

Rhode Island Department of Children, Youth & Families  
*Andrew C. v Raimondo* Monitoring Team Report  
Reporting Period #5 (July 1, 2020 – December 31, 2020)

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### *Description of Scope of Review*

As outlined in the Settlement Agreement described in the case of *Andrew C. v. Raimondo*, 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, Inc. (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 Fifth Reporting Period*

The Monitoring Team is generating this report in compliance with the roles and responsibilities set forth in the Settlement Agreement. During the fifth Reporting Period, during which DCYF's performance was measured for the six-month period July 1, 2020 to December 31, 2020, the Monitoring Team continued to encounter issues which impacted its ability to validate the data and confirm whether some of the commitments in the Settlement Agreement were met.

### *Background and History 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 and recommendations of the Monitoring Team was provided to all parties on March 16, 2020.

It was the intention of the Monitoring Team to work with the parties to resolve the issues identified in the March 2020 report to ensure the statistical reliability and validity of the data for prior Reporting Periods, as well as the current and future Reporting Periods. The Monitoring Team has

discussed these concerns and recommendations with all parties on numerous occasions since the issues were first brought to the attention of DCYF leadership in January 2020. The Monitoring Team was hopeful that the recommendations would be implemented timely to prevent the same deficiencies from occurring in future Reporting Periods, to achieve progress with the lawsuit, and to prevent the State from incurring any additional litigation costs during a time of such fiscal uncertainty.

This discussion is still underway between the parties. The Monitoring Team had to proceed with its obligations under the Settlement Agreement and finalize the findings for all Reporting Periods based on the data provided. The statistical validity of the sample sizes, among other issues, remained unresolved. Therefore, many of the outcomes for Reporting Period 5 could not be validated. In accordance with Section C(2)(e) of the Settlement Agreement, the Monitoring Team report is a public document.

Following the conclusion of the fifth Reporting Period, PCG analyzed data provided by DCYF summarizing the Department's performance during the Reporting Period. From January 1, 2021 through June 30, 2021, PCG and OCA, in their joint role as the Monitoring Team, reviewed and discussed the data, the review process, and the extent to which statewide performance was able to be validated.

## SUMMARY OF METHODOLOGY & ACTIVITIES

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During the fifth Reporting Period, DCYF evaluated their performance across fifteen 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 care during a 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 100 records 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 fifth 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 by DCYF. During the fifth Reporting Period, PCG accompanied 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 100 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. As outlined in the following section, the number of records reviewed was in some cases insufficient to achieve an appropriate and consistent level of statistical validity of the results.

## MONITORING TEAM RECOMMENDATIONS: SAMPLING

The Monitoring Team determined that some of the samples provided were not large enough to be considered statistically significant. Without a statistically significant sample size, the Monitoring Team could not confirm whether some of the commitments in the Settlement Agreement were met for Reporting Period 5. There were no standards included in the Settlement Agreement outlining statistical significance or statistical validity, which led to samples that were not representative of the full population of records (or “universe”) evaluated in the outcome measurement.

The Settlement Agreement resulting from the case of *Andrew C. v. Raimondo* describes a two-tiered approach for evaluating the extent to which DCYF is achieving the outcomes described in the Settlement Agreement across twenty measures. The first step in measuring compliance on each measure is to calculate the statewide outcome; for those measures for which compliance can be calculated using data from RICHIST, outcomes are calculated programmatically (that is, using automated routines to parse and analyze the data for each case and categorize it as a “success” or “failure” on that measure). This approach was employed for ten of the fifteen measures where DCYF continues to be subject to monitoring, and outcomes were calculated across the entire universe of records to which the measure applies. For five measures, however, the Settlement Agreement describes a qualitative review process to identify outcomes on a case-by-case basis. DCYF is responsible for drawing a random sample of records, which are reviewed by the DCYF Quality Review team.

Table 1, below, describes how DCYF calculated its statewide outcomes for each measure.

Measure	How Statewide Outcomes Are Calculated
Assessments 1.1	Universe
ASC <sup>1</sup> Placements 2.2	N/A <sup>2</sup>
ASC Placements 2.3a	N/A
ASC Placements 2.3b	N/A
Congregate Care 3.1	N/A
Congregate Care 3.2	N/A
Sibling Placement 4.1	<b>Sample</b>
Visitation 6.1	Universe
Visitation 6.2	<b>Sample</b>
Visitation 6.3b	<b>Sample</b>
Visitation 6.4b	<b>Sample</b>
Licensing 7.1	Universe
Licensing 7.2	Universe
Licensing 7.3	Universe
Licensing 7.4	Universe

<sup>1</sup> Assessment and Stabilization Center

<sup>2</sup> As described later in this report, DCYF has exited from Sections 2 and 3 of the Settlement Agreement, effective March 29, 2021.

<b>Measure</b>	<b>How Statewide Outcomes Are Calculated</b>
CPS <sup>3</sup> 8.1	Universe
CPS 8.2	Universe
CPS 8.3	Universe
Case Planning 10.2	Universe
Case Planning 10.3	<b>Sample</b>

*Table 1: Method for Calculating Statewide Outcomes*

For the ten measures where outcomes can be measured for every eligible case, client or event statewide using data extracted from RICHIST, no sampling approach is required. However, for the three measures which a qualitative review process must be utilized to measure success against a sample of records but no subjective determination by the reviewer is required (Visitation 6.3b, Visitation 6.4b, Case Planning 10.3), the Monitoring Team continues to recommend that the number of records reviewed by DCYF be sufficiently large to achieve 95 percent confidence with a five percent margin of error<sup>4</sup> across each measure. For the two measures where a sample of records is used and a qualitative determination must be made by the reviewer, a 90 percent confidence level with a five percent margin of error is employed (affecting Sibling Placement 4.1 and Visitation 6.2). This sample size will vary depending on the size of the statewide universe for the measure being evaluated. Based on the number of records in those universes during the Reporting Period, the number of records that should be reviewed by DCYF to reach this level of statistical significance is described in Table 2, below.

<b>Measure</b>	<b>Universe Size</b>	<b>Recommended DCYF Sample Size</b>	<b>Number of Records Reviewed by DCYF</b>
Sibling Placement 4.1	309	145	174
Visitation 6.2	1,888	237	668
Visitation 6.3b	183	124	128
Visitation 6.4b	1,165	289	543
Case Planning 10.3	1,888	320	678

*Table 2: Recommended DCYF Sample Sizes, Reporting Period 5*

In the fifth Reporting Period, the number of records reviewed by DCYF for these five measures was sufficient to achieve the appropriate level of confidence in the results within a five percent margin of error.

PCG, in its role as Data Validator, employed a second review process on each of these five measures to verify that the outcomes reported by DCYF (whether via an automated calculation or a review process) were accurate, and that the processes which DCYF employed to evaluate statewide outcomes (whether algorithmically-derived or via a record review process) are sound. In order to verify the validity of DCYF's findings, PCG conducted a second-level review of a

<sup>3</sup> Child Protective Services, the investigation division of DCYF

<sup>4</sup> In lay terms, this means that there is a 95 percent likelihood that the aggregate outcomes calculated from the reviews conducted against the sample will fall within five percent of the actual statewide outcome. The approach by which these required sample sizes were derived is described in more detail in Appendix A, *Required Sample Size for Estimating Outcomes*.

random sample of records on each of the fifteen measures. PCG’s initial proposal was to review 100 records on each measure; this “static” sample size resulted, however, in varying levels of statistical significance for each measure during the fifth Reporting Period. As the size of the applicable universe for each measure will vary for each Reporting Period, so too will the recommended sample sizes vary slightly in future Reporting Periods.

