

Rhode Island Department of Children, Youth & Families
Andrew C. v McKee Monitoring Team Report
Reporting Period #12 (January 1, 2024 – June 30, 2024)

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Description of Scope of Review

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

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

Summary of Monitoring Team Activity

During the twelfth Reporting Period, which began January 1, 2024, PCG analyzed data provided by DCYF summarizing the Department's performance during the Reporting Period. From July 1, 2024, through September 30, 2024, 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.

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

SUMMARY OF METHODOLOGY & ACTIVITIES

During the twelfth Reporting Period, DCYF evaluated their performance for the sole remaining outcome measure in order to gauge compliance with the remaining 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 served in out-of-home placement during a reporting period) to determine whether DCYF met the criteria described in the Settlement Agreement for that measure; the results of these analyses were used to identify whether DCYF met the threshold for compliance described in each section of the Settlement Agreement.

In addition to this quantitative analysis of statewide outcomes, many of the measures outlined in the Settlement Agreement require that a qualitative review be conducted for validation of the measure. PCG, in its role as Data Validator, conducted qualitative reviews using either a data validation process or a review instrument, dependent upon the measure. The data validation process consisted of selecting a random sample of up to 120 records² 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. In early 2019, PCG conducted a review of the code used to derive the outcomes, as part of the evaluation of the validity and accuracy of data compiled during the first Reporting Period. 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.

² During each of the first five Reporting Periods, PCG reviewed up to 100 cases. As part of the Monitoring Team's agreement with DCYF to expand the number of cases reviewed, during the sixth Reporting Period the maximum number of cases reviewed on each measure was expanded to 120. That sample size has been consistently applied since that time in order to ensure that the findings achieve a minimum acceptable level of statistical significance.

While PCG did not identify any irregularities or apparent errors with the syntax during the first through twelfth Reporting Periods, to the extent necessary, 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 twelfth Reporting Period, PCG observed DCYF staff in generating and transmitting all data extracts to verify that the data provided by DCYF represented the true and complete extract of the processing scripts.

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

In August 2021, the Monitoring Team and DCYF reached an agreement that would ensure that the number of cases reviewed by PCG during each review period would ensure a minimum level of statistical significance:

- For those measures on which DCYF performs a Quality Review of cases through a qualitative lens, DCYF will review a sufficient number of cases to achieve 90 percent confidence that the results of the review are within five percentage points of the true statewide outcome;³
- For those measures on which DCYF performs a Quality Review of cases through a quantitative lens: DCYF will review a sufficient number of cases to achieve 95 percent confidence that the results of the review are within five percentage points of the true statewide outcome;
- For those measures where the Data Validator performs a second-level review of cases that underwent a DCYF Quality Review, the Data Validator will review a sufficient number of cases to ensure 95 percent confidence in finding any errors that occur in at least 2.5 percent of cases; and
- For those measures where the Data Validator performs a second-level review of cases for which the outcome was derived from DCYF syntax, the Data Validator will review a sufficient number of cases to ensure 95 percent confidence in finding any errors that occur in at least 2.5 percent of cases.

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

³ For those measures where DCYF conducts a Quality Review of a sample of cases, the statewide outcome is only an estimate of the true statewide outcome – and larger sample sizes result in estimates that are closer to the true outcome for the full population. Therefore, when estimating statewide outcomes by evaluating a sample of cases, one can only say that the results are [X] percent likely to be within [Y] percentage points of the “true” statewide outcome.

SECTION 1: ASSESSMENTS

Under the terms of Section 1 of the Settlement Agreement, DCYF was 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.

During each of the first two Reporting Periods, DCYF met or exceeded the threshold described for each of the three measures described in Section 1 of the Settlement Agreement. On November 10, 2021, DCYF submitted a “Notice of Exit” to the Court indicating its exit from the terms of Section 1 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 1.

SECTION 2: PLACEMENT IN ASSESSMENT & STABILIZATION CENTERS

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

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

SECTION 3: PLACEMENT IN CONGREGATE CARE

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

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

SECTION 4: SIBLING PLACEMENTS

Under the terms of Section 4 of the Settlement Agreement, DCYF was being evaluated on the extent to which siblings⁴ 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.

