of the person(s) who have direct caretaker responsibility for the child;
- q. the names, employing organization, addresses, and phone numbers of all workers who have

responsibility of the child, whether they are Department or employees or employees of private organizations.

- r. the name of the DHS supervisor(s) of the DHS workers who have responsibility for the child;
 - s. the date that the DHS worker or supervisor assumed responsibility for the child's case;
 - t. the dates of all visits between the child and the child's worker(s); the dates of all visits between the child and the child's mother; the dates of all visits between the child and the child's father; and the dates of all visits between the child and the child's sibling(s);
 - u. for any child who has a sibling, half-sibling, parent, or child in the Department's custody, the name of that person, that person's DCID number, and the name of that person's social worker(s)
 - v. the date of all physical examinations received by the child while in the Department's physical or legal custody;
 - w. the dates of all judicial reviews received by a child, specifying whether the review was a judicial review or an administrative review; and
 - x. the date of the dispositional hearing required by the federal Adoption Assistance and Child Welfare Act of 1980.
2. For all facilities foster homes, group homes, institutions, Consortium or other contract homes, or any other facilities in which the Department places

children:

- a. the full name of the facility;
- b. the type of facility, including any special characteristics of the facility;
- c. the exact street address of the facility (P.O. boxes not acceptable);
- d. the phone number of the facility;
- e. the full names of all individuals with caretaker responsibility at the facility;
- f. in the cases of foster homes, the names and birthdates of all children in the facility;
- g. whether the facility has a current and valid permit to operate as a foster-care facility;
- h. the date the facility's current or most recent permit expires or expired;
- i. the number of children for which the facility is licensed;
- j. the date of the completion of the most recent monitoring of the facility; and
- k. the name(s), employing organization(s), addresses, and phone numbers of the worker(s) with responsibility for monitoring the facility.

- C. Mandated Worker/Supervisory Reports - In accordance with provisions of the Implementation Plan, the Department shall develop reports from the unitary computerized information system sufficient to assure that workers and supervisors have

adequate information to assure compliance with relevant provisions of District of Columbia law and with all the provisions of this decree.

1. At a minimum, the Department's unitary automated information system shall produce on a periodic basis but no less frequently than once a month, the following reports:
 - a. An alphabetized listing of all children in the Department's physical or legal custody, including the child's name, DCID number, legal status, birthdate, and the name and identification number of the child's DHS social worker. This listing shall be produced in sufficient quantity to assure its access to all DHS social workers;
 - b. For each DHS worker with direct responsibility for any children in the Department's physical or legal custody, a listing of all children for whom that worker is responsible, including the child's name, DCID number, legal status, planning goal, and physical location. This listing shall be distributed no less frequently than once a month to each worker with direct responsibility for any children in the Department's physical or legal custody;
 - c. For each DHS worker with direct responsibility for any children in the Department's physical or legal custody, a listing of all children for whom that worker is responsible for whom any of the following events either are late or are due in the sixty days following the report: expiration of allowed emergency care status, case plan review, administrative review, judicial review, or dispositional hearing. This listing shall be

distributed no less frequently than once a month to each worker with direct responsibility for any children in the Department's physical or legal custody;

- d. For each DHS supervisor who has principal responsibility for any child in the Department's physical or legal custody, a listing of all children for whom that supervisor is responsible and the child's DCID number. This listing shall be distributed to each Branch chief and to the CFSD Chief;
- e. A listing of all children, by DHS unit, who have been in emergency care for more than 21 days, including the child's, name, DCID number, and the name and identification number of the child's DHS social worker. This listing shall be produced in sufficient quantity to assure its access to all DHS social workers;
- f. A listing of all facilities -- foster homes, group homes, institutions, Consortium or other contract homes, or any other facility for which any vacancies exist, including the name of the facility; the type of facility; and the number of vacancies. This listing shall be produced on a daily basis and provided daily to the DHS office responsible for placing children in the Department's custody;
- g. A listing of all children, by DHS unit, who are placed in facilities foster homes, group homes, institutions, Consortium or other contract homes, or any other facility that do not have current valid permits or licenses, including the child's name, DCID number, and the name and identification number of the child's DHS social

worker. This listing shall be produced in sufficient quantity to assure its access to all DHS social workers;