In order for PCG’s qualitative review findings to have a consistent level of statistical validity, the Monitoring Team recommends that the number of records reviewed by PCG on each measure be of sufficient size such that if errors exist in only 2.5 percent of records initially reviewed by DCYF, that there is a 95 percent probability of at least one erroneous record being identified in the sample. The sample sizes for each measure that will achieve that level of statistical validity is provided in Table 3.

Measure	How Statewide Outcomes Calculated	Reporting Period #5 (January 1, 2020 – June 30, 2020)	
		Universe Size <sup>5</sup>	Recommended PCG Sample Size
Assessments 1.1	Universe	446	106
ASC Placements 2.2	Universe	N/A	N/A
ASC Placements 2.3a	Universe	N/A	N/A
ASC Placements 2.3b	Universe	N/A	N/A
Congregate Care 3.1	Universe	N/A	N/A
Congregate Care 3.2	Universe	N/A	N/A
Sibling Placement 4.1	Sample	174	91
Visitation 6.1	Universe	2,223	117
Visitation 6.2	Sample	668	113
Visitation 6.3b	Sample	128	81
Visitation 6.4b	Sample	543	111
Licensing 7.1	Universe	580	111
Licensing 7.2	Universe	390	110
Licensing 7.3	Universe	133	84
Licensing 7.4	Universe	111	86
CPS 8.1	Universe	3,113	118
CPS 8.2	Universe	2,624	117
CPS 8.3	Universe	2,624	117
Case Planning 10.2	Universe	1,920	115
Case Planning 10.3	Sample	678	115

Table 3: Recommended Data Validator Sample Sizes, Reporting Period 5

<sup>5</sup> For those measures where outcomes are calculated against the statewide universe of records, the “Universe Size” is the number of records statewide that are “eligible” to be evaluated on the measure. For those five measures where outcomes are calculated through a Quality Review process employed by DCYF against a random sample of records (4.1, 6.2, 6.3b, 6.4b and 10.3), the “Universe Size” reflects the number of records reviewed by DCYF as described in Table 2.

## MONITORING TEAM'S RECOMMENDATIONS: ASSESSMENT TOOLS

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The Settlement Agreement resulting from the case of *Andrew C. v. Raimondo* describes a two-tiered approach for evaluating the extent to which DCYF is achieving the outcomes described in the Settlement Agreement across the fifteen measures under which it is still subject to monitoring. Section 1.1 of the Settlement Agreement describes DCYF's obligation to conduct an assessment for all children entering out-of-home care due to a report or suspicion of abuse or neglect, as well as those whose placement setting changed following a removal due to a report or suspicion of abuse or neglect.

The Settlement Agreement does not mandate a specific tool to be utilized when conducting these assessments, instead stating only that such assessments:

*"[include] but [are] not limited to the assessments utilized by DCYF or the clinical opinion of a licensed health care professional in an Assessment and Stabilization Center, mental health inpatient facility, or a facility of equivalent level and type."*

During the first five Reporting Periods under the Settlement Agreement, DCYF's statewide outcome on this measure was evaluated by considering whether any of five different tools were utilized to assess the needs of the child in or entering placement:

- Level of Need Assessment;
- Foster Care Rate Setting Assessment;
- Safety Assessment;
- Placement Request; or
- Risk and Protective Capacity Assessment.

The context in which "assessments" are used in Section 1 of the Settlement Agreement suggests that the intent is for a timely Level of Need Assessment to be completed for each child to better inform placement decisions and determine service needs. For example, Section 3.1(a) of the Settlement Agreement (regarding placements into a congregate care setting) indicates that a child should only be placed in congregate care if the child has treatment needs that require placement in a congregate setting, as found during the assessment process referenced in Section 1. This further suggests that the assessment completed pursuant to Section 1 should be evaluating the needs of the child.

At the onset of the Monitoring Team's work in 2018, PCG recommended a qualitative review of the assessments be conducted by the Monitoring Team to confirm the quality and accuracy of the information. DCYF did not include this qualitative review in the scope of work required of the Monitoring Team, but the Monitoring Team continues to recommend adding this step to the process. At present, the scope of work is limited to a review of the list of placements occurring during each Reporting Period, and where the date of the assessment fell within the timeline of the Settlement Agreement. This review entails only verifying that the assessments in each case occurred on the date shown.

In addition to the current review that confirms that DCYF conducted timely assessments, the Monitoring Team has worked with DCYF through Reporting Period 5 to refine the scope of PCG's

review of data related to assessments. DCYF and the Monitoring Team have identified a methodology by which the Monitoring Team may review not only the assessment directly relevant to each removal or placement change, but also other related case activity that occurred around the time of the removal/placement, such as visitation notes, additional assessments, and case notes.

The Monitoring Team recommends that these expanded reviews be conducted against a statistically valid sample of removals and placement changes from each of the first two Reporting Periods, during which DCYF's nominal performance on Section 1 would have been sufficient to achieve an exit from the terms of Section 1.

## MONITORING TEAM'S REQUEST FOR EXPLANATION

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### Section 6.4: Parent-Child Visitation

As discussed above, the quality of visitation is being evaluated in the context of visitation between the caseworker and a child. This is reviewed utilizing the tool for the federal Child & Family Services Reviews (CFSR) process. However, Section 6.4 states that,

*“[a]s with other areas of casework, DCYF shall assure the quality of parent-child visits through the continuous quality improvement process and provide documentation of the results of the continuous quality improvement process to the Monitoring Team and Plaintiffs’ Attorneys.”*

This suggests that the Department is, or should be, conducting this quality improvement process for other areas of casework; that process, however, is not referenced in other sections of the Settlement Agreement, nor are the scope or minimum requirements of such a process defined. The Monitoring Team is seeking clarification on which sections and areas of casework would be subject to the aforementioned quality improvement process to verify whether this requirement has been completed.

Additionally, the Settlement Agreement requires that DCYF provide the Monitoring Team with documentation of the results of their continuous quality improvement process. To date, the Monitoring Team has not received this documentation and the requirement has not been met.

**DCYF’s Response:** The Department will utilize the Child and Family Services Reviews (CFSR), Item 8 (Visiting with Parents and Siblings in Foster Care ) to provide completion of our quality improvement process. The attached report will be generated from the CFSR on-line system each review cycle.

**Monitoring Team Note:** With this response, DCYF also submitted to the Monitoring Team a copy of its “Practice Performance Report” which summarizes the number of cases on which concerted efforts were made:

- to ensure that the frequency of visitation between the mother and child was sufficient to maintain or promote the continuity of the relationship;
- to ensure that the frequency of visitation between the father and child was sufficient to maintain or promote the continuity of the relationship;
- to ensure that the quality of visitation between the mother and child was sufficient to maintain or promote the continuity of the relationship;
- to ensure that the quality of visitation between the father and child was sufficient to maintain or promote the continuity of the relationship; and
- to ensure that the quality of visitation between the child and siblings was sufficient to maintain or promote the continuity of the relationship.