During the fifth and sixth Reporting Periods, DCYF met or exceeded the threshold described for the one measure described in Section 4 of the Settlement Agreement. On March 2, 2022, DCYF submitted a “Notice of Exit” to the Court indicating its exit from the terms of Section 4 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 4.

⁴ For the purposes of this measure, “siblings” were 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.

SECTION 5: CASE MANAGEMENT

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

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

Workload Study Status

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

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

Through an open procurement process administered by the Rhode Island Department of Administration, DCYF engaged Public Consulting Group LLC⁵ to conduct the required workload study during the first half of 2022. That workload study was completed June 30, 2022, After the PCG team presented the results of the study to DCYF leadership, DCYF requested additional analysis incorporating additional caseload data; those updated results were presented to the DCYF team on September 21, 2022.

⁵ The PCG team conducting the workload study is separate from the team serving as the Data Validator under the terms of the Settlement Agreement.

SECTION 6: VISITATION

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 meets 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

During the fifth and sixth Reporting Periods, DCYF met or exceeded the threshold described for Section 6.1 of the Settlement Agreement. On March 2, 2022, DCYF submitted a “Notice of Exit” to the Court indicating its exit from the terms of Section 6.1 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 6.1.

Visitation 6.2: Quality of Face-to-Face Visits

Review of Sampling Syntax and Statewide Sample

From the number of children in care during the first four months of the period, DCYF generated a list of the full calendar months children in DCYF custody were in care. From this list, the Data Validator pulled a random sample of 392 full calendar months that children were in care (“child-months”). Each sampled child-month was reviewed by a member of the DCYF Quality Review Team in order to evaluate whether the quality of the visit(s) during that month meets the criteria used for the federal CFSR to rate the case as a “strength.” This methodology excluded children entering care during the final sixty days of the period, as those children were not in care long enough for a case plan to be developed during the period.

Of the 392 child-months reviewed by DCYF, 344 (87.76% percent) were rated as a “strength.” This outcome of 87.76% percent exceeds the 85 percent threshold described in Section 6.2 of the Settlement Agreement.

Case Reviews

PCG conducted a second-level review of 120 child-months reviewed by DCYF which were rated as a “strength,” and evaluated the quality of visitation using the same federal CFSR instrument and case review criteria employed by the DCYF Quality Review Team. The purpose of this review was to verify the findings of the DCYF review. In each of the child-months reviewed, PCG agreed with the rating assigned by the DCYF Quality Review Team.

Statistical Validity of Samples

DCYF evaluated outcomes for 392 of the 6,272 eligible child-months statewide (representing 6.25 percent of the statewide universe); this sample is statistically valid with 90 percent confidence and a margin of error of 4.02 percent. The number of cases reviewed resulted in a margin of error that meets the standard agreed upon by DCYF and the Monitoring Team, as described in Appendix A (“Monitoring Team Proposed Agreement on Sample Sizes”).

Of the 392 child-months reviewed by DCYF, PCG conducted a second-level review of 120. That exceeds the 111 reviews that are required, per the methodology described in Appendix A, to ensure 95 percent confidence that errors occurring in at least 2.5 percent of reviews are identified during the review.

Monitoring Team Recommendation

With DCYF’s validated performance having exceeded the standards described in the Settlement Agreement for measure 6.2 during each of the last two Reporting Periods, which stipulates that the Department can exit 6.2(b) based on DCYF demonstrating at least 85% compliance with the Commitment in Section 6.2(a) for two consecutive six-month Reporting Periods, The Monitoring

Team recommends and will support the Department's filing a Notice of Exit from Section 6.2 of the Settlement Agreement.

Visitation 6.3(b): Sibling Visitation

During the tenth and eleventh Reporting Periods, DCYF met or exceeded the threshold described for Section 6.3 of the Settlement Agreement. On July 9th, 2024, DCYF submitted a "Notice of Exit" to the Court indicating its exit from the terms of Section 6.3 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 6.3.

Visitation 6.4(b): Parent-Child Visitation

During the tenth and eleventh Reporting Periods, DCYF met or exceeded the threshold described for Section 6.4 of the Settlement Agreement. On July 9th, 2024, DCYF submitted a "Notice of Exit" to the Court indicating its exit from the terms of Section 6.4 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 6.4.