- h. A listing of all children, by DHS unit, who are placed in facilities foster homes, group homes, institutions, Consortium or other contract homes, or any other facility in which there are more children than is permitted by the facility's license or permit, including the child's name, DCID number, and the name and identification number of the child's DHS social worker;
 - i. A listing of each facility -- foster home, group home, institution, Consortium or other contract home, or any other facility -- in which there are more children than is permitted by the facility's license or permit, including the names of all children in the facility, and the name(s) and identification number(s) of the DHS social worker(s) responsible for children in the facility. This report shall be distributed to the Monitoring Unit, to each worker with children on the report, and to the CFSD Chief; and
 - j. A listing of all DHS social workers, by DHS unit, who have caseloads in excess of the caseload limits established in Section XI of this Order, including the name and identification of the worker, the name of the worker's supervisor, and the size of the worker's caseload.
- D. Mandated Management Reports - The Department's unitary computerized information system shall produce reports sufficient to assure that Department management personnel can effectively manage the Department and can achieve compliance with all the provisions of this decree as well as with all relevant provisions of relevant District case law.

E. Mandated Child-Specific Noncompliance Reports - The Department shall assure that Department supervisory personnel and the LaShawn A. Monitor receive on an ongoing basis, reports identifying all children for whom Department practice is out of compliance with the substantial provisions of this Order:

1. At a minimum, the following types of cases shall be reported:
 - a. All cases in which an investigation has not been initiated with 48 hours of the receipt of the report;
 - b. All cases in which an investigation has not been completed within 30 days of the receipt of the report of abuse or neglect;
 - c. All cases in which a child has been in emergency care for more than 42 days;
 - d. All cases in which a child does not have a written case plan within 30 days of having entered the department's custody;
 - e. All cases in which a child has not received an administrative review during the preceding nine months;
 - f. All cases in which a child has not received a dispositional hearing within 21 months of having entered the Department's custody;
 - g. All cases in which a child under the age of six (6) has been placed in a congregate-care facility;

- h. All cases in which a child has had a plan of adoption and who has not been referred to APRB within 30 days of the establishment of the permanency goal;
 - i. All cases in which a child under the age of twelve (12) has been assigned a permanency goal of continued care;
 - j. All cases in which a child under the age of sixteen (16) has been assigned a permanency goal of independent living.
- F. The Department shall assure that sufficient resources, including personnel, are dedicated to the development and operation of the unitary computerized information system to assure that all information in the system is accurate and current:
 - 1. In any instance in which a child comes into the Department's physical and legal custody, the information specified in Section XVII(B)(1)(a-t) of this section shall be entered into the system within 24 hours of the Department assuming custody of the child; and
 - 2. In any instance in which a child in the Department's physical or legal custody is placed in any facility by or on behalf of the Department, the information pertaining to the child's location shall be entered into the system within 24 hours of the placement.
- G. The Department shall obtain sufficient computer hardware to assure that any social worker responsible either for investigations of abuse or neglect or responsible for children in the Department's physical or legal custody has direct and ready access to the information contained the Department's unitary computerized information system.

- H. In conjunction with the LaShawn A. Monitor, the Department shall formally assess the Department's record-keeping practices as they relate to the foster-care system. Pursuant to this assessment, the Department shall make whatever changes are necessary to assure that case records are well-organized, complete, and useful for social workers and other Department personnel.