DCYF has fulfilled the Monitoring Team's request for clarification.

### Section 8.3 Child Protective Services

Under Section 8.3, the Department is mandated to complete investigations within the time frames set forth in DCYF policy. However, should the investigation be continued due to circumstances beyond the control of DCYF, the extension of the time frame must be approved by a supervisor and must be accompanied by a safety assessment of the child. The Monitoring Team is seeking clarification whether the required safety assessment must be a new safety assessment completed subsequent to the request for an extension or whether the safety assessment completed during the pendency of the investigation is acceptable.

**DCYF's Response:** The extension of an investigation does not require a new safety assessment.

**Monitoring Team Note:** DCYF has fulfilled the Monitoring Team's request for clarification.

## SECTION 1: ASSESSMENTS

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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.

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

Review of Universe Syntax and Statewide Outcome

DCYF identified 446 instances of a child being removed from the home or changing placement settings during the fifth Reporting Period, excluding those placement changes between placements that serve equivalent levels of need.

Of the 446 removals or placement changes, DCYF documented an assessment being conducted within the designated timeframe for 426 removals or placement changes, resulting in a statewide success rate of 95.52 percent. While this exceeds the 85 percent threshold described in the Settlement Agreement as previously noted, the number of removals and placement changes reviewed by PCG did not allow the Data Validator to validate the results at a sufficient level of statistical significance, nor was the scope of reviews conducted by PCG sufficient to validate the assessments that were conducted. Therefore, the Monitoring Team was unable to confirm that the standard outlined in the Settlement Agreement was met.

### Case Reviews

PCG identified a random sample of 100 records 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

DCYF evaluated outcomes for all 446 eligible removals or placement changes statewide, and the statistical validity of those results did not need to be calculated. PCG's review of 100 removals/placement changes (representing 22 percent of the statewide universe) is concordant with DCYF's findings with a margin of error of  $\pm 8.6$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of removals and placement changes reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

### Monitoring Team Recommendation

Based on the size of the statewide universe of children entering care or changing placements during the fifth Reporting Period where the move was not to an equivalent level of need (446 instances), the Monitoring Team recommends increasing the number of reviews conducted by PCG from 100 removals and placement changes per Reporting Period to a sufficient number to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of reviews. Based on the 446 applicable instances during the fifth Reporting Period, 106 reviews would need to be conducted in order to achieve the recommended level of statistical confidence in the results.

Since DCYF's performance on this measure during each of the first five Reporting Periods exceeded the 85 percent threshold described in the Settlement Agreement, the Monitoring Team recommends that these reviews be retroactively conducted on removals and placement changes from two consecutive prior Reporting Periods. This will permit the findings from each Reporting Period that DCYF met the standard described in the Settlement Agreement to be appropriately credited to the Department, and – should the findings of the review be concordant with the outcomes reported by DCYF – this will permit the Monitoring Team to validate the statewide outcomes and support DCYF's exit from Section 1 of the Settlement Agreement.

### 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 the fifth Reporting Period whose assessment was delayed due to the unavailability of the child.

## Corrective Action Plan Status

Section C(3) of the Settlement Agreement describes a process by which DCYF is responsible for developing a Corrective Action Plan (CAP) “should any of the Commitments set forth in this Agreement not be met for two consecutive 6-month Reporting Periods.” While DCYF’s performance on Section 1 exceeded the standard during the first two Reporting Periods, as outlined above, the Monitoring Team has been unable to fully validate the results due to the case reviews being neither of a sufficient number to achieve a minimum level of statistical validity, nor of a sufficient scope (including other case activity surrounding each removal/placement change) to validate that at the time of each removal/placement change, the needs of the child were sufficiently assessed. While the Monitoring Team received DCYF’s CAP in June 2021, the CAP as it is currently written does not provide sufficient resolution to the issues identified above. The Monitoring Team expects that resolution of the questions of (a) the scope of the reviews and (b) the size of PCG’s review sample may result in the Monitoring Team being able to validate the results from each of the first two Reporting Periods, which would moot the requirement.

## SECTION 2: PLACEMENT IN ASSESSMENT & STABILIZATION CENTERS

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Under the terms of Section 2 of the Settlement Agreement, DCYF is being evaluated on the extent to which the Department minimizes the number of children placed in shelters or “assessment and stabilization centers” (ASC). As described in the Settlement Agreement, no child should be placed in an ASC unless:

- a) the child has a demonstrated need for placement in an ASC;
- b) the placement is an emergency removal, immediate removal from the home is necessary and the ASC placement is in the best interest of the child per the professional judgment of the DCYF caseworker; or
- c) the placement at an ASC is due to an order of the Rhode Island Family Court.

For those children who are placed in an ASC, DCYF is responsible for conducting a review of the child’s continued placement at least every 14 days until the child is discharged from the ASC; when a child is placed in an ASC longer than 60 days, DCYF must have documented approval for the continued placement from the DCYF Director or the Director’s designee.

Three outcome measures are described in the Settlement Agreement:

**ASC 2.2:** Placements during the Reporting Period into an ASC must be for one of the three exception reasons described above. DCYF must achieve a successful outcome in 100 percent of ASC placements (that is, all ASC placements must be for one of the three exception reasons).

**ASC 2.3a:** Children placed into an ASC must have the appropriateness of that continued placement reviewed by DCYF at least every fourteen days. DCYF must achieve a successful outcome in 90 percent of ASC placements longer than fourteen days.

**ASC 2.3b:** Children placed into an ASC for longer than 60 days must have the written approval of the Director or the Director’s designee for the continued placement. DCYF must achieve a successful outcome in 95 percent of ASC placements longer than 60 days.

After attaining all three of the goals described above for two consecutive six-month periods, DCYF shall exit from monitoring under Section 2 of the Settlement Agreement. 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. In addition, DCYF permitted the Data Validator to review nine placements during those Reporting Periods for which, subsequent to a removal or placement change, the caseworker indicated that the removal was for emergency reasons, and that the placement in the ASC was in the best interest of the child according to the

professional judgment of the caseworker.<sup>6</sup> In each of those nine placements, the Data Validator found sufficient documentation of the decision-making process underlying that exercise of professional judgement, and the Monitoring Team was able to fully validate the results.

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.

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<sup>6</sup> During the first Reporting Period (July 2, 2018-December 31, 2018), only one case referenced this “professional judgement” exception; during the second Reporting Period (January 1, 2019-June 30, 2019), eight cases had such an exception noted.

## SECTION 3: PLACEMENT IN CONGREGATE CARE

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Under the terms of Section 3 of the Settlement Agreement, DCYF is being evaluated on the extent to which the Department minimizes the number of children placed in congregate care settings. As described in the Settlement Agreement, no child should be placed in a congregate care setting unless:

- a) the child has treatment needs which necessitate placement in a congregate care setting, or the child has needs that cannot be addressed in a family-like setting;
- b) the child is awaiting step-down from congregate care to an appropriate family-like setting;
- c) the placement is an emergency removal necessitating immediate removal from the home and the placement in a congregate care setting is in the best interest of the child per the professional judgment of the DCYF caseworker while DCYF works to identify a placement in an appropriate family-like setting; or
- d) the placement in a congregate care setting is due to an order of the Rhode Island Family Court.