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

Four outcome measures are described in the Settlement Agreement:

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

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

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

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

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

During the tenth and eleventh Reporting Periods, DCYF met or exceeded the threshold described for each of the four measures described in Section 7 of the Settlement Agreement. On July 9, 2024, DCYF submitted a "Notice of Exit" to the Court indicating its exit from the terms of Section 7 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 7.

SECTION 8: CHILD PROTECTIVE SERVICES

Under the terms of Section 8 of the Settlement Agreement, DCYF was 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.

During the fifth and sixth Reporting Periods, DCYF met or exceeded the threshold described for each of the three measures described in Section 8 of the Settlement Agreement. On March 2, 2022, DCYF submitted a “Notice of Exit” to the Court indicating its exit from the terms of Section 8 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 8.

SECTION 9: FOSTER CARE MAINTENANCE PAYMENTS

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

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

SECTION 10: CASE PLANNING

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

Two outcome measures are described in the Settlement Agreement:

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

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

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

Case Planning 10.2: Timeliness of Case Plans

During the tenth and eleventh Reporting Periods, DCYF met or exceeded the threshold described for Section 10.2 of the Settlement Agreement. On July 9th, 2024, DCYF submitted a “Notice of Exit” to the Court indicating its exit from the terms of Section 10.2 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 10.2

Case Planning 10.3: Case Plan Required Elements

During the tenth and eleventh Reporting Periods, DCYF met or exceeded the threshold described for Section 10.3 of the Settlement Agreement. On July 9th, 2024, DCYF submitted a “Notice of

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

Exit” to the Court indicating its exit from the terms of Section 10.3 of the Settlement Agreement, and DCYF is no longer subject to monitoring under the terms of Section 10.3.

SECTION 11: MALTREATMENT IN CARE

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

DCYF, consistent with its obligations under the terms of Section 11 of the Settlement Agreement, has published on its website⁷ its “Annual Safety Report⁸” for Federal Fiscal Years⁹ 2018 through 2023; each of those reports has a section entitled “Maltreatment in Foster Care (Out-of-Home Placements)” in which data regarding indicated maltreatment data from the three most recent years are presented, including an assessment of the factors impacting each substantiated report, including the type of abuse or neglect, the location of the child’s placement and the relationship of the perpetrator to the child victim. In addition, each of those reports outlines the recommendations of the Department intended to reduce incidences of maltreatment in foster care, as well as the length of time each child spent in placement prior to the incident.

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

⁸ Through FFY 2020, the report was titled “Annual Safety Analytic Report.”

⁹ 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 2024 ended September 30, 2024.

Under Section 12 of the Settlement Agreement, DCYF must 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 with the Monitoring Team and updated annually. 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.

In September 2024, in consultation with the Monitoring Team, DCYF developed and published its 2024 - 2025 *Statewide Plan for the Recruitment and Retention of Foster Families*. Each year, DCYF's Recruitment and Retention Plan includes a list of contracted private agencies that DCYF collaborates with to support the child welfare system and the recruitment and retention of foster families. During the development of the 2024/2025 Recruitment and Retention Plan, DCYF was in active contract negotiations with private foster care agencies and, as a result, was not able to include these agencies in the 2024/2025 Recruitment and Retention Plan. The Monitoring Team recommends that DCYF collaboratively engage with those newly contracted providers to support ongoing recruitment and retention efforts and reference these efforts in the 2025/2026 Recruitment and Retention Plan.

Report Status

The Monitoring Team and DCYF agreed on a quarterly schedule that would permit DCYF to submit data and supporting documentation to the Monitoring Team, in order to validate DCYF's activities under the terms of Section 12 and ensure a more systematic and timely assessment of recruitment and retention progress, opportunities for improvement, and the efficacy of existing strategies. This quarterly data submission will allow for greater collaboration between DCYF and the Monitoring Team, particularly as it relates to addressing emerging challenges. Pursuant to the terms of that agreement, DCYF submitted all requested documentation for the state fiscal year

as of July 31, 2024. PCG published an amended report in September 2024 which included that data and outlined DCYF's progress made towards 2023 – 2024 Recruitment and Retention goals.

At present, DCYF is in compliance with the terms of Section 12 of the Settlement Agreement. DCYF's obligation to continue working toward those targets as outlined in the 2024–2025 Plan and any subsequent plans, and provide annual report updates, will continue until it exits each of Sections 1–10 of the Settlement Agreement.

