

Rhode Island Department of Children, Youth & Families
Andrew C. v McKee Monitoring Team Report
Reporting Period #6 (January 1, 2021 – June 30, 2021)

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Description of Scope of Review

As outlined in the Settlement Agreement described in the case of *Andrew C. v. McKee*,¹ the Monitoring Team is comprised of the Office of the Child Advocate (OCA) and the Data Validator. The Data Validator has since been hired by the Rhode Island Department of Children, Youth and Families (DCYF) and is identified as Public Consulting Group LLC (PCG). As outlined in Section 2(d) of the Settlement Agreement, the Data Validator is the "...final arbiter of the timeliness, accuracy of the methodology, as well as the statistical validity and reliability of the DCYF data..." As outlined in Section 2(f) of the Settlement Agreement, the OCA shall provide oversight to the commitments in the Agreement. The OCA "...shall receive and review the progress reports that have been determined to be valid and reliable by the Data Validator." The OCA "...shall confirm whether the commitment has been met or not met."

As part of the terms of the Settlement Agreement, DCYF must measure its performance on twenty indicators designed to ensure that children in out-of-home care due to an allegation of abuse or neglect receive the highest possible level of care. These outcomes include measures designed to evaluate the extent to which (a) children are placed in the most appropriate placement setting; (b) steps are taken by DCYF to maintain each child's connection to their family; (c) foster homes are properly licensed and that background checks are completed for all household members; (d) reports of abuse or neglect are screened in, investigated, and completed in a timely manner; and (e) case plans for children in out-of-home care are updated in a timely manner and contain the elements required by law.

Disposition of Progress Report for Sixth Reporting Period

The Monitoring Team is generating this report in compliance with the roles and responsibilities set forth in the Settlement Agreement. During the sixth Reporting Period, during which DCYF's performance was measured for the six-month period January 1, 2021 to June 30, 2021, the Monitoring Team and DCYF resolved its concerns related to the statistical validity of the case samples reviewed by DCYF and the Data Validator, as well as its concerns about whether the assessment tools utilized by DCYF to fulfill its commitments under Section 1 were consistent with the Settlement Agreement.

Resolution of Concerns Regarding Statistical Validity in Prior Reporting Periods

In January 2020, PCG vocalized concerns regarding the statistical validity and reliability of the data. Based on the sample sizes evaluated, the Monitoring Team was unable to validate all of the data and outcomes for the first two Reporting Periods. Subsequently, the Monitoring Team developed a draft report for DCYF leadership outlining the concerns with the sample sizes utilized during the first two Reporting Periods and presented the report on January 23, 2020. At the request of all parties, the Monitoring Team finalized the report which provided further specifics of the Monitoring Team's response and recommendations. The final report outlining the concerns

¹ Originally filed in 2007 as *Andrew C. v. Chafee*, the name of the case was amended in January 2015 to *Andrew C. v. Raimondo* upon Gina Raimondo's inauguration as Governor of Rhode Island. In March 2021, the name of the case was again amended when Daniel McKee was sworn in as Governor of Rhode Island, to *Andrew C. vs. McKee*.

and recommendations of the Monitoring Team was provided to all parties on March 16, 2020. Over the course of the next three Reporting Periods, the Monitoring Team continued to express its concerns with the statistical validity of the case samples.

In August 2021, the Monitoring Team and DCYF reached an agreement that would ensure that the number of cases reviews would ensure a minimum level of statistical significance:

- For those measures on which DCYF performs a Quality Review of cases through a qualitative lens, DCYF will review a sufficient number of cases to achieve 90 percent confidence that the results of the review are within five percentage points of the true statewide outcome;²
- For those measures on which DCYF performs a Quality Review of cases through a quantitative lens: DCYF will review a sufficient number of cases to achieve 95 percent confidence that the results of the review are within five percentage points of the true statewide outcome;
- For those measures where the Data Validator performs a second-level review of cases that underwent a DCYF Quality Review, the Data Validator will review a sufficient number of cases to ensure 95 percent confidence in finding any errors that occur in at least 2.5 percent of cases; and
- For those measures where the Data Validator performs a second-level review of cases for which the outcome was derived from DCYF syntax, the Data Validator will review a sufficient number of cases to ensure 95 percent confidence in finding any errors that occur in at least 2.5 percent of cases.

A copy of that agreement is attached to this report as [Appendix A](#).

Resolution of Concerns Regarding Assessment Tools

In addition, in the reports published subsequent to the fourth and fifth Reporting Periods, the Monitoring Team expressed concerns that the array of assessment tools utilized by DCYF included tools that may not be consistent with the Settlement Agreement's requirement that "Children entering care or changing placements ... must receive an assessment within the designated timeframes."

Following the sixth Reporting Period, the Monitoring Team was informed by DCYF that the five assessment tools utilized by the Department were in fact consistent with the requirements of the Settlement Agreement.

Summary of Monitoring Team Activity

Following the conclusion of the sixth Reporting Period, PCG analyzed data provided by DCYF summarizing the Department's performance during the Reporting Period. From July 1, 2021 through December 31, 2021, PCG and OCA, in their joint role as the Monitoring Team, reviewed

² For those measures where DCYF conducts a Quality Review of a sample of cases, the statewide outcome is only an estimate of the true statewide outcome – and larger sample sizes result in estimates that are closer to the true outcome for the full population. Therefore, when estimating statewide outcomes by evaluating a sample of cases, one can only say that the results are [X] percent likely to be within [Y] percentage points of the "true" statewide outcome.

and discussed the data, the review process, and the extent to which statewide performance was able to be validated.

SUMMARY OF METHODOLOGY & ACTIVITIES

During the sixth Reporting Period, DCYF evaluated their performance across fourteen measures in order to gauge compliance with the terms of the Settlement Agreement. PCG conducted a quantitative analysis of data provided by DCYF for the entire statewide universe of applicable cases, clients, or events (for example, children entering out-of-home placement during a reporting period) to determine whether DCYF met the criteria described in the Settlement Agreement for that measure; the results of these analyses were used to identify whether DCYF met the threshold for compliance described in each section of the Settlement Agreement.

In addition to this quantitative analysis of statewide outcomes, many of the measures outlined in the Settlement Agreement require that a qualitative review be conducted for validation of the measure. PCG, in its role as Data Validator, conducted qualitative reviews using either a data validation process or a review instrument, dependent upon the measure. The data validation process consisted of selecting a random sample of up to 120 records³ from the universe of eligible records and reviewing the original case documentation in order to verify the accuracy of the data as it is recorded in the Rhode Island Children's Information System (RICHIST) – Rhode Island's state-level child welfare case management system – to identify whether the data used to calculate the outcomes were valid and accurate. Review instruments were used for validation of the measures where the data was not easily quantifiable or was not recorded electronically and were used for only six measures: Visitation 6.2 (quality of caseworker visitation), each of the four Licensing measures (7.1 through 7.4) and Case Planning 10.3 (case plan Adoption Assistance and Child Welfare Act (AACWA) of 1980 compliance). For these measures, PCG developed review instruments to conduct the qualitative review.

To facilitate these reviews and the calculation of outcomes across each of the measures, DCYF supplied PCG with data files that were extracted and processed from RICHIST using syntax developed by DCYF. PCG conducted a review of the code used to derive the results for the first Reporting Period between January 1, 2019 and April 30, 2019, as part of the evaluation of the validity and accuracy of data compiled during Reporting Period 1. The syntax review consisted of an analysis of the database extraction code, the syntax used to derive exclusions and evaluate outcomes, and the sample size and methodology used to calculate the percentages reported and whether they align with the criteria outlined in the Settlement Agreement. PCG's review did not uncover any irregularities in any of the syntax used to calculate the percentages for any of the measures. In each subsequent period, PCG has re-reviewed the syntax used by DCYF to identify each analytic cohort and calculate outcomes.

While PCG did not identify any irregularities or apparent errors with the syntax during the first through sixth Reporting Periods, it will continue in future periods to validate the syntax utilized by DCYF to generate the samples and calculate statewide outcomes. In addition, PCG will continue to conduct reviews for each measure in order to validate the accuracy of the outcomes reported

³ During each of the first five Reporting Periods, PCG reviewed up to 100 cases. As part of the Monitoring Team's agreement with DCYF to expand the number of cases reviewed, during the sixth Reporting Period the maximum number of cases reviewed on each measure was expanded to 120. That sample size will be consistently applied going forward in order to ensure that the findings achieve a minimum acceptable level of statistical significance.

by DCYF. During the sixth Reporting Period, PCG observed DCYF staff in generating and transmitting all data extracts to verify that the data provided by DCYF represented the true and complete extract of the processing scripts.

Following this syntax review, PCG selected a random sample of up to 120 records for each of the outcome measures and conducted a qualitative review to verify that the activities indicated by DCYF in the data were appropriately recorded and documented. During this review, PCG researched individual case and client records in RICHIST, and recorded the date(s) of the relevant activity. These dates were then compared to the outcome calculated by the provided syntax to verify that the results were concordant with one another.

SECTION 1: ASSESSMENTS

Under the terms of Section 1 of the Settlement Agreement, DCYF is being evaluated on the extent to which the Department conducts assessments for children entering out-of-home care resulting from a report or suspicion of abuse or neglect; those assessments must be conducted within 30 days of the removal from the home. DCYF is also responsible for assessing the needs of any child who changes placement settings subsequent to a removal due to a report or suspicion of abuse or neglect. Upon such a change in placement, the assessment must be conducted in the period between 60 days prior to the placement change and fourteen days following the placement change.