For those children who are placed in a congregate care setting for 90 days or longer, DCYF is responsible for conducting a review of the child's continued placement at least every 45 days following until the child is discharged from the congregate care setting. When a determination is made that a step-down to a more appropriate level of placement is warranted, DCYF will make that step-down within 30 days of the determination. Where the child is not placed into a family-like setting within that 30-day timeframe, the case must be reviewed by the Associate Director of the Permanency Division (or Director's designee) every fifteen days following the 45<sup>th</sup> day after which the step-down decision was made.

Two measures are described in the Settlement Agreement:

**Congregate Care 3.1:** Placements during the Reporting Period into a congregate care setting must be for one of the four exception reasons described above. DCYF must achieve a successful outcome in 90 percent of its ASC placements (that is, 90 percent of congregate placements must be for one of the four exception reasons).

**Congregate Care 3.2:** Children placed into a congregate care setting for 90 days or longer must have the appropriateness of that continued placement reviewed by DCYF at least every 45 days. DCYF must conduct these reviews in 90 percent of congregate care placements lasting 90 days or longer.

After attaining each of the goals described above for two consecutive six-month periods, DCYF shall exit from monitoring under Section 3 of the Settlement Agreement. 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. In addition, DCYF permitted the Data Validator to review seven placements during those Reporting Periods for which, subsequent to a removal or placement change, the caseworker indicated that the removal was for emergency reasons, and that the placement in the congregate setting was in the best interest of the child

according to the professional judgment of the caseworker.<sup>7</sup> In each of those seven placements, the Data Validator found sufficient documentation of the decision-making process underlying that exercise of professional judgement, and the Monitoring Team was able to fully validate the results.

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.

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<sup>7</sup> During the first Reporting Period (July 1, 2018-December 31, 2018), two cases referenced this “professional judgement” exception; during the second Reporting Period (January 1, 2019-June 30, 2019), five cases had such an exception noted.

## SECTION 4: SIBLING PLACEMENTS

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Under the terms of Section 4 of the Settlement Agreement, DCYF is being evaluated on the extent to which siblings<sup>8</sup> 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

DCYF pulled a random sample of 174 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. This random sample was stratified by DCYF Region, and each 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.

DCYF identified two cases in which a valid exception existed to the requirement that the siblings be placed together, leaving 172 cases eligible for review. For this measure, DCYF found that in 159 cases (92.44%) the siblings were placed together upon their entry into out-of-home care or

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<sup>8</sup> 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.

the placement change of at least one sibling. This statewide outcome of 92.4 percent exceeds the 80 percent threshold described in Section 4.1 of the Settlement Agreement.

#### Case Reviews

PCG conducted a case review of 100 cases where DCYF found that the siblings had been placed together. In each of the 100 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 174 of 309 eligible cases statewide (representing 56.3 percent of the statewide universe); this sample is statistically valid with 90 percent confidence and a margin of error of  $\pm 4.14$  percent. As described in the "Monitoring Team Sample Size Recommendations" section, the number of cases reviewed were sufficient to achieve the five percent margin of error recommended by the Data Validator.

The Monitoring Team recommends that the sample of cases for which a second-level review is conducted by PCG for this period be high enough to ensure that the number of cases reviewed provides a 95 percent chance of identifying any errors in the statewide outcomes assuming those errors occur in 2.5 percent of cases. Based on the 174 cases that DCYF reviewed during the fifth Reporting Period, 91 cases would need to be reviewed in order to achieve the recommended level of statistical confidence in the results. As PCG conducted 100 reviews during Reporting Period 5, this level of statistical confidence was achieved.

#### 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.

## SECTION 5: CASE MANAGEMENT

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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.

In the Monitoring Team report that summarized performance during the July 1, 2019 – December 31, 2019 Reporting Period, the Monitoring Team described (i) the components that a robust workload study should include; (ii) the mechanics of conducting such a study; and (iii) how the results of the study might be utilized. Those recommendations are attached to this report as Appendix D. During the fifth Reporting Period, the Monitoring Team worked with the Department to operationalize what such a workload study would look like, and anticipates that the Department will be conducting the required workload study in the near future.

## SECTION 6: VISITATION

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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 2,223 children who were in care at least one full calendar month during the fifth Reporting Period, spanning 11,304 full calendar months. In 10,965 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 97.00 percent. While this exceeds the 95 percent threshold described in the Settlement Agreement as previously noted, the number of cases reviewed by PCG did not permit the Data Validator to validate the results at a sufficient level of statistical significance. Therefore, the Monitoring Team was unable to confirm that the standard outlined in the Settlement Agreement was met.

### Case Reviews

PCG identified a random sample of 100 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 100 cases reviewed, PCG found that visitation was appropriately documented.

### Statistical Validity of Samples

DCYF evaluated outcomes for all 2,223 eligible cases statewide, and the statistical validity of those results did not need to be calculated. PCG's case review of 100 children in care for at least one full calendar month during the Reporting Period (representing 4.50 percent of the statewide universe) is concordant with DCYF's findings with a margin of error of  $\pm 9.6$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of cases reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

### Monitoring Team Recommendation

Based on the size of the statewide universe of children served in out-of-home care for at least one full calendar month during the first Reporting Period (2,524 children), the Monitoring Team recommends increasing the number of cases reviewed by PCG from 100 cases per Reporting Period to a sufficient number of cases to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of cases. Based on the 2,223 eligible cases during the fifth Reporting Period, 117 cases would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF's performance on this measure during the fourth and fifth Reporting Periods exceeded the 95 percent threshold described in the Settlement Agreement, the Monitoring Team recommends that these case reviews be retroactively conducted on cases from the fourth and fifth Reporting Period. This will permit the findings from this Reporting Period that DCYF met the standard to be appropriately credited to DCYF. Should this retroactive review not be conducted for the fourth and fifth Reporting Period, the Monitoring Team will be unable to validate that the standard described in the Settlement Agreement has been met. Additionally, the Monitoring Team will be unable to validate the statewide results in future periods, until a sufficiently large sample of cases is reviewed.

## Visitation 6.2: Quality of Face-to-Face Visits

### Review of Sampling Syntax and Statewide Sample

DCYF pulled a random sample of 668 cases of children in care at any point during the first four months of the period. This random sample was stratified by DCYF Region, and each 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 CF SR 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 668 cases reviewed by DCYF, 114 cases (17.07%) 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 100 of the 668 cases reviewed by DCYF which were rated as a “strength,” and evaluated the quality of visitation using the same federal CF SR 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 100 cases reviewed, PCG agreed with the rating assigned by the DCYF Quality Review team.

### Statistical Validity of Samples

DCYF evaluated outcomes for 668 of the 1,888 eligible cases statewide (representing 35.38 percent of the statewide universe); this sample is statistically valid at a 90 percent confidence level with a margin of error of  $\pm 2.57$  percent. As described in the “Monitoring Team Sample Size Recommendations” section, the number of cases reviewed were sufficient to achieve the five percent margin of error recommended by the Data Validator.

