

PART TWO: SUBSTANTIVE REQUIREMENTS AND EXIT STANDARDS

I. PRESERVATION & PERMANENCY PLANNING

D. Outcomes:

1. Preserve Families: Except in cases where safety requires the emergency removal and shelter care of a child, BCDSS shall provide each family of a child at risk of removal with assistance, or referral for services as appropriate, to address identified problems, and BCDSS shall provide or obtain and shall monitor such services in a duration and intensity reasonably calculated to enable the child to remain with the family without removal.

Exit Standards:

(1) 90 percent of children and families in family preservation had a case plan. **(LJ Reports Exit Standard 3)**

(2) 85 percent of children and families in family preservation timely received the services identified in the case plan. **(LJ Reports Exit Standard 4)**

2. Minimize Length of Stay: BCDSS shall implement and achieve the child's permanency plan quickly. BCDSS shall provide each child in OHP and each family of a child in OHP with assistance, or referral for services as appropriate, to address identified problems and needs, and BCDSS shall provide or obtain and shall monitor such services in a duration and intensity reasonably calculated to implement expeditiously and finalize the child's permanency plan. This requirement shall continue until the Juvenile Court ends BCDSS's obligations to the child.

Exit Standards:

(1) 90 percent of children in OHP had a case plan. **(LJ Reports Exit Standard 15)**

(2) 90 percent of children in OHP and their families timely received the services identified in their case plans. **(LJ Reports Exit Standard 16)**

3. Families Involved in Decision-Making: BCDSS shall utilize a planning and decision-making model in which BCDSS makes reasonable efforts to fully involve the family of origin, the extended family members, the child (as clinically appropriate), the child's attorney, and other individuals able to contribute to positive outcomes for the child at each critical decision-making point.

Exit Standard:

(1) Beginning July 1, 2010, for 85 percent of children, BCDSS had a family involvement meeting at each critical decision-making point. **(LJ Reports Exit Standard 20)**

4. Each Child Has a Case Plan that Guides the Permanency Plan: Within sixty days of entering OHP, each child shall have a case plan that shall be updated and approved by an internal review team at least once every six months and which shall guide the permanency plan for the child.

Exit Standard:

(1) 90 percent of children had a case plan that was completed within sixty days of the child's entry into OHP and which was updated every six months. **(LJ Reports Exit Standard 24)**

5. BCDSS Will Provide Services Consistent with a Comprehensive Plan to Prepare Youth in OHP for Independence: Each child ages fourteen and over shall receive services, including independent living services, that are reasonably calculated to successfully transition the child to adulthood by age twenty-one.

Exit Standard:

(1) 90 percent of children ages fourteen and over had a transition plan included in the child's case plan and timely received the services identified in the case plan. **(LJ Reports Exit Standard 29)**

II. OUT-OF-HOME PLACEMENT

Outcomes:

1. Each child shall be placed promptly in the least restrictive appropriate placement type for that child's needs.

Exit Standard:

(1) Beginning January 1, 2011, 90 percent of all children were placed promptly in the least restrictive and appropriate placement based on their individualized needs. **(LJ Reports Exit Standard 33)**

2. No child under the age of thirteen shall be placed in congregate care unless it is medically or therapeutically necessary and the child is placed in a program that has services specifically designed to meet that child's needs.

Exit Standard:

(1) For 99 percent of children under age thirteen placed in congregate care, the placement was medically or therapeutically necessary and the placement included services that met the child's needs. **(LJ Reports Exit Standard 36)**

3. DHR/BCDSS shall maintain a continuum of placements reasonably calculated to assure that each child is placed in the least restrictive placement for that child.

Exit Standard:

(1) The array of current placements matched the recommendation of the biennial need assessment. **(LJ Reports Exit Standard 39)**

4. Each child in OHP and the child's caregiver shall be provided those services necessary and sufficient (1) to meet the child's immediate and long-term needs; (2) to support the stability of the child's placement and to support the caregiver's ability to meet the child's needs; (3) to avoid placement of the child in a more restrictive setting; and (4) to move the child, if appropriate given the child's needs, to a less restrictive setting.