Four “exceptions” to this requirement are outlined in the Settlement Agreement:

- a) the placement move is to a placement setting that serves an equivalent level of need;
- b) the placement change occurs because the placement is no longer available for reasons unrelated to the changing needs of the child;
- c) the placement change is occurring to a child not in DCYF legal custody due to a report or suspicion of abuse or neglect, or the child is open to DCYF as a juvenile justice case and the placement change occurs due to juvenile justice or behavioral health reasons; or
- d) the placement change is occurring due to an order of the Rhode Island Family Court.

One outcome measure is described in the Settlement Agreement:

Assessments 1.1: Children entering care or changing placements during the Reporting Period, excepting entries or placement changes falling under one of the four exceptions described above, must receive an assessment within the designated timeframes. DCYF must achieve a successful outcome in 85 percent of removals and placement changes.

After attaining the goal described above for two consecutive six-month periods, DCYF shall exit from monitoring under Section 1 of the Settlement Agreement.

Retroactive Reviews

The Monitoring Team has noted in previous reports that DCYF’s performance exceeded the 85 percent threshold described in the Settlement Agreement. At the same time, however, the Monitoring Team was also unable to fully validate the outcome achieved by DCYF due to the insufficient number of cases reviewed by the Data Validator.

As noted in the Introduction to this report, those concerns have now been resolved, and DCYF has granted the Data Validator the opportunity to review a sufficient number of cases to ensure the minimum acceptable level of statistical validity. DCYF also agreed to the Monitoring Team’s recommendation that the Data Validator perform additional reviews of cases that were initially evaluated during each of the first two Reporting Periods.

During the review period following the sixth Reporting Period, the Data Validator reviewed twenty additional cases from each of the first two Reporting Periods, in addition to the 100 cases that were initially evaluated during the review period following each Reporting Period.

Assessments 1.1: All children removed/changing placements will be assessed

Review of Universe Syntax and Statewide Outcome (First Reporting Period)

DCYF identified 570 instances of a child being removed from the home or changing placement settings during the first Reporting Period, excluding those changes between placements that serve equivalent levels of need. In 510 of those removals/placement changes, DCYF documented in RICHIST that an assessment had been conducted.

Eighteen records involved a child experiencing more than one placement change within a short period of time and a single assessment being conducted within the designated timeframes for each of the placement changes; these records were “unduplicated” so that each assessment would only be counted as a single successful assessment, leaving 552 removals and placement changes in the statewide universe.

Of the 552 remaining removals and placement changes, DCYF documented an assessment being conducted within the designated timeframe for 492 removals and placement changes, resulting in a statewide outcome of 89.13 percent. This exceeds the threshold of 85 percent as described in the Settlement Agreement.

Review of Universe Syntax and Statewide Outcome (Second Reporting Period)

During the second reporting period, DCYF identified 577 instances of a child being removed from the home or changing placement settings, excluding those placement changes between placements that serve equivalent levels of need.

Of the 577 removals and placement changes, DCYF documented an assessment being conducted within the designated timeframe for 514 removals and placement changes, resulting in a statewide outcome of 89.08 percent. This exceeds the threshold of 85 percent as described in the Settlement Agreement.

Case Reviews

For each of the first two Reporting Periods, PCG identified a random sample of 120 cases⁴ out of the universe of all removals or placement changes identified by DCYF as having had an assessment conducted within the timeframes mandated by the Settlement Agreement; PCG then verified that assessments were conducted within the appropriate timeframes. In each of the removals and placement changes reviewed, PCG found that an assessment was conducted within the designated timeframe.

Statistical Validity of Samples (First Reporting Period)

DCYF evaluated outcomes for all 552 eligible cases statewide, and the statistical validity of those results is not in question. Based on these 552 cases, 113 cases would need to be reviewed by PCG to be of sufficient number to meet the recommended level of statistical validity as described in Appendix A (“Monitoring Team Proposed Agreement on Sample Sizes”). As PCG ultimately reviewed 120 cases for the first reporting period, this level of statistical validity was achieved.

⁴ As noted above, 100 cases were initially reviewed during the six-month period following each Reporting Period. An additional twenty cases from each of the first two Reporting Periods were reviewed during the July 1, 2021 – December 31, 2021 review period.

Since DCYF's performance of 89.13 percent on this measure during the first Reporting Period exceeded the 85 percent threshold described in the Settlement Agreement and the recommended level of statistical validity was achieved, the Monitoring Team is able to validate that the standard described in the Settlement Agreement for Measure 1.1 was met for the first Reporting Period.

Statistical Validity of Samples (Second Reporting Period)

DCYF evaluated outcomes for all 577 eligible cases statewide during the second reporting period, and the statistical validity of those results is not in question. Based on these 577 cases, 113 cases would need to be reviewed by PCG to be of sufficient number to meet the recommended level of statistical validity as described in Appendix A ("Monitoring Team Proposed Agreement on Sample Sizes"). As PCG ultimately reviewed 120 cases for the second Reporting Period, this level of statistical validity was achieved.

Since DCYF's performance of 89.08 percent on this measure during the first Reporting Period exceeded the 85 percent threshold described in the Settlement Agreement and the recommended level of statistical validity was achieved, the Monitoring Team is able to validate that the standard described in the Settlement Agreement for Measure 1.1 was met for the second Reporting Period.

Assessments 1.2: Exceptions to Section 1.1

Section 1.2 of the Settlement Agreement describes the exceptions to DCYF's obligations under Section 1.1 (as summarized in the previous section of this report) and does not include a requirement to calculate outcomes at the statewide level.

Assessments 1.3: Children Unavailable for Assessment

Section 1.3 of the Settlement Agreement describes the circumstances under which the requirement to conduct an assessment may be waived if the child is unavailable – for example, due to the child's runaway status, placement in a psychiatric hospital, or placement out-of-state. DCYF did not identify any children during either of the first two Reporting Periods whose assessment was delayed due to the unavailability of the child.

Monitoring Team Recommendation

During each of the first two Reporting Periods, DCYF's performance on Section 1 exceeded for the one applicable measure the 85 percent standard described in the Settlement Agreement. On November 8, 2021 the Monitoring Team published its *Amendment to Monitoring Team Reports for Reporting Periods 1 and 2*. That report indicated that:

The Monitoring Team can now confirm that the required 85 percent benchmark has been met for each of the first two Reporting Periods, and that the results have been appropriately validated. With DCYF having exceeded the required Section 1 benchmark for two consecutive reporting periods, the Monitoring Team recommends and will support the Department's filing a Notice of Exit from Section 1 of the Settlement Agreement.

On receiving that Amendment, DCYF informed the Monitoring Team that it would be filing a Notice to Exit Section 1 with the Court. Once that Notice to Exit has been approved by the Court, DCYF will no longer be subject to monitoring under the terms of Section 1.

SECTION 2: PLACEMENT IN ASSESSMENT & STABILIZATION CENTERS

Under the terms of Section 2 of the Settlement Agreement, DCYF was evaluated on the extent to which the Department minimized the number of children placed in shelters or “assessment and stabilization centers” (ASCs).

During each of the first two Reporting Periods, DCYF met or exceeded the threshold described for each of the three measures described in Section 2 of the Settlement Agreement. On March 19, 2021, DCYF submitted a “Notice of Exit” to the Court requesting to exit from the terms of Section 2 of the Settlement Agreement. That notice was approved by the Court on March 29, 2021, and DCYF is no longer subject to monitoring under the terms of Section 2.

SECTION 3: PLACEMENT IN CONGREGATE CARE

Under the terms of Section 3 of the Settlement Agreement, DCYF was being evaluated on the extent to which the Department minimize the number of children placed in congregate care settings.

During each of the first two Reporting Periods, DCYF met or exceeded the threshold described for both of the measures described in Section 3 of the Settlement Agreement. On March 19, 2021, DCYF submitted a “Notice of Exit” to the Court requesting to exit from the terms of Section 3 of the Settlement Agreement. That notice was approved by the Court on March 29, 2021, and DCYF is no longer subject to monitoring under the terms of Section 3.

SECTION 4: SIBLING PLACEMENTS

Under the terms of Section 4 of the Settlement Agreement, DCYF is being evaluated on the extent to which siblings⁵ who enter out-of-home care within 30 days of each other, or whose placement changes, are placed in the same placement setting. As described in the Settlement Agreement, siblings entering care or who change placements should be placed together unless:

- a) DCYF determines that co-placement would be harmful and/or not in the best interest of at least one sibling;
- b) at least one of the siblings has treatment needs that necessitate placement in a specialized facility;
- c) the size of the sibling group makes co-placement impossible due to licensing regulations;
- d) it is in the best interest of at least one sibling to be placed into a kinship setting in which the other siblings cannot be placed; or
- e) a specific placement is due to an order of the Rhode Island Family Court.

One outcome measure is described in the Settlement Agreement:

Sibling Placement 4.1: Siblings removed or changing placements during the Reporting Period must be placed in the same setting unless one of the five exception reasons described above applies. DCYF must draw a random sample of eligible “events” to review (siblings entering care, or a change in placement for at least one member of a sibling group in care), and must achieve a successful outcome in 80 percent of reviewed cases.