### Monitoring Team Recommendation

Assuming that DCYF implements the above recommended sample size for their initial review, the Monitoring Team further recommends increasing the size of the sample of cases for which a second-level review is conducted by PCG from 100 cases to a sufficient number to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of cases. Based on the 668 cases that DCYF reviewed during the fifth Reporting Period, 113 cases would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF’s performance on this measure during each of the first four Reporting Periods did not reach the 85 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these case reviews be retroactively conducted on cases from those Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

## Visitation 6.3b: Sibling Visitation

### Review of Sampling Syntax and Statewide Sample

DCYF pulled a random sample of 128 sibling groups (of 183 total statewide) involving siblings in care at any point during the first four months of the period. This random sample was stratified by DCYF Region, and each case 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 128 sibling groups reviewed, 33 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 25.78 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 33 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 128 of the 183 eligible cases statewide (representing 69.95 percent of the statewide universe); this sample is statistically valid at a 95 percent confidence level with a margin of error of  $\pm 4.76$  percent. As described in the "Monitoring Team Sample Size Recommendations" section, the number of cases reviewed were sufficient to achieve the five percent margin of error recommended by the Data Validator.

PCG's second-level review was conducted against each of the 33 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 did not need to be calculated.

#### Monitoring Team Recommendation

Assuming that DCYF continues to review a sufficiently large sample of cases in order to achieve an acceptable level of statistical significance, the Monitoring Team further recommends increasing the size of the sample of cases for which a second-level review is conducted by PCG from 100 cases to a sufficient number to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of cases. Based on the 128 cases that DCYF reviewed during the fifth Reporting Period, 81 cases would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF's performance on this measure during each of the first four Reporting Periods did not reach the 85 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these case reviews be retroactively conducted on cases from those Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

### Visitation 6.4b: Parent-Child Visitation

#### Review of Sampling Syntax and Statewide Sample

DCYF pulled a random sample of 543 cases (of 1,165 total statewide) involving children in out-of-home placements with a goal of reunification. This random sample was stratified by DCYF Region, and each 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 543 cases reviewed, 190 cases (35.0%) 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 100 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.

The Settlement Agreement also describes in Section 6.4(b) that:

“...[a]s with other areas of casework, DCYF shall assure the quality of parent-child visits through the continuous quality improvement process and provide documentation of the results of the continuous quality improvement process to the Monitoring Team and Plaintiffs' Attorneys.”

To date, DCYF has not provided documentation of the results of this continuous quality improvement process. The type of documentation that DCYF should provide is not specified. This section also indicates that the quality improvement process should be applied in other areas of casework, however the other sections this may have been intended to apply is not specified.

#### Statistical Validity of Samples

DCYF evaluated outcomes for 543 of the 1,165 eligible cases statewide (representing 46.61 percent of the statewide universe); this sample is statistically valid at a 95 percent confidence level with a margin of error of  $\pm 3.07$  percent. As described in the “Monitoring Team Sample Size Recommendations” section, the number of cases reviewed by DCYF were sufficient to achieve the five percent margin of error recommended by the Data Validator.

#### Monitoring Team Recommendation

The Monitoring Team further recommends increasing the size of the sample of cases for which a second-level review is conducted by PCG from 100 cases to a sufficient number to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of cases. Based on the 543 cases that DCYF reviewed during the fifth Reporting Period, 111 cases would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF's performance on this measure during each of the first five Reporting Periods did not reach the 85 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these case reviews be retroactively conducted on cases from those Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

The Monitoring Team would also recommend that the appropriate documentation of the continuous quality improvement process be provided as required by the Settlement Agreement and guidance be provided on what other “areas of casework” the continuous quality improvement process applies. The Monitoring Team wants to ensure that the reviews are complete and thorough.

### 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 6, and DCYF has submitted a Section 6 Corrective Action Plan to the Monitoring Team.

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 age 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 age 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 580 placements into a non-kinship foster home during the Reporting Period. In 560 of those 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 96.55 percent. This does not meet the 100 percent threshold described in the Settlement Agreement.

### Case Reviews

PCG identified a random sample of 100 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 100 placements reviewed, PCG found that the foster home license was active for the entire timeframe under review.

### Statistical Validity of Samples

DCYF evaluated outcomes for all 580 placements statewide, and the statistical validity of those results did not need to be calculated. PCG's qualitative review of 100 placements (representing 17.24 percent of the statewide universe) is concordant with DCYF's findings with a margin of error of  $\pm 8.9$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of placements reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

### Monitoring Team Recommendation

Based on the size of the statewide universe of children entering into a non-kinship placement during the fifth Reporting Period (580 children), the Monitoring Team recommends increasing the number of placements reviewed by PCG from 100 placements per Reporting Period to a sufficient number to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of records. Based on the placements evaluated during the fifth Reporting Period, 111 placements would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF's performance on this measure during the first five Reporting Periods did not reach the 100 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these reviews be retroactively conducted on placements from the first through fifth Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

## Licensing 7.2: Background Checks for Kinship Homes

### Review of Universe Syntax and Statewide Outcome

DCYF identified 390 placements into a kinship foster home during the Reporting Period where the foster home was pending licensure. In 367 of those 390 placements, DCYF identified that background checks had been conducted for all household members age 18 or older, resulting in a statewide outcome of 94.10 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 100 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 age 18 or older. In each of the 100 placements reviewed, PCG found that the outcome reported by DCYF was accurate.

### Statistical Validity of Samples

DCYF evaluated outcomes for all 390 applicable placements statewide, and the statistical validity of those results did not need to be calculated. PCG's qualitative review of 100 placements (representing 25.64 percent of the statewide universe) is concordant with DCYF's findings with a margin of error of  $\pm 8.46$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of placements reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

### Monitoring Team Recommendation

Based on the size of the statewide universe of children entering into a prospective foster home whose licensure was pending during the first Reporting Period (390 children), the Monitoring Team recommends increasing the number of placements reviewed by PCG from 100 placements per Reporting Period to a sufficient number to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of records. Based on the 390 placements evaluated during the fifth Reporting Period, 110 placements would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF's performance on this measure during the first five Reporting Periods did not reach the 100 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these qualitative reviews be retroactively conducted on placements from the first through fifth Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

## 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 fifth Reporting Period (July 1, 2020 – December 31, 2020) DCYF and PCG examined kinship licensing applications submitted between January 1, 2020 – June 30, 2020, which under the terms of the Settlement Agreement must each be completed by December 31, 2020 (the end of the fifth Reporting Period).

DCYF identified 133 kinship home applications filed during the prior Reporting Period. Of those 133 kinship licensing applications, DCYF completed the application within six months for 54 applications, resulting in a statewide outcome of 40.60 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 54 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 54 applications reviewed, PCG found that the outcome reported by DCYF was accurate.

### Statistical Validity of Samples

DCYF evaluated outcomes for all 133 applicable kinship home applications submitted statewide during the prior Reporting Period, and the statistical validity of those results did not need to be

calculated. Similarly, since PCG did not review a random sample of applications, the statistical validity of PCG's qualitative review did not need to be calculated. The Monitoring Team recommends that the number of applications reviewed by PCG be large enough to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of records. Based on the 133 applications evaluated during the fifth Reporting Period, 84 applications would need to be reviewed in order to achieve the recommended level of statistical confidence in the results. As the number of case reviews conducted by PCG in the fifth Reporting Period (100 cases) exceeds this value, further adjustments to PCG's sample size are not required.