XVIII. FINANCIAL DEVELOPMENT

- A. In accordance with provisions of the Implementation Plan, the Department shall develop and implement policies and procedures by which it can maximize funds available to it through Titles IV-B and IV-E of the Adoption Assistance and Child Welfare Act of 1980, the Medicaid Act, and SSI.
- B. All funds remitted to the District of Columbia by the United States Department of Health and Human Services under Titles IV-B and IV-E of the Adoption Assistance and Child Welfare Act of 1980, the Medicaid Act, and SSI shall be committed exclusively to the provision of services and support, including staff serving the children in the class covered by this Order.
- C. The Department budget allocated to the provision of services and support including staff serving the children in the class covered by this Order, shall not be decreased to reflect any additional funds remitted to the District as a result of the District's development and implementation of policies and procedures by which it can maximize funds available to it through Titles IV-B and IV-E of the Adoption Assistance and Child Welfare Act of 1980, the Medicaid Act, and SSI. The Defendants shall establish a mechanism by which the plaintiffs can confirm that these budgetary funds are not offset in any way.

XIX. SPECIAL CORRECTIVE ACTION

A. Within 90 days after the entry of this Order, in conjunction with the plaintiffs, the Department shall develop a plan to immediately take all necessary action on the status of children in the following categories:

1. Children in emergency care for more than 90 days;
2. Children placed in emergency facilities for more than 90 days;
3. Children placed in foster homes or facilities that exceed their licensed capacities or placed in facilities without a valid license;
4. Children with a permanency goal of return home that has remained in effect for more than 18 months;
5. Children with a permanency goal of adoption for more than 30 days for whom no legal activity has been initiated to free the children for adoption;
6. Children with a permanency goal of adoption for more than 90 days who have not been referred to the Adoption Branch;
7. Children with a permanency goal of adoption for more than 9 months who are not in an approved adoptive placement;
8. Children under 12 with a permanency goal of long-term foster care or independent living; and
9. Children in facilities more than 100 miles from the District of Columbia.

B. In addressing the problems of children in the above-listed

categories, the LaShawn A. Monitor may recommend that the Department create and fund special short-term units to review these children's cases, that special emergency resources be created and made available, including funds to recruit, license and train additional and specialized foster or adoptive parents, and that the Corporation Counsel or the Department shall make available designated attorneys to take necessary legal action. If the Monitor's recommendations are not followed, plaintiffs may seek appropriate orders from the court.

XX. MONITORING AND IMPLEMENTATION

A. Appointment and Authority

1. The LaShawn A Monitor (Monitor) shall be the Center for the Study of Social Policy, in Washington, D.C.
 - a. Should Tom Joe cease to serve as the Director of the Center for the Study of Social Policy, the plaintiffs and the defendants shall review the appropriateness of the Center continuing to serve as the Monitor.
2. The Monitor shall be responsible solely to the court but shall work actively with the parties to assure the effective and prompt implementation of this Order.
3. The Monitor shall serve until the court determines, upon defendants' application, that the Monitor is no longer necessary.

B. Phased Implementation Plans

1. The Monitor shall prepare and present to the parties and the court an Implementation Plan within 120 days of the entry of this Order.

2. The Implementation Plan shall be developed with the active participation of the parties. The Monitor shall assure that the plaintiffs and defendants have a full opportunity to consult and be involved with the development of the Implementation Plan.
3. The Implementation Plan shall contain the following:
 - a. Implementation Dates:
 - (1) The plan shall contain final implementation dates by which each of the provisions of this Order that do not contain specific implementation timetables will be fully implemented consistent with the timelines established by Section XX(B)(5)(b).
 - (2) The plan shall also include interim dates, prior to the final implementation date, by which the provisions shall be partially implemented, and shall specify the degree of implementation required by each of the interim implementation dates for each of the provisions of this Order.
 - (3) The plan shall include dates for the completion of the needs assessments referred to in Section XV(B)(1), and for the completion of the Resource Development Plan referred to in Section XV(B)(3) and Section XV(D)(3). No later than 30 days after those assessments and the Resource Development Plan are completed, final and interim implementation dates, as required by Section XX (B)(3)(a)(1) and

Section XX(B)(3)(a)(2) above for the development of the services and resources required by Section XV and identified by the needs assessments and Resource Development Plan, shall be added by the Monitor to the Implementation Plan which shall be deemed amended by those additions.