After attaining the goal described above for two consecutive six-month periods, DCYF shall exit from monitoring under Section 4 of the Settlement Agreement.

Sibling Placement 4.1: Siblings Placed Together

Review of Sampling Syntax and Statewide Sample

The Data Validator pulled a random sample of 143 cases in which siblings entered care during the period or were placed together during the period and the placement setting of at least one sibling changed. Each sampled case was reviewed by a member of the DCYF Quality Review team in order to identify (a) whether an exception to the Settlement Agreement requirements applied to the siblings; and if not (b) whether the siblings were placed together.

During the sixth Reporting Period, no cases were identified in which an exception existed to the requirement that the siblings be placed together. Of the 143 eligible cases, DCYF found that in 131 cases (91.6%) the siblings were placed together upon their entry into out-of-home care, or the placement change of at least one sibling. This statewide outcome of 91.6 percent exceeds the 80 percent threshold described in Section 4.1 of the Settlement Agreement.

⁵ For the purposes of this measure, “siblings” are defined as children who have at least one parent in common through birth or adoption, who lived together immediately prior to placement and who entered placement within 30 days of one another.

Case Reviews

PCG conducted a case review of 120 cases where DCYF found that the siblings had been placed together. In each of the 120 cases reviewed, PCG verified that the siblings were placed in the same setting upon their removal from the home or placement change.

Statistical Validity of Samples

DCYF evaluated outcomes for 143 of 257 eligible cases statewide (representing 55.6 percent of the statewide universe); this sample is statistically valid with 90 percent confidence and a margin of error of ± 4.60 percent. The number of cases reviewed resulted in a margin of error that meets the standard agreed upon by DCYF and the Monitoring Team, as described in Appendix A (“Monitoring Team Proposed Agreement on Sample Sizes”).

Of the 143 cases reviewed by DCYF, PCG conducted a second-level review of 120. That exceeds the 91 cases that are required, per the methodology described in Appendix A, to ensure 95 percent confidence that errors occurring in at least 2.5 percent of cases are identified during the review.

Corrective Action Plan Status

As previously noted, Section C(3) of the Settlement Agreement requires DCYF to author a Corrective Action Plan when it does not meet any of the Commitments outlined in the Settlement Agreement for two consecutive Reporting Periods. DCYF has not met the standards described in Section 4, and DCYF has submitted a Section 4 Corrective Action Plan to the Monitoring Team.

Monitoring Team Recommendation

With DCYF’s validated performance having exceeded the standards described in the Settlement Agreement under Section 4.1 during each of the last two Reporting Periods, the Monitoring Team recommends and will support the Department’s filing a Notice of Exit from Section 4.1 of the Settlement Agreement.

SECTION 5: CASE MANAGEMENT

Under the terms of Section 5 of the Settlement Agreement, DCYF is tasked with attaining casework goals as described in the areas of visitation (Section 6 of the Settlement Agreement) and case planning (Section 10).

No additional outcome measures – beyond those described in Sections 6 and 10 – are defined in Section 5 of the Settlement Agreement.

Workload Study Status

DCYF was to utilize the results from the first Reporting Period to establish a baseline of current DCYF compliance with the case plan content and timeliness elements evaluated under the terms of Section 10 of the Settlement Agreement. Starting with the second Reporting Period (January 1, 2019–June 30, 2019), should DCYF not attain the commitments outlined in Sections 6 and 10 in two consecutive periods, DCYF will be responsible for conducting a workload study in consultation with the Monitoring Team.

In the second and third Reporting Periods, DCYF either did not achieve the commitments outlined in Sections 6 and 10 (6.2, 6.3b, 6.4b, 10.2 and 10.3), and the Monitoring Team was unable to validate the statewide result due to an insufficient number of cases being reviewed (6.1). Therefore, under the terms of the settlement agreement DCYF is required to conduct a workload study in consultation with the Monitoring Team.

Through an open procurement process administered by the Rhode Island Department of Administration, DCYF has engaged Public Consulting Group LLC to conduct the required workload study in 2022.

Under the terms of Section 6 of the Settlement Agreement, DCYF is being evaluated on the extent to which children in out-of-home care are visited by caseworkers on a regular basis; that those visits appropriately assess issues pertaining to the safety, permanency, and well-being of the children; and that visits between siblings in care, and between children in care and their parents for cases with a goal of reunification, occur as often as described in the case plan.

Four outcome measures are described in the Settlement Agreement:

Visitation 6.1: Each full calendar month that a child is in out-of-home placement, they should experience at least one face-to-face visit with a member of the DCYF Care Team in their placement setting. DCYF must achieve a successful outcome in 95 percent of full calendar months that children are in out-of-home care.

Visitation 6.2: Children in out-of-home care during the Reporting Period must have visitation that meet the federal CFSR criteria to be rated as a “strength” in terms of frequency and quality. DCYF must draw a random sample of eligible cases to review and must achieve a successful outcome in 85 percent of reviewed cases.

Visitation 6.3b: Siblings in out-of-home care during the Reporting Period must have visitation between the siblings which occurs at the frequency indicated in their case plans if they are not placed together. DCYF must draw a random sample of eligible cases to review and must achieve a successful outcome in 85 percent of reviewed cases.

Visitation 6.4b: Children in out-of-home care during the Reporting Period for whom the case plan goal is reunification must have visitation with their parents that occurs at the frequency indicated in their case plans. DCYF must draw a random sample of eligible cases to review and must achieve a successful outcome in 85 percent of reviewed cases.

Upon attaining the goals described for Visitation 6.1 for two consecutive Reporting Periods, DCYF shall exit from the terms of the Settlement Agreement for that measure. Similarly, upon attaining the goals described for Visitation 6.2 for two consecutive Reporting Periods, DCYF shall exit from the terms of the Settlement Agreement for that measure.

The Visitation 6.3b and Visitation 6.4b measures are incorporated into Section 10 of the Settlement Agreement (Case Planning), and the criteria for DCYF’s exit from the terms of the Settlement Agreement for those measures are described in the “Section 10: Case Planning” section of this report.

Visitation 6.1: Caseworker Face-to-Face Visits with Children

Review of Universe Syntax and Statewide Outcome

DCYF identified 2,473 children who were in care at least one full calendar month during the sixth Reporting Period, spanning 10,358 full calendar months. In 10,180 of those months, the child in care experienced at least one face-to-face visit with a member of the DCYF Care Team, resulting in a statewide outcome of 98.28 percent. This exceeds the 95 percent threshold described in the Settlement Agreement.

Case Reviews

PCG identified a random sample of 120 children placed for at least one full calendar month during the Reporting Period and were identified by DCYF as having had at least one caseworker visit for each of those months. PCG then reviewed each of those cases in order to verify that DCYF had appropriately documented that the face-to-face visit occurred with the child during each full calendar month that the child was in care during the Reporting Period. In each of the 120 cases reviewed, PCG found that visitation was appropriately documented.

Statistical Validity of Samples

Since DCYF evaluated outcomes for all 10,358 eligible cases statewide, the statistical validity of those results is not in question. Of the 10,358 cases reviewed by DCYF, PCG conducted a second-level review of 120. That exceeds the 119 cases that are required, per the methodology described in Appendix A, to ensure 95 percent confidence that errors occurring in at least 2.5 percent of cases are identified during the review.

Additional Reviews from Reporting Period #5 (July 1, 2020–December 31, 2020)

DCYF's performance on Section 6.1 exceeded the 95 percent standard described in the Settlement Agreement in Reporting Periods #5 (July 1, 2020–December 31, 2020) and #6 (January 1, 2021–June 30, 2021). However, the Data Validator did not review a sufficient number of cases during the fifth Reporting Period to attain the required level of statistical validity.

PCG has reviewed an additional twenty cases from the fifth Reporting Period in order to ensure that level of statistical validity; the findings of those reviews were concordant with the findings of DCYF. The Section 6.1 outcomes from the fifth Reporting Period, which reflects DCYF's meeting the Settlement Agreement standard, may now be considered fully validated.

Visitation 6.2: Quality of Face-to-Face Visits

Review of Sampling Syntax and Statewide Sample

From the number of children in care during the first four months of the period, DCYF generated a list of the full calendar months children in DCYF custody were in care. From this list, the Data Validator pulled a random sample of 527 full calendar months that children were in care. Each sampled case was reviewed by a member of the DCYF Quality Review team in order to evaluate whether the quality of the visits meets the criteria used for the federal CFSR to rate the case as a "strength." This methodology excluded children entering care during the final sixty days of the period, as those children were not in care long enough for a case plan to be developed during the period.

Of the 527 cases reviewed by DCYF, 108 cases (20.50%) were rated as a “strength.” This outcome falls short of the 85 percent threshold described in Section 6.2 of the Settlement Agreement.

Case Reviews

PCG conducted a second-level review of each of the 108 cases reviewed by DCYF which were rated as a “strength,” and evaluated the quality of visitation using the same federal CFSSR instrument and case review criteria employed by the DCYF Quality Review Team. The purpose of this case review was to verify the findings of the DCYF review. In each of the 108 cases reviewed, PCG agreed with the rating assigned by the DCYF Quality Review team.