#### Monitoring Team Recommendation

Since DCYF's performance on this measure during the first five Reporting Periods did not reach the 95 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these qualitative reviews be retroactively conducted on applications from the first through fifth Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

### Licensing 7.4: Background Checks within 30 Days of License Renewal

#### Review of Universe Syntax and Statewide Outcome

DCYF identified 111 foster homes where the license was due for renewal during the fifth Reporting Period, and a child was placed in the home during the Reporting Period. For 53 of those 111 foster homes, DCYF identified that background checks were conducted for all household members age 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 47.75 percent falls short of the 85 percent threshold described in Section 7.4 of the Settlement Agreement.

#### Case Reviews

PCG conducted a review of all 53 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 age 18 or older, and whether a home inspection had been conducted within 30 days of the license due date. In each of the 53 cases reviewed, PCG found that the outcome reported by DCYF was accurate.

#### Statistical Validity of Samples

DCYF evaluated outcomes for all 111 applicable kinship home applications due during the Reporting Period, and the statistical validity of those results did not need to be calculated. Similarly, since PCG did not review a sample of cases, the statistical validity of PCG's case review did not need to be calculated.

#### Monitoring Team Recommendation

During the fifth Reporting Period, the size of the universe of licensure renewals coming due where DCYF identified timely completion of background checks (53 renewals) was sufficiently small that PCG conducted a case review of all successful cases. The Monitoring Team recommends that this evaluation of all eligible cases continue in future Reporting Periods. No change to the case reviews conducted during the fifth Reporting Period will be required.

### 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

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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 the entirety of Reporting Period 5. 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 3,113 reports of abuse or neglect that were received during the fifth Reporting Period, excluding those calls that were classified as “Information & Referral.” In 3,017 of those 3,113 reports (96.92%), DCYF made a screening decision within the timeframes outlined by statute. While this exceeds the 90 percent threshold described in the Settlement Agreement as previously noted, the number of reports reviewed by PCG did not allow the Data Validator to

validate the results at a sufficient level of statistical significance. Therefore, the Monitoring Team was unable to confirm that the standard outlined in the Settlement Agreement was met.

#### Case Reviews

PCG conducted a qualitative review of 100 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 100 reports reviewed, PCG found that the outcome reported by DCYF was accurate.

#### Statistical Validity of Samples

DCYF evaluated outcomes for all 3,113 applicable reports of abuse or neglect received during the Reporting Period, and the statistical validity of those results did not need to be calculated. PCG's qualitative review of 100 reports (representing 3.2 percent of the statewide universe) is concordant with DCYF's findings with a margin of error of  $\pm 9.64$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of reports reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

#### Monitoring Team Recommendation

Based on the size of the statewide universe of CPS reports received during the fifth Reporting Period (3,113 reports), the Monitoring Team recommends increasing the number of reports reviewed by PCG from 100 reports per Reporting Period to a sufficient number to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of records. Based on the 3,113 reports evaluated during the fifth Reporting Period, 118 reports would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

The Monitoring Team recommends that PCG be permitted to conduct additional reviews to achieve the appropriate level of statistical confidence in the results, as described above. This will, in conjunction with similar expanded reviews on each of the other two measures comprising Section 8, permit the Monitoring Team to fully validate the results of Section 8 during the fifth Reporting Period. Should that occur, and should DCYF's performance in the next Reporting Period continue to exceed the benchmark described in the Settlement Agreement, DCYF will be able to exit from Section 8 of the Settlement Agreement.

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

#### Review of Universe Syntax and Statewide Outcome

DCYF identified 2,624 reports of abuse or neglect that were received during the fifth Reporting Period and subsequently screened in for investigation. In 2,405 of those 2,624 reports (91.65%), 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 100 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 100 reports reviewed, PCG found that the outcome reported by DCYF was accurate.

#### Statistical Validity of Samples

DCYF evaluated outcomes for all 2,624 applicable reports of abuse or neglect received during the Reporting Period, and the statistical validity of those results did not need to be calculated. PCG's review of 100 screened-in reports (representing 3.8 percent of the statewide universe) is concordant with DCYF's findings with a margin of error of  $\pm 9.61$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of reports reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

#### Monitoring Team Recommendation

Based on the size of the statewide universe of CPS reports screened in during the fifth Reporting Period (2,624 reports), the Monitoring Team recommends increasing the number of reports reviewed by PCG from 100 reports per Reporting Period to a sufficient number of reports to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of records. Based on the 2,624 reports evaluated during the fifth Reporting Period, 117 reports would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

As described in the previous section, the Monitoring Team recommends that PCG be permitted to conduct additional reviews for the fifth Reporting Period to achieve the appropriate level of statistical confidence in the results. This will, in conjunction with similar expanded reviews on each of the other two measures comprising Section 8, permit the Monitoring Team to fully validate the results of Section 8 during the fifth Reporting Period. Should that occur, and should DCYF's performance in the next Reporting Period continue to exceed the benchmark described in the Settlement Agreement, DCYF will be able to exit from Section 8 of the Settlement Agreement.

### CPS 8.3: Timely Completion of Investigation

#### Review of Universe Syntax and Statewide Outcome

As described in the previous section, DCYF identified 2,624 reports of abuse or neglect that were received during the fifth Reporting Period and subsequently screened in for investigation. In 2,249 of those 2,624 reports (85.71%), DCYF completed the investigation within the timeframe mandated by Rhode Island statute. This exceeds the 85 percent threshold described in the Settlement Agreement.

#### Case Reviews

PCG conducted a qualitative review of 100 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 100 reports reviewed, PCG found that the outcome reported by DCYF was accurate.

#### Statistical Validity of Samples

DCYF evaluated outcomes for all 2,624 applicable reports of abuse or neglect received during the Reporting Period, and the statistical validity of those results did not need to be calculated. PCG's review of 100 screened-in reports (representing 3.81 percent of the statewide universe) is

concordant with DCYF's findings with a margin of error of  $\pm 9.61$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of reports reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

#### Monitoring Team Recommendation

Based on the size of the statewide universe of CPS reports screened in during the fifth Reporting Period (2,624 reports), the Monitoring Team recommends increasing the number of reports reviewed by PCG from 100 reports per Reporting Period to a sufficient number of reports to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of records. Based on the 2,624 reports evaluated during the fifth Reporting Period, 117 reports would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Again, the Monitoring Team recommends that PCG be permitted to conduct additional reviews for the fifth Reporting Period to achieve the appropriate level of statistical confidence in the results. This will, in conjunction with similar expanded reviews on each of the other two measures comprising Section 8, permit the Monitoring Team to fully validate the results of Section 8 during the fifth Reporting Period. Should that occur, and should DCYF's performance in the next Reporting Period continue to exceed the benchmark described in the Settlement Agreement, DCYF will be able to exit from Section 8 of the Settlement Agreement.

#### 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 8, and DCYF has submitted a Section 8 Corrective Action Plan to the Monitoring Team.

## SECTION 9: FOSTER CARE MAINTENANCE PAYMENTS

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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

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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.<sup>9</sup>

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 1,994 children served in out-of-home care during the fifth Reporting Period. Of those, 74 children were not in care for at least sixty days during the Reporting Period and were excluded from the measure. DCYF reviewed the remaining 1,920 cases and found that in 1,346 cases (70.10%) 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 100 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

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<sup>9</sup> 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 100 cases reviewed, PCG found that the outcome reported by DCYF was accurate.