Exit Standard:

(1) 90 percent of children and caregivers received services necessary and sufficient to meet their needs and to support stability in the least restrictive placement. **(LJ Reports Exit Standard 44)**

5. Each kinship care provider shall be informed promptly of his or her right to apply to become a licensed foster parent, and each application for licensure shall be timely processed with retroactive benefits provided to the date of application. Each kinship care provider will be given an application and afforded the opportunity to file an application on the date the child is placed in the home. An application will be deemed to have been made when the caregiver indicates in writing his or her desire to become a licensed foster parent. Each kinship care provider shall be afforded the same opportunities for training and other services as licensed foster parents.

Exit Standard:

(1) 90 percent of kinship care providers received written notification of the right to apply for foster home licensing within ten days of placement. **(LJ Reports Exit Standard 48)**

6. BCDSS shall employ a staff of specialists to provide technical assistance to caseworkers and supervisors for cases that require specialized experience and/or knowledge.

Exit Standard:

(1) BCDSS employed a staff of non-case carrying specialists to provide technical assistance to caseworkers and supervisors for cases that require specialized experience and/or knowledge. **(LJ Reports Exit Standard 52)**

7. Each child's placement shall meet all safety, health, sanitation, licensing and other legal requirements for that placement. Each placement provider shall receive all training required by law.

Exit Standards:

(1) 95 percent of all foster homes and kinship care placements met all legal requirements. **(LJ Reports Exit Standard 57)**

(2) 90 percent of all foster homes were approved and reapproved on a timely basis. **(LJ Reports Exit Standard 58)**

8. For each child, DHR/BCDSS shall provide the caregiver with all available information about the child's status, background, and needs.

Exit Standard:

(1) 95 percent of caregivers had been provided all available information about the child's status, background, and needs. **(LJ Reports Exit Standard 60)**

9. Each child shall be protected from maltreatment in the child's placement to the maximum extent possible.

Exit Standards:

(1) 99.68 percent of children in OHP were not maltreated in their placement, as defined in federal law.¹ **(LJ Reports Exit Standard 65)**

(2) In 95 percent of cases of alleged maltreatment of a child in OHP, BCDSS provided the child's attorney and Plaintiffs' counsel the report of the alleged maltreatment within five days of the report and the disposition within five days of its completion. **(LJ Reports Exit Standard 66)**

10. No child may be housed in an office, motel, hotel, or other unlicensed facility.

Exit Standard:

(1) 99.8 percent of children in OHP were not housed outside regular business hours in an office, motel, hotel, or other unlicensed facility. If any child is so housed, BCDSS shall notify Plaintiffs' counsel within one working day of the reasons for the placement, the name of the child's CINA attorney, and the steps that BCDSS is taking to find an appropriate placement. Barring extraordinary circumstances, no child may be housed in an office for consecutive nights. **(LJ Reports Exit Standard 68)**

¹ The measurement for maltreatment in foster care in this Decree is the measurement used by the United States Department of Health and Human Services in Child and Family Services Reviews, which means the percentage of children who were found to be victims of indicated maltreatment by perpetrators who are relative foster parents, non-relative foster parents, and group home or residential facility staff. "Relative foster parents" include unlicensed kinship care providers with whom BCDSS placed children in OHP.

11. Each child shall be given the opportunity to be informed about and, as clinically appropriate, to participate actively in placement decisions being made for the child.

Exit Standard:

(1) 90 percent of children ages twelve or over participated in placement decisions. (LJ Reports Exit Standard 70)

12. Each child in OHP shall be visited by the child's assigned caseworker or designated substitute at least once every month in the child's placement.

Exit Standard:

(1) 95 percent of children had documented visits from their caseworker once monthly in the child's placement. (LJ Reports Exit Standard 72)

III. HEALTH CARE

Outcomes:

1. Each child in OHP must receive an initial health screen prior to placement, but, in any event, not later than five working days following placement in OHP.

Exit Standard:

(1) Beginning July 1, 2009, 95 percent of new entrants to OHP received an initial health screen within five days of placement. (LJ Reports Exit Standard 75)

2. Each child in OHP must receive a comprehensive health assessment within sixty days of entry into OHP.

Exit Standard:

(1) Beginning July 1, 2009, 90 percent of new entrants into OHP received a comprehensive health assessment within sixty days of placement. (LJ Reports Exit Standard 79)

3. Each child in OHP must receive timely periodic EPSDT examinations, and all other appropriate preventive health assessments and examinations, including examinations and care targeted for adolescents and teen parents.