Statistical Validity of Samples

DCYF evaluated outcomes for 527 of the 5,731 eligible cases statewide (representing 9.20 percent of the statewide universe); this sample is statistically valid with 90 percent confidence and a margin of error of ± 3.42 percent. The number of cases reviewed resulted in a margin of error that meets the standard agreed upon by DCYF and the Monitoring Team, as described in Appendix A (“Monitoring Team Proposed Agreement on Sample Sizes”).

Of the 527 cases reviewed by DCYF, PCG conducted a second-level review of 120 cases. That exceeds the 101 cases that are required, per the methodology described in Appendix A, to ensure 95 percent confidence that errors occurring in at least 2.5 percent of cases are identified during the review.

Visitation 6.3b: Sibling Visitation

Review of Sampling Syntax and Statewide Sample

The Data Validator pulled a random sample of 108 sibling groups (of 162 total statewide) involving siblings in care at any point during the first four months of the period. Each case in the random sample was reviewed by a member of the DCYF Quality Review team in order to evaluate whether visitation between the siblings occurred at (at minimum) the frequency described in the siblings’ case plans. This methodology excluded siblings entering care during the final sixty days of the period, as those sibling groups were not in care long enough for a case plan to be developed during the period.

Of the 108 sibling groups reviewed, 23 were found to have visitation that occurred at least as often as what was stipulated in the siblings’ case plan. In addition to cases where visitation did not occur at the frequency recommended in the case plan, cases where the appropriate frequency of visits between siblings was not specified in the case plan were also counted as non-compliant on this measure. This outcome of 21.30 percent falls short of the 85 percent threshold described in Section 6.3b of the Settlement Agreement.

Case Reviews

PCG conducted a second-level review of each of the 23 cases reviewed by DCYF which were deemed to be compliant and evaluated whether that visitation did occur; in each of those cases, PCG found DCYF’s findings to be accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for 108 of the 162 eligible cases statewide (representing 21.3 percent of the statewide universe); this sample is statistically valid with 95 percent confidence and a margin of error of ± 4.60 percent. The number of cases reviewed resulted in a margin of error that surpasses the standard agreed upon by DCYF and the Monitoring Team, as described in Appendix A (“Monitoring Team Proposed Agreement on Sample Sizes”).

PCG’s second-level review was conducted against each of the 23 cases where DCYF indicated that sibling visitation occurred according to the frequency outlined in the case plan, and the statistical validity of the case review is not in question.

Visitation 6.4b: Parent-Child Visitation

Review of Sampling Syntax and Statewide Sample

The Data Validator pulled a random sample of 1,055 cases (of 3,493 total statewide) involving children in out-of-home placements with a goal of reunification. Each sampled case was reviewed by a member of the DCYF Quality Review team in order to evaluate whether visitation between the child and parent occurred at the frequency required in the child’s case plan, excepting cases where parents are not attending visits despite DCYF employing measures to maximize the parents’ ability to participate in the visit. This methodology excluded children entering care during the final sixty days of the period since those children were not in care long enough for a case plan to be developed during the period.

Of the 1,055 cases reviewed, 303 cases (28.72%) were found to have visitation between the parent and the child that occurred at least as often as what was required by the case plan. Similar to Measure 6.3b, cases where the appropriate frequency of visits between the parent and child was not specified in the case plan were also counted as non-compliant on this measure. This outcome falls short of the 85 percent threshold described in Section 6.4b of the Settlement Agreement.

Case Reviews

PCG conducted a second-level review of 120 cases reviewed by DCYF which were found to have had all parental visitations required by the case plan and evaluated whether that visitation did occur; in all cases, PCG verified that DCYF’s findings were accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for 1,055 of the 3,493 eligible cases statewide (representing 30.2 percent of the statewide universe); this sample is statistically valid with 95 percent confidence and a margin of error of ± 2.52 percent. The number of cases reviewed resulted in a margin of error that surpasses the standard agreed upon by DCYF and the Monitoring Team, as described in Appendix A (“Monitoring Team Proposed Agreement on Sample Sizes”).

Of the 1,055 cases reviewed by DCYF, PCG conducted a second-level review of 120. That exceeds the 108 cases that are required, per the methodology described in Appendix A, to ensure 95 percent confidence that errors occurring in at least 2.5 percent of cases are identified during the review.

Monitoring Team Recommendation

With DCYF's validated performance having exceeded the standards described in the Settlement Agreement under Section 6.1 during each of the last two Reporting Periods, the Monitoring Team recommends and will support the Department's filing a Notice of Exit from Section 6.1 of the Settlement Agreement.

Under the terms of Section 7 of the Settlement Agreement, DCYF is being evaluated on the extent to which non-kinship foster homes into which children have been placed are appropriately licensed; that background checks are conducted for all members of a prospective foster home who are age 18 or older; that kinship foster home license applications are completed in a timely manner; and that background checks are conducted in a timely manner for all foster homes for which a license is due for renewal and in which a child is placed during the Reporting Period.

Four outcome measures are described in the Settlement Agreement:

Licensing 7.1: No child may be placed in a non-kinship home without an active license, unless the placement was made pursuant to an order of the Rhode Island Family Court. DCYF must achieve a successful outcome in 100 percent of placements into a non-kinship home during the Reporting Period.

Licensing 7.2: No child may be placed into a prospective kinship foster home (that is, one where licensure is pending) unless background checks have been conducted for all household members aged 18 or older, excepting those instances where the placement was made pursuant to an order of the Rhode Island Family Court. DCYF must achieve a successful outcome in 100 percent of placements into a foster home during the Reporting Period where licensure is pending.

Licensing 7.3: Kinship foster home licensing applications must be completed within six months of the date of application. DCYF must achieve a successful outcome in 95 percent of applications where the licensing application was submitted during the Reporting Period.

Licensing 7.4: DCYF must conduct background checks for all household members aged 18 or older in foster homes within 30 days of the date that the home's licensure renewal is due. DCYF must achieve a successful outcome in 85 percent of licensing renewals where the renewal was due during the Reporting Period.

After attaining the goals described above for two consecutive six-month periods, DCYF shall exit from monitoring under Section 7 of the Settlement Agreement.

Licensing 7.1: Licensing of Non-Kinship Placements

Review of Universe Syntax and Statewide Outcome

DCYF identified 297 placements into a non-kinship foster home during the Reporting Period. In each of those 297 placements, DCYF identified that the non-kinship foster home was licensed during the entire time the child was placed there during the Reporting Period, resulting in a statewide outcome of 100 percent. This meets the 100 percent threshold described in the Settlement Agreement.

Case Reviews

PCG identified a random sample of 120 placements into a non-kinship foster home occurring during the Reporting Period and conducted a qualitative review in order to verify that the foster home license was active the entire period the child was placed in that home during the Reporting Period. In each of the 120 placements reviewed, PCG found that the foster home license was active for the entire timeframe under review.

Statistical Validity of Samples

Since DCYF evaluated outcomes for all 297 eligible cases statewide, the statistical validity of those results is not in question. Of the 297 cases reviewed by DCYF, PCG conducted a second-level review of 120. That exceeds the 104 cases that are required, per the methodology described in Appendix A, to ensure 95 percent confidence that errors occurring in at least 2.5 percent of cases are identified during the review.

Licensing 7.2: Background Checks for Kinship Homes

Review of Universe Syntax and Statewide Outcome

DCYF identified 370 placements into a kinship foster home during the Reporting Period where the foster home was pending licensure. In 356 of those 370 placements, DCYF identified that background checks had been conducted for all household members aged 18 or older, resulting in a statewide outcome of 96.22 percent. This outcome falls short of the 100 percent threshold described in Section 7.2 of the Settlement Agreement.

Case Reviews

PCG identified a random sample of 120 placements into a foster home occurring during the Reporting Period where the foster home was pending licensure and conducted a qualitative review in order to identify whether background checks had been conducted on all household members aged 18 or older. In each of the 120 placements reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

Since DCYF evaluated outcomes for all 370 eligible cases statewide, the statistical validity of those results is not in question. Of the 370 cases reviewed by DCYF, PCG conducted a second-level review of 120. That exceeds the 104 cases that are required, per the methodology described in Appendix A, to ensure 95 percent confidence that errors occurring in at least 2.5 percent of cases are identified during the review.

Licensing 7.3: Timely Completion of Kinship License Applications

Review of Universe Syntax and Statewide Outcome

As this measure evaluates DCYF's compliance over a six-month timeframe, measured prospectively from the time each kinship home submits its application for licensure, analysis of this measure includes a "lag" of one full Reporting Period behind other outcomes measured as a result; that is, when evaluating outcomes for the sixth Reporting Period (January 1, 2021 – June 30, 2021) DCYF and PCG examined kinship licensing applications submitted between July 1, 2020 – December 31, 2020, which under the terms of the Settlement Agreement must each be completed by June 30, 2021 (the end of the sixth Reporting Period).

DCYF identified 125 kinship home applications filed during the prior Reporting Period. Of those 125 kinship licensing applications, DCYF completed the application within six months for 71 applications, resulting in a statewide outcome of 56.80 percent. This falls short of the 95 percent threshold described in Section 7.3 of the Settlement Agreement.