#### Statistical Validity of Samples

DCYF evaluated outcomes for all 1,920 eligible cases statewide, and the statistical validity of those results did not need to be calculated. PCG's case review of 100 case plans rated as a "success" (representing 5.21 percent of the statewide universe of successful cases) is concordant with DCYF's findings with a margin of error of  $\pm 9.54$  percent at a 95 percent confidence level. As described in the "Monitoring Team Sample Size Recommendations" section, the number of cases reviewed were insufficient to achieve the five percent margin of error recommended by the Data Validator.

#### Monitoring Team Recommendation

Based on the size of the statewide universe of eligible children served in out-of-home care during the fifth Reporting Period (1,920 children), the Monitoring Team recommends increasing the number of cases reviewed by PCG from 100 cases per Reporting Period to a sufficient number of cases to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of cases. Based on the 1,920 cases evaluated during the fifth Reporting Period, 115 cases would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF's performance on this measure during each of the first five Reporting Periods did not reach the 80 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these case reviews be retroactively conducted on cases from those Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

### Case Planning 10.3: Case Plan Required Elements

#### Review of Sampling Syntax and Statewide Sample

DCYF pulled a random sample of 678 cases of children in care at any point during the first four months of the period. This random sample was stratified by DCYF Region, and each 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 678 cases, 141 were found to include all elements required by AACWA. This outcome of 20.80 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 100 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 100 cases reviewed, PCG found that the outcome reported by DCYF was accurate.

### Statistical Validity of Samples

DCYF evaluated outcomes for 678 of the 1,888 eligible cases statewide (representing 35.91 percent of the statewide universe); this sample is statistically valid at a 95 percent confidence level with a margin of error of  $\pm 3.01$  percent. As described in the “Monitoring Team Sample Size Recommendations” section, the number of cases reviewed were sufficient to achieve the five percent margin of error recommended by the Data Validator.

### Monitoring Team Recommendation

The Monitoring Team recommends increasing the size of the sample of cases for which a second-level review is conducted by PCG from 100 cases to a sufficient number of cases to provide a 95 percent chance of identifying any errors in the statewide outcomes, assuming those errors occur in 2.5 percent of cases. Based on the 678 cases that DCYF reviewed during the fifth Reporting Period, 115 cases would need to be reviewed in order to achieve the recommended level of statistical confidence in the results.

Since DCYF’s performance on this measure during each of the first five Reporting Periods did not reach the 80 percent threshold described in the Settlement Agreement, the Monitoring Team does not recommend that these case reviews be retroactively conducted on cases from prior Reporting Periods, but that the revised sampling criteria be applied in future Reporting Periods.

### 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 10, and DCYF has submitted a Section 10 Corrective Action Plan to the Monitoring Team.

## SECTION 11: MALTREATMENT IN CARE

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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 website<sup>10</sup> its “Annual Safety Analytic Report” for both Federal Fiscal Years<sup>11</sup> 2018 and 2019; 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.

### Report Status

The Monitoring Team anticipates that DCYF will publish its next report, summarizing the data through 2020, during calendar year 2021.

DCYF will continue to conduct and publish this annual assessment until it exits from the terms of Sections 1-10 of the Settlement Agreement.

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<sup>10</sup> <http://www.dcyf.ri.gov/data-evaluation/safety-data-reports.php>

<sup>11</sup> 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

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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*,<sup>12</sup> 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

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<sup>12</sup> <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** – The Department appears to have achieved the required threshold for this measure (Assessments to be completed for children entering care or changing placements: Target – 85%, Unvalidated Performance – 95.52%), however, an insufficient number of placements were reviewed as it relates to statistical significance. The Monitoring Team recommends that the number of reviews be expanded in order to allow the Department to claim achievement of the benchmark for this section during the period of review. Without a sufficient number of placements for review, the results cannot be validated.

**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 - 92.44%). A sufficient number of cases were reviewed as it relates to statistical significance, and the Monitoring Team recommends continuing to review a statistically valid sample for future review 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 will now be responsible for conducting a workload study in consultation with the Monitoring Team.

**Section 6: Visitation** – The Department did not achieve the threshold (Monthly caseworker face-to-face visits, Target - 95%, Unvalidated Performance - 97.00%; Quality of face-to-face visits, Target - 85%, Validated Performance - 17.07%; Frequency of sibling visitation, Target - 85%, Validated Performance - 25.78%; Frequency of parent visitation (reunifications), Target - 85%, Validated Performance - 35.0%). However, the number of cases reviewed by PCG for measure 6.1 were not sufficient to meet the required level of statistical significance. The Monitoring Team recommends reviewing a statistically valid sample for future review periods. Without a sufficient number of cases for review, the statewide results cannot be validated.

**Section 7: Licensing** – The Department did not fully achieve the threshold (Non-kinship placements must be licensed, Target - 100%, Unvalidated Performance - 96.55%; Background checks required for kinship homes, Target - 100%, Unvalidated Performance - 94.10%; Kinship applications completed within six months, Target - 95%, Validated Performance - 40.60% Background checks completed within 30 days of license renewal date, Target - 85%, Validated Performance - 47.75%). An insufficient number of cases were reviewed for statistical validity for measures 7.1 and 7.2. The Monitoring Team recommends reviewing a statistically valid sample for future review periods. Without a sufficient number of cases for review, the statewide results cannot be validated.

**Section 8: Child Protective Services** – The Department appears to have achieved the required threshold (Timely screening of reports of abuse/neglect, Target - 90%, Unvalidated Performance - 96.92%; Response within designated timeframes, Target - 90%, Unvalidated Performance – 91.65%; Investigations completed within designated timeframes, Target - 85%, Unvalidated Performance – 85.71%). An insufficient number of reports were reviewed as it relates to statistical significance. The Monitoring Team recommends that the number of reviews be expanded in order to allow the Department to claim achievement of the benchmark for this section during the period of review. Without a sufficient number of reports for review, the results cannot be validated.

**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%, Unvalidated Performance - 70.10%; AACWA elements in case plan, Target - 80%, Unvalidated Performance - 20.80%). While the Department did review a sufficient number of cases to ensure an appropriate level of statistical validity, the number of cases subsequently reviewed by PCG did not. The Monitoring Team therefore recommends that PCG review a statistically valid sample of cases in future review periods. Without a sufficient number of cases for review, the statewide results cannot be validated.

**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. The Monitoring Team is requesting that the outlined recommendations be implemented forthwith to ensure that past and future reporting periods yield data that is reliable and valid. The Monitoring Team is also requesting that any documentation or information requested in this report be promptly provided to prevent any further delay in the analysis of the data and the authoring of subsequent reports regarding the Monitoring Team's findings.

## APPENDIX A: REQUIRED SAMPLE SIZE FOR ESTIMATING OUTCOMES

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In five of the fifteen measures described in the Settlement Agreement under which DCYF is still subject to monitoring, in order to estimate the overall statewide outcome DCYF conducts a “quality review” of a random sample of records in order to make an inference about the overall statewide outcome. In order to achieve a sufficiently high level of confidence in the validity of the results, a sufficiently large sample of records must be drawn in order to permit the sample to have a high likelihood of reflecting the composition and outcomes achieved by the full universe of evaluated records. Low sample sizes will result in a low level of confidence in the results, while increasing the sample size will increase the statistical validity of the sample.