Exit Standards:

(1) Beginning December 1, 2009, 90 percent of children entering OHP received timely periodic EPSDT examinations and all other appropriate preventive health assessments and examinations, including examinations and care targeted for adolescents and teen parents. **(LJ Reports Exit Standard 82)**

(2) Beginning July 2010, 90 percent of children in OHP received timely periodic EPSDT examinations and all other appropriate preventive health assessments and examinations, including examinations and care targeted for adolescents and teen parents. **(LJ Reports Exit Standard 83)**

4. Each child in OHP must receive timely all health services that the child needs, consistent with either of the COMAR regulations addressing OHP medical care in effect as of December 9, 2008 (07.02.11.28(M) and (N) (attached as Exhibit 3)) (“Needed Health Care Services”).

Exit Standard:

(1) 90 percent of children received timely all Needed Health Care Services. **(LJ Reports Exit Standard 88)**

5. Each child in OHP must have a completed health passport and a medical assistance card, which are provided promptly to each child’s caregiver.

Exit Standards:

(1) 90 percent of all new entrants had a complete health passport that was distributed to the children’s caregivers promptly. **(LJ Reports Exit Standard 93)**

(2) 90 percent of children had a health passport that was updated and distributed to the children’s caregivers at least annually. **(LJ Reports Exit Standard 94)**

IV. EDUCATION

D. Outcomes:

1. Each child in OHP shall be enrolled in and begin attending the child’s home school or a new school immediately after entry into OHP and after any change of placement.

Exit Standard:

(1) 90 percent of children were enrolled in and began to attend school within five days of placement in OHP or change in placement. **(LJ Reports Exit Standard 99)**

2. Each child's case plan shall include an educational plan for ensuring the child's educational stability and progress while in foster care and BCDSS shall monitor the child's educational progress.

Exit Standards:

- (1) 90 percent of children had an educational plan. **(LJ Reports Exit Standard 104)**
- (2) For 90 percent of children, BCDSS had met its obligations as set forth in the child's educational plan. **(LJ Reports Exit Standard 105)**
- (3) For 90 percent of children, BCDSS had monitored the child's educational progress monthly. **(LJ Reports Exit Standard 106)**

3. Each child in OHP shall receive all necessary special education services.

c. Exit Standards:

- (1) BCDSS made a prompt referral for special education or early intervention services for 90 percent of children for whom there was an indication of developmental delay or disability. **(LJ Reports Exit Standard 110)**
- (2) BCDSS made reasonable efforts to secure services for 90 percent of children who were eligible for special education or early intervention services. **(LJ Reports Exit Standard 111)**

V. WORKFORCE

Outcomes:

1. Appropriate Caseload Ratios: Permanency (foster and kinship care, including adoption) workers' caseload of fifteen children (or any lower ratio required by Maryland state law); Family Resource and Support ("R&S") workers' caseload of forty families (or any lower ratio required by Maryland state law); and supervisors' caseload of six caseworkers (or any lower ratio required by Maryland state law).

Exit Standards:

- (1) 90 percent of case-carrying staff was at or below the standard for caseload ratios. **(LJ Reports Exit Standard 115)**
- (2) 90 percent of case-carrying teams were at or below the standard for ratio of supervisor: worker. **(LJ Reports Exit Standard 116)**

2. Qualified Workforce with appropriate training and supervision.

Exit Standards:

- (1) 95 percent of caseworkers met the qualifications for their position title under Maryland State Law. **(LJ Reports Exit Standard 121)**
- (2) 90 percent of caseworkers and supervisors had at least twenty hours of training annually. **(LJ Reports Exit Standard 122)**

3. Case Transfer Policies: Case re-assignment in five working days. Case re-assignment conference in ten working days.

Exit Standards:

- (1) 90 percent of cases were transferred with required documentation within five working days. **(LJ Reports Exit Standard 125)**
- (2) 90 percent of transferred cases had a case transfer conference within ten days of the transfer. **(LJ Reports Exit Standard 126)**