Case Reviews

PCG conducted a qualitative review on each of the 71 applications meeting the criteria outlined in the Settlement Agreement in order to verify that the application was completed within the six-month timeframe described in Section 7.3 of the Settlement Agreement. In each of the 71 applications reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for all 125 applicable kinship home applications submitted statewide during the prior Reporting Period, and the statistical validity of those results is not in question. Based on the 71 successful applications evaluated by PCG for the sixth Reporting Period, 67 applications would need to be reviewed in order to achieve the recommended level of statistical confidence in the results. As PCG reviewed all 71 successful cases for the sixth Reporting Period, further adjustments to the sample size are not required.

Licensing 7.4: Background Checks within 30 Days of License Renewal

Review of Universe Syntax and Statewide Outcome

DCYF identified 64 foster homes where the license was due for renewal during the sixth Reporting Period, and a child was placed in the home during the Reporting Period. For 55 of those 64 foster homes, DCYF identified that background checks were conducted for all household members aged 18 or older within 30 days of the due date for the renewal, and that a home inspection was conducted within 30 days of that same due date. This statewide outcome of 85.94 percent exceeds the 85 percent threshold described in Section 7.4 of the Settlement Agreement.

Case Reviews

PCG conducted a review of all 55 foster homes where DCYF's performance was evaluated as a "success" on this measure in order to identify whether background checks had been conducted on all household members aged 18 or older, and whether a home inspection had been conducted within 30 days of the license due date. In each of the 55 cases reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for all 64 applicable licensure renewals due during the Reporting Period, and the statistical validity of those results is not in question. During the sixth Reporting Period, the size of the universe of licensure renewals coming due where DCYF identified timely completion of background checks (55 renewals) was sufficiently small that PCG conducted a case review of all successful cases.

Corrective Action Plan Status

As previously noted, Section C(3) of the Settlement Agreement requires DCYF to author a Corrective Action Plan when it does not meet any of the Commitments outlined in the Settlement

Agreement for two consecutive Reporting Periods. DCYF has not met the standards described in Section 7, and DCYF has submitted a Section 7 Corrective Action Plan to the Monitoring Team.

SECTION 8: CHILD PROTECTIVE SERVICES

Under the terms of Section 8 of the Settlement Agreement, DCYF is being evaluated on the extent to which DCYF screens in reports of abuse or neglect in a timely manner; whether they respond to screened-in reports in a timely manner; and whether they complete their investigation of screened-in reports in a timely manner.

Three outcome measures are described in the Settlement Agreement:

CPS 8.1: DCYF must make a screening decision within timeframes consistent with Rhode Island statute – 30 minutes for reports designated as having an “emergency” priority level; two hours for reports designated as having an “immediate” priority level; and four hours for reports designated as having a “routine” priority level. DCYF must achieve a successful outcome in 90 percent of reports received during the Reporting Period.

CPS 8.2: For reports of abuse or neglect that are screened in, DCYF must respond to the report by making contact or attempting to make contact with the victim or someone involved in the case within timeframes described by Rhode Island statute. These timeframes were revised for the duration of the COVID-19 pandemic, which applies to a portion of Reporting Period 6 from January 1, 2021 to May 21, 2021. During the pandemic, reports designated as having an “emergency” priority level must be responded to within two hours; reports designated as having an “immediate” priority level must be responded to within 24 hours; and reports designated as having a “routine” priority level must be responded to within 72 hours. DCYF must achieve a successful outcome in 90 percent of screened-in reports received during the Reporting Period.

CPS 8.3: For reports of abuse or neglect that are screened in, DCYF must complete the investigation within 30 days of the report, or within 45 days if the investigation is continued due to circumstances beyond the control of DCYF; investigations completed in 31 to 45 days must have supervisor approval documented for the extension. DCYF must achieve a successful outcome in 85 percent of screened-in reports received during the Reporting Period.

After attaining each of the goals described above for two consecutive six-month periods, DCYF shall exit from monitoring under Section 8 of the Settlement Agreement.

CPS 8.1: Timely Screening Decisions

Review of Universe Syntax and Statewide Outcome

DCYF identified 3,341 reports of abuse or neglect that were received during the sixth Reporting Period, excluding those calls that were classified as “Information & Referral.” In 3,249 of those 3,341 reports (97.25%), DCYF made a screening decision within the timeframes outlined by statute. This exceeds the 90 percent threshold described in the Settlement.

Case Reviews

PCG conducted a qualitative review of 120 reports of abuse or neglect received during the Reporting Period which met the criteria in the Settlement Agreement in order to verify that the screening decision was made within the timeframe mandated by Rhode Island statute. In each of the 120 reports reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for all 3,341 applicable reports of abuse or neglect received during the Reporting Period, and the statistical validity of those results is not in question. Based on these 3,341 reports, 117 reports would need to be reviewed in order to achieve the level of statistical confidence recommended by the Monitoring Team. As PCG reviewed 120 reports during the sixth Reporting Period, this level of statistical confidence was achieved, and no further reviews are necessary.

CPS 8.2: Timely Face-to-Face Contact within Child

Review of Universe Syntax and Statewide Outcome

DCYF identified 2,753 reports of abuse or neglect that were received during the sixth Reporting Period and subsequently screened in for investigation. In 2,614 of those 2,753 reports (95.0%), DCYF made contact with the alleged victim, or someone involved in the case or report within the timeframe mandated by DCYF statute. This result meets the 90 percent benchmark as established in the Settlement Agreement.

Case Reviews

PCG conducted a qualitative review of 120 reports of abuse or neglect received during the Reporting Period meeting the criteria outlined in the Settlement Agreement which were screened in by DCYF in order to verify that contact was made within the mandated timeframe. In each of the 120 reports reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for all 2,753 applicable reports of abuse or neglect received during the Reporting Period, and the statistical validity of those results is not in question. Based on these 2,753 CPS reports screened in during the sixth Reporting, 118 would need to be reviewed in order to achieve the level of statistical confidence recommended by the Monitoring Team. As PCG reviewed 120 reports during the sixth Reporting Period, this level of statistical confidence was achieved, and no further reviews are necessary.

CPS 8.3: Timely Completion of Investigation

Review of Universe Syntax and Statewide Outcome

As described in the previous section, DCYF identified 2,753 reports of abuse or neglect that were received during the sixth Reporting Period and subsequently screened in for investigation. In 2,460 of those 2,753 reports (89.36%), DCYF completed the investigation within the timeframe mandated by Rhode Island statute. This percentage exceeds the 85 percent threshold described in the Settlement Agreement.

Case Reviews

PCG conducted a qualitative review of 120 reports of abuse or neglect received during the Reporting Period which were screened in by DCYF which were identified as a success in order to verify that the investigation was completed within the timeframe provided by DCYF. In each of the 120 reports reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for all 2,753 applicable reports of abuse or neglect received during the Reporting Period, and the statistical validity of those results is not in question. Based on these 2,753 CPS reports screened in during the sixth Reporting Period, 118 would need to be reviewed in order to achieve the level of statistical confidence recommended by the Monitoring Team. As PCG reviewed 120 reports from the sixth Reporting Period, this level of statistical confidence was achieved, and no further reviews are necessary.

Additional Reviews Conducted for Fifth Reporting Period

During the fifth Reporting Period (July 1, 2020 – December 31, 2020), the Department's performance on each of the three measures defined in Section 8 exceeded the benchmarks described in the Settlement Agreement. At the time of the Monitoring Team's release of its report for Reporting Period 5, however, the Monitoring Team was unable to fully validate the results due to the number of cases reviewed by the Data Validator being insufficient to achieve a minimum acceptable level of statistical significance. As noted in the Introduction, those concerns have since been resolved.

As part of that agreement, the Department agreed to permit the Data Validator to retroactively review additional cases under the terms of Section 8 from the fifth Reporting Period, should the Department also exceed the standards for each measure in the sixth Reporting Period. Since the Department's performance did in fact exceed those standards in the sixth Reporting Period, the Data Validator reviewed twenty additional cases from the fifth Reporting Period. In each of those additional reviews, PCG found that the outcome reported by DCYF was accurate. The 120 cases reviewed in total for each measure was sufficient to achieve the required level of statistical significance. The Section 8 outcomes from the fifth Reporting Period, which reflects DCYF's meeting the Settlement Agreement standard on each of the three measures, may now be considered fully validated.

Monitoring Team Recommendation

With DCYF's validated performance having exceeded the standards described in the Settlement Agreement for each of measures 8.1, 8.2, and 8.3 during each of the last two Reporting Periods, the Monitoring Team recommends and will support the Department's filing a Notice of Exit from Section 8 of the Settlement Agreement.

SECTION 9: FOSTER CARE MAINTENANCE PAYMENTS

Under the terms of Section 9 of the Settlement Agreement, DCYF is tasked with assessing the base rates for foster care maintenance payments. Should that assessment indicate that a rate adjustment is needed, DCYF is responsible for advocating with the Rhode Island General Assembly for additional appropriations to cover the increase. DCYF is also required to amend the Rhode Island Administrative Code to reflect that this reassessment of foster care maintenance payments must occur every three years.

DCYF has attested to the fact that each of these tasks were completed. On March 19, 2021, DCYF submitted a "Notice of Exit" to the Court requesting to exit from the terms of Section 2 of the Settlement Agreement. That notice was approved by the Court on March 29, 2021, and DCYF is no longer subject to monitoring under the terms of Section 9.