b. Implementation Steps, Processes, and Tasks

- (1) The Implementation Plan shall specify the steps and tasks necessary to achieve compliance with the provisions of this Order and to meet the interim and final implementation dates set forth in Section XX(B)(3)(a). The Plan shall designate timelines by which the steps and tasks are to be accomplished and shall designate appropriate staffing levels and personnel to assure timely implementation of the Plan. The Plan shall also identify who shall be responsible for the steps and tasks, including outside contractors.
- (2) This portion of the Implementation Plan shall be updated every six months, and the updates shall list tasks accomplished and additional steps and tasks that may have been identified as additionally necessary to achieve compliance with the provisions of this Order. The updates shall also contain timetables for additional steps and tasks that have been identified as necessary to achieve compliance with this Order and timetables and the

designation of personnel for these additional steps and tasks.

4. Upon completing the Implementation Plan or a plan update, the Monitor shall submit the plan to the parties, and it shall become binding upon the parties and a part of this court's order. The plaintiffs and the defendants waive any rights they may have to challenge any aspect of any such plan and agree to be bound by the plan.
5. Enforcement
 - a. All provisions of the Implementation Plan shall be implemented, shall be fully binding on the defendants, and shall be enforceable by the court.
 - b. The defendants shall fully comply with all provisions of this Order by June 30, 1995, with the exception of Section XVII, with which the defendants shall comply fully by December 31, 1995.
 - c. The timelines in Section XX(B)(5)(b) may be extended with the consent of the plaintiffs, the defendants, the Monitor, and with the approval of the court.

C. Monitor Staffing and Spending

1. The Monitor shall prepare a Staffing and Spending Plan to cover the first twelve months following the entry of this Order and shall thereafter prepare Staffing and Spending Plans for each subsequent twelve-month period. The plan shall include position descriptions and vitas of the Center staff who will be engaged in development of implementation plans or

monitoring.

2. The Director shall review and approve the Monitor's Staffing and Spending Plan within 10 days following its receipt or, if the Director decides not to approve the Plan on the ground that the expenditures are not necessary to enable the Monitor to fulfill its responsibilities under this Order, the Director shall submit the matter to the court for resolution within 15 days following the receipt of the plan.
3. The parties and the Monitor shall make good faith efforts to resolve any disputes concerning the expenditures in the Monitor's Staffing and Spending Plan prior to the submission of any disputes concerning the plan to the court, as provided in Section XX(C)(2) above.
4. The Monitor shall submit monthly invoices for the Director's review, approval, and processing for payment.
5. With respect to the Monitor's first Staffing and Spending Plan, the District shall not be obligated to expend more than \$300,000.

D. Monitoring and Reporting

1. The Monitor shall have access to all information, records, personnel and reports and shall have the authority to require reports on the status of the implementation plan, the status of children, and compliance with this Order.
2. After the completion of the Implementation Plan mandated by Section XX(B), the Monitor shall issue a report every 90 days concerning the status and progress made by the defendants toward compliance

with the implementation plans and with the provisions of this Order.

- a. The Monitor's reports shall be provided to the parties and, if it so orders, to the court.
- b. The parties and the Monitor (including their successors, officers, agents, servants, employees, and all other persons in active concert or participation with them) shall not disclose any individually identifiable information concerning children, their parents, or their foster or adoptive parents.

E. Policies and Procedures

1. In developing the policies and procedures required by this Order, the defendants shall consult and work collaboratively with the plaintiffs and the Monitor.
2. All policies and procedures developed by the Department pursuant to Section XX(E)(1) shall be provided to the Monitor and plaintiffs 30 days before such policies and procedures are due under the terms of this Order.
3. If upon submission of proposed policies and procedures, the plaintiffs object to any such policy or procedure, they shall submit to the defendants in writing within 15 days of receipt of the proposed policies and procedures their objections and any proposed changes. The defendants shall then have 15 days to accept or to reject the plaintiffs' proposed changes.
4. After the Department's submission of the policies and procedures as provided by Section XX(E)(2), in the event that the Monitor determines that the policies

and/or procedures are inconsistent with the provisions of this Order, or with reasonable professional standards, the Monitor shall make recommendations to the Department to ensure that the policies and/or procedures are consistent with the provisions of this Order and are consistent with reasonable professional standards.