The formula used to identify the number of records that must be included in a random sample in order to achieve a certain level of statistical significance of the results at a specified margin of error is:

$$\text{Sample Size} = \frac{\frac{z^2 * p(1 - p)}{e^2}}{1 + \frac{z^2 * p(1 - p)}{e^2 N}}$$

Where:

- *N* represents the size of the overall universe of records;
- *e* represents the margin of error as a percentage in decimal form;
- *z* represents the “z-score,” representing the number of standard deviations from the mean (average). A z-score of 1.96 standard deviations from the mean represents a 95% confidence level; and
- *p* represents the estimated sample proportion; an estimate of 50 percent (0.5) represents the most conservative value (that is, the one that will most likely result in a sample proportion commensurate with that of the full universe)

Table 4 illustrates for a range of potential universe sizes the sample size necessary to achieve a 95 percent confidence level with a margin of error of five percent – that is, by fixing the values of *e* and *z* in the equation above respectively to 0.05 (five percent) and 1.96 (95% confidence level), and scaling the value of *N*:

<b>N (universe size)</b>	<b>Sample Size Required</b>
50	45
100	80
200	132
300	169
400	196
500	218
1,000	278
2,000	323
3,000	341
4,000	351

<b>N (universe size)</b>	<b>Sample Size Required</b>
5,000	357

*Table 4: Sample Size to Estimate Proportion*

## APPENDIX B: REQUIRED SAMPLE SIZE FOR VERIFYING OUTCOME ACCURACY

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In each of the twenty measures described in the Settlement Agreement, the Data Validator is tasked with verifying the accuracy of the data compiled by DCYF. As described in Appendix A and elsewhere in this report, for five of the measures the Data Validator is verifying the findings from “quality reviews” conducted by DCYF. For the remaining ten measures, the Data Validator is verifying outcomes that were calculated programmatically by DCYF via database queries run against RICHIST.

In a scenario such as this one, where the case-level findings have been identified across the full statewide universe, the operative sampling mechanism is not one that will estimate the overall statewide proportion as described in Appendix A, but one that will, to a certain degree of confidence, identify the likelihood that any errors in the original syntax or methodology are identified during a follow-up review.

The formula used to identify the likelihood of identifying an error from a sample of a certain size, known as the hypergeometric distribution, is:

$$\text{Chance of Finding Error} = 1 - \frac{\frac{K!}{(K-k)!k!} * \frac{(N-K)!}{((N-K)-(n-k))!(n-k)!}}{\frac{N!}{(N-n)!n!}}$$

Where:

- *N* represents the size of the overall universe of records;
- *n* represents the number of records in the sample;
- *K* represents the number of records in the universe where a methodological error occurred (assumed to be one percent of the universe of records); and
- *k* represents the number of methodological errors in the sample (assumed to be zero<sup>13</sup>).

Table 5 illustrates for a range of potential universe sizes the number of records that must be reviewed – assuming a 2.5 percent error rate – in order to be 95 percent confident that at least one record with a methodological error will be included in the sample.

N (universe size)	Sample Size Required
50	48
100	78

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<sup>13</sup> The hypergeometric distribution, as applied in this scenario, returns the likelihood that a sample of size *n* will include at least one case with at least *k* methodological errors. Strictly speaking, the hypergeometric distribution will indicate in the examples that follow that there is a 2.5 percent chance of the sample identifying no erroneous cases (i.e., *k*=0). The operative calculation, however, is the inverse of that– that there is a 95 percent chance of the sample not identifying no erroneous cases (i.e., at least one erroneous case).

<b>N (universe size)</b>	<b>Sample Size Required</b>
200	90
300	104
400	104
500	110
1,000	112
2,000	115
3,000	117
5,000	117

*Table 5: Sample Size Required to Achieve 95 percent Chance of Finding at Least One Error*

## APPENDIX C: MONITORING TEAM'S WORKLOAD STUDY RECOMMENDATIONS<sup>14</sup>

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Several factors impact the workload of DCYF staff, including the complexity and the intensity of the work. Time is the basic unit of measurement for any workload study – both in terms of the amount of time currently being spent on case-specific activities, as well as the amount of time that must be spent by caseworkers each month/quarter in order to meet the requirements of the case.

Each staff person has only a certain amount of time available to devote to casework. The question of whether additional staffing resources are needed becomes a mathematical one: Is the amount of time required by the existing caseload greater than the time staff have available to handle those cases? Answering this question also offers agencies the opportunity to measure the average number of cases any one caseworker can handle, depending on the types of cases with which they are involved.

The workload study should, at a minimum:

- measure the time that caseworkers have available to work on cases;
- measure the time workers spend on different types of cases, taking into account the type of work conducted on different types of cases (e.g., a child abuse investigation will require more frequent in-person visitation than an ongoing placement case);
- measure the quality of service provision by assessing compliance with specific policy requirements;
- include the intensity and complexity of cases through a classification structure which examines differences among case types and their activities, and the varying levels of effort needed based on case variations, e.g., allegations or reasons for involvement in the child protection system, sibling group size, etc.; and
- calculate the maximum workload workers can be expected to handle by comparing the time required for cases to the time workers have available for casework.

The first step is to determine how much time DCYF staff spend on casework as opposed to other parts of their job. The two most common methods for measuring time that is available for casework are a random moment time study (RMTS) or a 100 percent time study. In a RMTS, workers are contacted at a random point in time and asked about the activity they were engaged at that moment. By aggregating the responses over the statewide eligible workforce received over a period of time, e.g., four to six weeks, the proportion of time spent on those activities may be calculated. To illustrate, if 70 percent of the survey responses indicate caseworkers were engaged in a case-specific activity, DCYF may reasonably infer that caseworkers have on average of 26 hours per week (37.5 hours x 70%) to spend on case-related activities.

In addition, the workload study should evaluate the amount of time it takes to complete casework, measuring the time needed to complete activities required in policy on a monthly basis for ongoing services or to make a determination for an assessment case. Required activities often include engaging in face-to-face visitation, traveling to complete that visitation and documenting case activity in RICHIST for ongoing cases and reviewing documentation to determine the investigative

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finding for an assessment case. A “time standard” is then calculated of the amount of time such activities take as well as the amount of time spent on all other activities that are key to best practice, e.g., arranging for services, completing case planning. This can be accomplished through a number of mechanisms, including a desk audit, “shadowing” of workers, a time study of a sample of cases over a four to six week period or a 100 percent time study, during which staff are asked to record in short increments (typically 10 or 15 minutes) what activities they were engaged in, and on what case. The amount of time spent on specific cases can be cross-referenced against administrative data, such as what is housed in RICHIST, to evaluate the amount of time required in order to achieve positive outcomes, and to meet the requirements of Department policy.

DCYF would then be able to derive through the workload study the amount of time caseworkers have available to spend on case-specific activities, and the amount of time that is required in an average month or quarter to complete those activities. This will permit DCYF to identify the extent to which caseworkers have sufficient “hours in the day” to engage in the various types of activities tracked via the workload study. Where “gaps” exist, the workload study can also help inform the magnitude of the shortfall (which has staffing implications), and identify where efficiencies can be gained.