SECTION 10: CASE PLANNING

Under the terms of Section 10 of the Settlement Agreement, DCYF is being evaluated on the extent to which DCYF have case plans that meet the timeliness requirements outlined by federal statute and include the elements that are required under the Adoption Assistance and Child Welfare Act (AACWA) of 1980.⁶

Two outcome measures are described in the Settlement Agreement:

Case Planning 10.2: DCYF must ensure that children in the legal custody of DCYF have case plans that meet the timeliness requirements enumerated in 42 U.S.C. §670 *et seq.* DCYF must achieve a successful outcome in 80 percent of children served in out-of-home care during the Reporting Period.

Case Planning 10.3: Children in out-of-home care during the Reporting Period must have in their case plans the elements required by AACWA. DCYF must draw a random sample of eligible cases to review and must achieve a successful outcome in 80 percent of reviewed cases.

After attaining the goals described above, as well as the goals described under Sections 6.3b and 6.4b, for two consecutive six-month periods, DCYF shall exit from monitoring under Section 10 of the Settlement Agreement.

Case Planning 10.2: Timeliness of Case Plans

Review of Universe Syntax and Statewide Outcome

DCYF identified 1,891 children served in out-of-home care during the sixth Reporting Period. Of those, 129 children were not in care for at least sixty days during the Reporting Period and were excluded from the measure. DCYF reviewed the remaining 1,762 cases and found that in 1,253 cases (71.11%) the child had a case plan that met the timeliness requirements dictated by statute – specifically, that the initial case plan was completed within 60 days of the child’s removal from the home or had been updated at least every six months following the initial plan. This falls short of the 80 percent threshold described in Section 10.2 of the Settlement Agreement.

Case Reviews

PCG identified a random sample of 120 children served during the period for whom DCYF found that the case plan had been updated in a timely manner (i.e., “successful” cases) and conducted a case review in order to verify that the case plan was created or updated within the timeframe

⁶ 42 U.S.C. §675(1) requires that case plans include a description of the type of setting in which a child will be placed, including a discussion of the safety and appropriateness of the placement; a plan for ensuring that the child receives safe and proper care and that the child, their parents and their foster parents receive appropriate services to facilitate reunification or permanent placement; the health and educational status of the child; a written description of transitional services to be provided to children 14 years of age or older; the steps being taken for children with a goal of adoption or placement in another permanent home to find a permanent living arrangement for the child; the steps taken on behalf of children with a goal of relative placement to determine the unsuitability of a reunification or adoption and why relative placement is in the child’s best interest; and a plan for ensuring the educational stability of the child while in out-of-home care.

described by DCYF. In each of the 120 cases reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for all 1,762 eligible cases statewide, and the statistical validity of those results is not in question. Based on the size of the statewide universe of children served in out-of-home care during the sixth Reporting Period (1,742 cases), 108 would need to be reviewed in order to achieve the level of statistical confidence recommended by the Monitoring Team. As PCG reviewed 120 reports during the sixth Reporting Period, this level of statistical confidence was achieved, and no further reviews are necessary.

Case Planning 10.3: Case Plan Required Elements

Review of Sampling Syntax and Statewide Sample

The Data Validator pulled a random sample of 310 cases of children in care at any point during the first four months of the period. Each randomly sampled case was reviewed by a member of the DCYF Quality Review team in order to evaluate whether the case plan included all of the elements required by AACWA. This methodology excluded children entering care during the final sixty days of the period since those children were not in care long enough for a case plan to be developed during the period, the timeframe for developing that case plan is sixty days.

Of the 310 cases, 25 were found to include all elements required by AACWA. This outcome of 8.06 percent falls short of the 80 percent threshold described in Section 6.2 of the Settlement Agreement.

Case Reviews

PCG identified a random sample of 120 children served during the period for whom DCYF found that the case plan included each of the elements required under AACWA (i.e., “successful” cases) and conducted a case review in order to verify that the case plan was created or updated within the timeframe described by DCYF. In each of the 120 cases reviewed, PCG found that the outcome reported by DCYF was accurate.

Statistical Validity of Samples

DCYF evaluated outcomes for 310 of the 1,742 eligible cases statewide (representing 17.80 percent of the statewide universe); this sample is statistically valid at a 95 percent confidence level with a margin of error of ± 5.05 percent. As described in Appendix A, the number of cases reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

Based on the 310 cases that DCYF reviewed during the sixth Reporting Period, the Data Validator would need to review 109 cases in order to achieve the recommended level of statistical confidence in the results. As PCG reviewed 120 cases for the sixth Reporting Period, this level of statistical confidence was achieved.

SECTION 11: MALTREATMENT IN CARE

Under the terms of Section 11 of the Settlement Agreement, DCYF is required to conduct an annual assessment of substantiated reports of abuse or neglect occurring during the preceding twelve (12) months, including those occurring to a child who was placed in an unlicensed kinship setting. The report will identify any systemic factors that may have contributed to the abuse/neglect, and DCYF is required to make this report publicly available, including the results of the assessment of substantiated reports, as well as recommendations for corrective actions recommended to ensure the safety of children in foster care.

DCYF, consistent with its obligations under the terms of Section 11 of the Settlement Agreement, has published on its website⁷ its “Annual Safety Analytic Report” for Federal Fiscal Years⁸ 2018, 2019 and 2020; each of those reports has a section entitled “Maltreatment in Foster Care (Out-of-Home Placements)” in which data regarding indicated maltreatment data from the three most recent years are presented, including an assessment of the factors impacting each substantiated report, including the type of abuse or neglect, the location of the child’s placement and the relationship of the perpetrator to the child victim. In addition, each of those reports outlines the recommendations of the Department intended to reduce incidences of maltreatment in foster care, as well as the length of time each child spent in placement prior to the incident.

⁷ <http://www.dcyf.ri.gov/data-evaluation/safety-data-reports.php>

⁸ The Federal Fiscal year (FFY) begins October 1 and continues through September 30 of the following year. FFYs are “named” based on the calendar year in which the FFY ends. For example, FFY 2020 ends September 30, 2020.

SECTION 12: FOSTER HOME ARRAY

Under the terms of Section 12 of the Settlement Agreement, DCYF is required to develop an annual recruitment and retention plan for foster homes. Under the terms of Section 12, this recruitment and retention plan must include specific targets regarding the number of foster homes to be recruited, including sub-targets for specific populations, such as adolescents, as well as populations with special needs including children with disabilities and medically fragile children. It will also include retention strategies geared toward reducing attrition among foster care providers, such as respite homes, enhanced training opportunities for foster parents, and increased visitation with foster parents.

The Settlement Agreement requires that a Foster Care Recruitment and Retention Plan be developed in conjunction with the OCA, and to be updated on an annual basis. The Department's initial plan was published in 2019; as outlined in previous Monitoring Team reports, the Monitoring Team provided extensive feedback to the Department on the content and structure of the Plan and recommended including quantitative targets describing the efforts DCYF would make in future years.

The Settlement Agreement also requires that the Department draft an annual, public report assessing the implementation of the plan over the previous twelve (12) months and identify any systemic factors that may have contributed to any shortfall in recruitment. The annual report should provide the number of homes recruited and retained by category, the number of homes recruited in each category during the implementation period, and the total number of homes available for child placement in each of the categories at the beginning and end of the 12-month period.

During the January 1, 2020 – June 30, 2020 Reporting Period, DCYF held a series of meetings with the Monitoring Team, during which DCYF presented to the Monitoring Team a draft of its updated Plan for 2021, as well as its internal schedule for completing the nearly 200 discrete tasks that DCYF would conduct in support of the Plan; details regarding outreach being made by DCYF to current and prospective foster parents; changes to internal practices to support the Plan; and the recruitment goals pertaining to specific sub-populations of foster parents. The Monitoring Team was given the opportunity to provide feedback on both the 2021 Recruitment Plan, as well as the internal planning documents guiding the effort; where appropriate, those changes were included in the Department's published 2021 *Statewide Plan for the Recruitment and Retention of Foster Families*,⁹ and DCYF is currently in compliance with Section 12 of the Settlement Agreement.

Report Status

As noted above, DCYF is currently compliant with the requirements of Section 12 of the Settlement Agreement. DCYF's obligation to continue to work toward those targets and provide

⁹ <http://www.dcyf.ri.gov/documents/news/Statewide%20Recruitment%20Planning%20FINAL%20672021.pdf>

annual updates to the report will continue until such time as it exits each of Sections 1-10 of the Settlement Agreement.

Section 1: Assessments – Pending the Court’s approval of DCYF’s Motion to Exit Section 1, DCYF will no longer be subject to monitoring under the terms of Section 1.

Section 2: Placement in Assessment and Stabilization Centers (ASC) – DCYF is no longer subject to monitoring under the terms of Section 2.

Section 3: Placement in Congregate Care – DCYF is no longer subject to monitoring under the terms of Section 3.

Section 4: Sibling Placements – The Department achieved the threshold (Siblings placed together, Target - 80%, Validated Performance - 91.6%). Pending DCYF’s filing of a Motion to Exit Section 4 and the Court’s approval of said Motion, DCYF will no longer be subject to monitoring under the Terms of Section 4.1 in future Reporting Periods.

Section 5: Case Management – No additional outcome measures – beyond those described in Sections 6 and 10 – are defined in Section 5 of the Settlement Agreement. As DCYF did not meet the benchmarks described in Section 6 for Reporting Periods 2 and 3, the Department is responsible for conducting a workload study in consultation with the Monitoring Team.