5. After the Department's submission or resubmission of the policies and procedures as provided by Section XX(E)(2), in the event that plaintiffs determine that such policies and or procedures are inconsistent with the terms of this Order, do not address the legal violations determined by this court's decision and order, or are inconsistent with reasonable professional standards, and defendants fail to make necessary revisions, plaintiffs may bring this matter to the attention of the court and seek further orders.
6. Those final policies and procedures mandated by this Order shall be deemed incorporated into the final order and shall be enforceable by the court.

F. Miscellaneous

1. Plaintiffs shall have access to all information and reports and shall have the authority to require the defendants to provide all reports reasonably necessary to monitor the status of the Implementation Plan, the status of children, and compliance with this Order and applicable District of Columbia law.
2. All reports concerning compliance with the Implementation Plan, the status of children, and compliance with this Order that do not contain

individually identifiable information shall be public information.

3. Nothing in this Order shall limit the right of the plaintiffs to seek from the court appropriate relief, including the appointment of a Special Master, to remedy any violations of the court's Order or any violations of any provision of an Implementation Plan or to seek any other relief necessary to implement the provisions of this Order or Implementation Plan or necessary to remedy the violations identified in the court's opinion of April 18, 1991. The plaintiffs agree not to seek judicial relief for technical, de minimus violations of this Order or of the Implementation Plan.

G. All claims by plaintiffs for costs and attorney's fees are reserved.

H. Except as expressly provided herein, defendants do not waive any rights available under applicable laws.

I. The court shall retain jurisdiction over this matter.

XXI. DEFINITIONS

Unless expressly defined otherwise in this Order, the following terms are defined as follows:

- A. "Administration," "Family Services Administration," or "FSA" is the Family Services Administration of the Commission on Social Services of the District of Columbia Department of Human Services, or its successor agency.
- B. "Adoption Branch" is the Adoption and Placement Resources Branch of the Child and Family Services

Division of the Family Services Administration of the Commission on Social Services of the District of Columbia, Department of Human Services, or its successor entity.

- C. "Commission" or "Commission on Social Services" is the Commission on Social Services of the District of Columbia, Department of Human Services, or its successor agency.
- D. "Custody" refers to the physical or legal custody of a child, whichever comes first in time.
- E. "Department" or "Department of Human Services" is the District of Columbia Department of Human Services, or its successor agency.
- F. "District" is the District of Columbia.
- G. "Division," "Child and Family Services Division," or "CFSD" is the Child and Family Services Division of the Family Services Administration of the Commission on Social Services of the District of Columbia Department of Human Services, or its successor agency.
- H. "Division Chief" is the Chief of the Child and Family Services Division of the Family Services Administration of the Commission on Social Services of the District of Columbia Department of Human Services, or its successor agency.
- I. "Emergency Care" or "EC" is the custody authorized by D.C. Code Ann. Section 6-2124(c)(1).
- J. "Police" or "Police Department" is the Metropolitan Police Department (MPD).

XXII. RESERVATION OF DEFENDANTS' APPEAL RIGHTS

- A. Nothing in this Order shall prevent the Defendants from appealing any portion of this Order or the Court's April 18, 1991 Memorandum Opinion assessing liability against the Defendants.
- B. The Defendants shall not seek a stay of this Order if Defendants decide to appeal the Court's April 18, 1991 Memorandum Opinion.
- C. In the event that the court's Memorandum Opinion of April 18, 1991, is vacated on appeal in its entirety, this Order and any subsequent implementation plan or plans shall be null and void. In the event that the court's Memorandum Opinion of April 18, 1991, is vacated on appeal in part, the portions of this Order or any subsequent implementation plan or plans that are directly based on that part of the Memorandum Opinion that is vacated shall be null and void.