Section 6: Visitation – The Department achieved the threshold for Section 6.1 (Monthly caseworker face-to-face visits, Target - 95%, Validated Performance - 98.28%). The Department did not achieve the threshold for Sections 6.2, 6.3 and 6.4 (; Quality of face-to-face visits, Target - 85%, Validated Performance – 20.5%; Frequency of sibling visitation, Target - 85%, Validated Performance - 21.3%; Frequency of parent visitation (reunifications), Target - 85%, Validated Performance – 28.72%). Pending DCYF’s filing of a Motion to Exit Section 6.1 and the Court’s approval of said Motion, DCYF will no longer be subject to monitoring under the Terms of Section 6.1 in future Reporting Periods.

Section 7: Licensing – The Department did not fully achieve the threshold (Non-kinship placements must be licensed, Target - 100%, Validated Performance - 100.0%; Background checks required for kinship homes, Target - 100%, Validated Performance - 96.22%; Kinship applications completed within six months, Target - 95%, Validated Performance - 56.80%; Background checks completed within 30 days of license renewal date, Target - 85%, Validated Performance - 85.94%).

Section 8: Child Protective Services – The Department has achieved the required threshold (Timely screening of reports of abuse/neglect, Target - 90%, Validated Performance – 97.25%; Response within designated timeframes, Target - 90%, Validated Performance – 95.0%; Investigations completed within designated timeframes, Target - 85%, Validated Performance – 89.36%). Pending DCYF’s filing of a Motion to Exit Section 8 and the Court’s approval of said Motion, DCYF will no longer be subject to monitoring under the Terms of Section 8 in future Reporting Periods.

Section 9: Foster Care Maintenance Payments – DCYF is no longer subject to monitoring under the terms of Section 9.

Section 10: Case Planning – The Department did not achieve the threshold (Case plans meet timeliness requirements, Target - 80%, Validated Performance - 71.10%; AACWA elements in case plan, Target - 80%, Validated Performance – 8.06%).

Section 11: Maltreatment in Care – DCYF has authored and published on its website its “Annual Safety Analytic Report” for Federal Fiscal Years 2018, 2019 and 2020, each of which contains an analysis of the prior three years’ worth of data. DCYF is currently meeting the requirements of Section 11 of the Settlement Agreement.

Section 12: Foster Home Array – DCYF’s report summarizing its findings from State Fiscal Year (FY) 2018–2019 has been published by DCYF on its website as the *FY 2019 Resource Family Recruitment Plan Reflection Summary* and subsequently revised as *2021 Statewide Plan for the Recruitment and Retention of Foster Families*. DCYF is currently meeting the requirements of Section 12 of the Settlement Agreement.

The Monitoring Team is presenting this report in compliance with their role and responsibilities outlined in the Settlement Agreement.

APPENDIX A: MONITORING TEAM PROPOSED AGREEMENT ON SAMPLE SIZES

Introduction

As outlined in the Settlement Agreement reached in the case of *Andrew C. v. Raimondo*, the Monitoring Team is comprised of the Rhode Island Office of the Child Advocate (OCA) and the Data Validator. The Data Validator has since been hired by the Rhode Island Department of Children, Youth and Families (DCYF) and can be identified as Public Consulting Group LLC. (PCG). As outlined in Section 2(d) of the Settlement Agreement, the Data Validator is the "...final arbiter of the timeliness, accuracy of the methodology, as well as the statistical validity and reliability of the DCYF data..." As outlined in Section 2(f) of the Settlement Agreement, the Office of the Child Advocate (OCA) shall provide oversight to the commitments in the Agreement. The OCA "...shall receive and review the progress reports that have been determined to be valid and reliable by the Data Validator." The OCA "...shall confirm whether the commitment has been met or not met."

As part of the terms of the Settlement Agreement, DCYF must measure its performance on a series of outcomes designed to ensure that children in out-of-home care due to an allegation of abuse or neglect receive the highest possible level of care. These outcomes include measures designed to ensure that children are placed in the most appropriate placement setting; that steps are taken to ensure each child's connection to his or her family is maintained; that foster homes are properly licensed and that background checks are completed for all household members; that reports of abuse or neglect are screened in, investigated, and completed in a timely manner; and that case plans for children in out-of-home care are updated in a timely manner and contain the elements required by law.

Of the twenty measures that are described in the Settlement Agreement, DCYF's performance during the first two Reporting Periods exceeded the Settlement Agreement's standards in five outcomes related to (i) placements in Assessment & Stabilization Centers; and (ii) placement in congregate settings, allowing the Department to exit from Sections 2 and 3 of the Settlement Agreement. From the third Reporting Period through the present day, therefore, DCYF remains subject to monitoring on fifteen measures.

The Monitoring Team has issued four reports summarizing the statewide outcomes from each of the first four Reporting Periods.¹⁰ In those reports, the Monitoring Team raised several concerns regarding the statistical validity of the findings, especially on those measures where statewide performance is being estimated through a review of a random sample of cases. In response to those concerns, DCYF and the Data Validator have negotiated a series of mutually agreeable sample sizes that will result in an acceptable level of statistical confidence in the results. The standards applied will vary, depending on the nature of the review:

¹⁰ Each Reporting Period (RP) corresponds to a six-month period: **RP1** was July 2018-December 2018; **RP2** was January 2019-June 2019; **RP3** was July 2019-December 2019; **RP4** was January 2020-June 2020. As of April 2021, DCYF performance during **RP5** (July 2020-December 2020) and **RP6** (January-June 2021) is still under review.

- **DCYF Quality Review (QR), Qualitative Measures:** DCYF will review a sufficient number of cases to achieve 90 percent confidence that the results of the review are within five percentage points of the true statewide outcome;¹¹
- **DCYF Quality Review, Quantitative Measures:** DCYF will review a sufficient number of cases to achieve 95 percent confidence that the results of the review are within five percentage points of the true statewide outcome;
- **PCG Review of DCYF Quality Reviews:** PCG will review a sufficient number of cases to ensure 95 percent confidence in finding any errors that occur in at least 2.5 percent of cases; and
- **PCG Review of Syntax-Derived Measures:** PCG will review a sufficient number of cases to ensure 95 percent confidence in finding any errors that occur in at least 2.5 percent of cases.

Please note that the Monitoring Team will not finalize approval regarding any change in methodology until a discussion is had with all parties regarding the Monitoring Team’s proposal outlined herein to ensure all are in agreement. Should all parties agree upon the revised methodology outlined herein, DCYF will have discretion as to whether the criteria are to be applied retroactively to data collected during the first four Reporting Periods, or only to cases currently¹² being reviewed by DCYF and/or PCG from Reporting Periods 5 and 6 and all future Reporting Periods. The Monitoring Team will only be able to accept as statistically valid, however, those case reviews meeting the minimum levels of statistical confidence described in this document, regardless of the Reporting Period for which the reviews were conducted.

DCYF Quality Review, Two Qualitative Measures

Proposed Resolution: DCYF will review a sufficient number of cases to achieve 90 percent confidence that the results of the review are within five percentage points of the true statewide outcome.

Measures Impacted: 4.1 (Sibling Placement)
6.2 (Quality of Caseworker Visitation)

Under the terms of the Settlement Agreement, DCYF is required for five measures to estimate statewide outcomes through a Quality Review process via which trained DCYF reviewers evaluate a sample of cases in order to estimate the statewide outcome. Of those five measures, two involve a subjective determination by the reviewer whether the case should be included in the analysis, and whether DCYF’s performance on the case complies with the standards described in the Settlement Agreement:

- **Measure 4.1** requires DCYF to evaluate whether siblings removed from the home are placed together for those cases where such co-placement is deemed appropriate; and

¹¹ For those measures where DCYF conducts a Quality Review of a sample of cases, the statewide outcome is only an estimate of the true statewide outcome – and larger sample sizes result in estimates that are closer to the true outcome for the full population. Therefore, when estimating statewide outcomes by evaluating a sample of cases, one can only say that the results are [X] percent likely to be within [Y] percentage points of the “true” statewide outcome.

¹² As of April 2021.

- **Measure 6.2** requires DCYF to evaluate whether the quality of caseworker visitation with children placed out of the home meets the standards employed by federal reviewers during a Child & Family Services Review (CFSR).

For reviews in which trained reviewers are making a subjective determination regarding the case’s eligibility and the outcome, a sample size that will achieve 90 percent confidence that the results are within five percentage points of the “true” statewide outcome is sufficient.

The number of reviews to be conducted in order to achieve that minimum level of statistical validity will vary between measures and across Reporting Periods based on the size of the eligible population of children during the period. Table 1, below, illustrates how the number of cases to be reviewed by DCYF to achieve 90 percent confidence that the results of the review are within five percentage points of the true statewide outcome will necessarily vary, based on the size of the statewide universe. The number of reviews required of DCYF for the two qualitative measures are also included (highlighted in **bold red**), based on the size of each case universe during the fifth Reporting Period:

Universe Size	# Reviews to Achieve 90% CL w/ 5% MOE
50	43 reviews
100	74 reviews
200	116 reviews
300	143 reviews
309 (4.1)	145 reviews
500	176 reviews
1,000	213 reviews
1,888 (6.2)	237 reviews
5,000	257 reviews
10,000	264 reviews

Table 1: Number of Reviews Required in Order to Achieve 90% Confidence in Results within a margin of error of 5 percentage points

Again, the Monitoring Team notes that the size of the eligible case universe will vary across measures, and across Reporting Periods; therefore so too will the minimum sample sizes required to achieve the agreed-upon levels of statistical confidence in the results.

DCYF Quality Review, Three Quantitative Measures

Proposed Resolution: DCYF will review a sufficient number of cases to achieve 95 percent confidence that the results of the review are within five percentage points of the true statewide outcome.

Measures Impacted: 6.3b (Frequency of Sibling Visitation)
 6.4b (Frequency of Parent-Child Visitation in Reunification Cases)
 10.3 (Case Plan Required Elements)

As described above, DCYF is required for five measures to estimate statewide outcomes through a Quality Review process via which trained DCYF reviewers evaluate a sample of cases in order to estimate the statewide outcome. Of those five measures, three involve an objective determination by the reviewer whether DCYF’s performance on the case is compliant with the standards described in the Settlement Agreement, and do not involve any kind of subjective evaluation of compliance:

- **Measure 6.3b** requires DCYF to evaluate whether the frequency of visitation between siblings in out of home care is consistent with the frequency of visitation described in the siblings’ case plans;
- **Measure 6.4b** requires DCYF to evaluate whether the frequency of visitation between parents and a child in out-of-home care who have a case plan goal of reunification is consistent with the frequency of visitation described in the child’s case plans; and
- **Measure 10.3** requires DCYF to evaluate whether the case plans for children in out-of-home care reference all elements enumerated in the Adoption Assistance and Child Welfare Act of 1980 (AACWA)

For reviews in which trained reviewers are making an objective determination regarding the case’s eligibility and the outcome, a sample size that will achieve 95 percent confidence that the results are within five percent of the “true” statewide outcome is sufficient.

Again, as the number of reviews to be conducted in order to achieve that minimum level of statistical validity will vary between measures and across Reporting Periods based on the size of the eligible population of children during the period, Table 2, below, illustrates how the number of cases to be reviewed by DCYF will necessarily vary to achieve 95 percent confidence that the results of the review are within five percentage points of the true statewide outcome. The number of reviews required of DCYF for the three quantitative measures are also included (highlighted in **bold red**), based on the size of each case universe during the fifth Reporting Period:

Universe Size	# Reviews to Achieve 95% CL w/ 5% MOE
50	45 reviews
100	80 reviews
183 (6.3b)	124 reviews
200	132 reviews
300	169 reviews
500	218 reviews

Universe Size	# Reviews to Achieve 95% CL w/ 5% MOE
1,000	278 reviews
1,165 (6.4b)	289 reviews
1,888 (10.3)	320 reviews
5,000	357 reviews
10,000	370 reviews

Table 2: Number of Reviews Required in Order to Achieve 95% Confidence in Results within a margin of error of 5 percentage points

Again, the Monitoring Team notes that the size of the eligible case universe will vary among the three measures, and across Reporting Periods; therefore so too will the minimum sample sizes required to achieve the agreed-upon levels of statistical confidence in the results.

Data Validator Second-Level Review, All Measures

Proposed Resolution: The Data Validator will review a sufficient number of cases to achieve 95 percent confidence that any systematic errors that occur in no more than 2.5 percent of cases will be found.

Measures Impacted: All measures

On all measures, the Data Validator conducts a second-level review of cases in order to evaluate whether the findings reported by DCYF are consistent with the activity on the case and the requirements outlined in the Settlement Agreement. This second-level review impacts both:

- **Second-Level Review of DCYF Quality Reviews** that are conducted to evaluate the findings reported on the five previously described measures where statewide performance is estimated via a sample; and
- **Second-Level Review of Computationally Derived Outcomes (CDOs)** that are conducted to evaluate the findings reported for those measures where DCYF's performance for the entire universe of eligible cases is calculated by way of query syntax executed against the data recorded in the statewide case management system.

These second-level reviews, during which trained PCG reviewers evaluate the accuracy of the outcome reported by DCYF, are conducted on each of the fifteen measures still active under the terms of the Settlement Agreement. Table 3 below outlines for each measure the nature of the second-level review conducted by the Data Validator:

Measure	Purpose of Second-Level Review
Assessments 1.1: Assessments completed	Verify CDOs ¹³
Sibling Placement 4.1: Siblings placed together	Verify DCYF Quality Review
Visitation 6.1: Monthly caseworker face-to-face visits	Verify CDOs
Visitation 6.2: Quality of face-to-face visits	Verify DCYF Quality Review

¹³ Computationally Derived Outcomes

Measure	Purpose of Second-Level Review
Visitation 6.3b: Frequency of sibling visitation	Verify DCYF Quality Review
Visitation 6.4b: Frequency of parent visitation (reunifications)	Verify DCYF Quality Review
Licensing 7.1: Non-kinship placements must be licensed	Verify CDOs
Licensing 7.2: Background checks required	Verify CDOs
Licensing 7.3: Kinship applications completed within six months	Verify CDOs
Licensing 7.4: Background checks for family members	Verify CDOs
CPS 8.1: Timely screening of reports of abuse/neglect	Verify CDOs
CPS 8.2: Response within designated timeframes	Verify CDOs
CPS 8.3: Investigations completed within designated timeframes	Verify CDOs
Case Planning 10.2: Case plans meet timeliness requirements	Verify CDOs
Case Planning 10.3: AACWA elements in case plan	Verify DCYF Quality Review

Table 3: Purpose of Data Validator Reviews

For each of the fifteen measures, the purpose of the second-level review is to identify whether there are any systematic errors in DCYF's methodology (whether driven by Quality Review procedures or syntax). While the only way to verify that no such systematic errors exist would be to review every case evaluated by DCYF, one can again achieve a certain level of confidence that, should any errors exist, they are likely to be found with a certain degree of confidence.

For each of the fifteen measures for which the Data Validator is conducting a second-level review of outcomes reported by DCYF (whether derived from syntax or a Quality Review), the sample of cases reviewed should be sufficiently large that there is 95 percent confidence that any systematic errors that occur in at least 2.5 percent of cases will be identified during the review.

As was previously described relative to the size of DCYF's Quality Review samples, as the number of these second-level reviews will vary between measures and across Reporting Periods based on the size of the eligible population of children during the period. This statewide universe size will be either (a) the size of the DCYF Quality Review sample for those five measures so evaluated; or (b) the full statewide universe of eligible cases for the remaining ten measures, depending on how the outcomes are evaluated.

Table 4, below, illustrates how the number of cases to be reviewed by the Data Validator will vary based on the size of the statewide universe of cases evaluated. The number of reviews to be conducted by the Data Validator on each measure is also included, based on the size of each case universe during the fifth Reporting Period:

Measure	Purpose of Second-Level Review	Size of Statewide Universe or DCYF QR Sample	# Data Validator Reviews to Achieve 95% CL in Finding Errors Occurring at Rate of 2.5% or Higher
Assessments 1.1	Verify CDOs	446	106
Sibling Placement 4.1	Verify DCYF QR	145	91
Visitation 6.1	Verify CDOs	2,223	117

Measure	Purpose of Second-Level Review	Size of Statewide Universe or DCYF QR Sample	# Data Validator Reviews to Achieve 95% CL in Finding Errors Occurring at Rate of 2.5% or Higher
Visitation 6.2	Verify DCYF QR	237	106
Visitation 6.3b	Verify DCYF QR	124	78
Visitation 6.4b	Verify DCYF QR	289	100
Licensing 7.1	Verify CDOs	580	111
Licensing 7.2	Verify CDOs	390	110
Licensing 7.3	Verify CDOs	133	84
Licensing 7.4	Verify CDOs	111	86
CPS 8.1	Verify CDOs	3,113	118
CPS 8.2	Verify CDOs	2,624	117
CPS 8.3	Verify CDOs	2,624	117
Case Planning 10.2	Verify CDOs	1,920	115
Case Planning 10.3	Verify DCYF QR	320	115

Table 4: Number of Reviews Required in Order to Achieve 95% Confidence in Finding Systematic Errors that Occur in at Least 2.5 Percent of Cases, based on Size of Each Measure's Universe

As noted in each of the preceding sections, the minimum sample sizes required to achieve the agreed-upon levels of statistical confidence in the results will vary across measures and Reporting Periods; so too must the number of second-level reviews conducted by the Data Validator vary in order to achieve the agreed-upon levels of statistic validity.

Conclusion & Next Steps

The Monitoring Team thanks DCYF for their willingness to negotiate these sample sizes, which will help ensure that the findings being reported under the terms of the Settlement Agreement achieve a consistent level of statistical validity, as well as confidence on the part of all Parties that the commitments described in the Agreement are being evaluated consistently.

The Monitoring Team awaits notification from both Parties that the agreement described above is acceptable and will be used consistently going forward in all Reporting Periods currently under review (5 and 6) as well as all future Reporting Periods. Should both Parties concur with the details of this agreement, the Monitoring Team will further await notification from DCYF whether these revised standards will be employed for prior periods, or whether they will be employed beginning in Reporting Period #5 (which is currently being evaluated by the Data Validator) or Reporting Period #6 (which is currently being evaluated by DCYF Quality Review teams).