Section 1: Assessments – DCYF is no longer subject to monitoring under the terms of Section 1.

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

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

Section 4: Sibling Placements – DCYF is no longer subject to monitoring under the terms of Section 4.

Section 5: Case Management – No additional outcome measures – beyond those described in Sections 6 and 10 – are defined in Section 5 of the Settlement Agreement. As DCYF did not meet the benchmarks described in Section 6 for Reporting Periods 2 and 3, the Department is responsible for conducting a workload study in consultation with the Monitoring Team. That workload study was completed in September 2022.

Section 6: Visitation – The Department is no longer subject to monitoring under the terms of Section 6.1, 6.3, and 6.4. The Department did achieve the threshold for Section 6.2 (Quality of face-to-face visits, Target - 85%, Validated Performance – 87.76%).

Section 7: Licensing – DCYF is no longer subject to monitoring under the terms of Section 7.

Section 8: Child Protective Services – DCYF is no longer subject to monitoring under the terms of Section 8.

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

Section 10: Case Planning – DCYF is no longer subject to monitoring under the terms of Section 10.

Section 11: Maltreatment in Care – DCYF has authored and published on its website its “Annual Safety Report” for Federal Fiscal Years 2018 – 2023, 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 has published its *2024-2025 Statewide Plan for the Recruitment and Retention of Foster Families*. In collaboration with The Monitoring Team, DCYF has agreed to submit quarterly data pertaining to child needs served by available foster families, which includes documentation and quantitative data that summarizes DCYF’s effort throughout the quarter.

DCYF submitted recruitment and retention data related to activities completed under the terms of that Plan on a quarterly basis from July 1, 2023, through July 1, 2024. DCYF will continue to submit data on a quarterly basis until they exit the Settlement Agreement. At present, DCYF is in compliance with Section 12 of the Settlement Agreement.

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

APPENDIX A: MONITORING TEAM PROPOSED AGREEMENT ON SAMPLE SIZES

Introduction

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

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

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

The Monitoring Team has issued four reports summarizing the statewide outcomes from each of the first four Reporting Periods.¹⁰ In those reports, the Monitoring Team raised several concerns regarding the statistical validity of the findings, especially on those measures where statewide performance is being estimated through a review of a random sample of cases. In response to those concerns, DCYF and the Data Validator have negotiated a series of mutually agreeable

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

sample sizes that will result in an acceptable level of statistical confidence in the results. The standards applied will vary, depending on the nature of the review:

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

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

DCYF Quality Review, Two Qualitative Measures

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

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

Under the terms of the Settlement Agreement, DCYF is required for five measures to estimate statewide outcomes through a Quality Review process via which trained DCYF reviewers evaluate a sample of cases in order to estimate the statewide outcome. Of those five measures,

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

¹² As of April 2021.

two involve a subjective determination by the reviewer whether the case should be included in the analysis, and whether DCYF's performance on the case complies with the standards described in the Settlement Agreement:

- **Measure 4.1** requires DCYF to evaluate whether siblings removed from the home are placed together for those cases where such co-placement is deemed appropriate; and
- **Measure 6.2** requires DCYF to evaluate whether the quality of caseworker visitation with children placed out of the home meets the standards employed by federal reviewers during a Child & Family Services Review (CFSR).

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

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

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

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

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

DCYF Quality Review, Three Quantitative Measures

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

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

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

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

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

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

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

| Universe Size | # Reviews to Achieve 95% CL w/ 5% MOE |
|----------------------|--|
| 300 | 169 reviews |
| 500 | 218 reviews |
| 1,000 | 278 reviews |
| 1,165 (6.4b) | 289 reviews |
| 1,888 (10.3) | 320 reviews |
| 5,000 | 357 reviews |
| 10,000 | 370 reviews |

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

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

Data Validator Second-Level Review, All Measures

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

Measures Impacted: All measures

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

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

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

| Measure | Purpose of Second-Level Review |
|--|--------------------------------|
| Assessments 1.1: Assessments completed | Verify CDOs ¹³ |
| Sibling Placement 4.1: Siblings placed together | Verify DCYF Quality Review |
| Visitation 6.1: Monthly caseworker face-to-face visits | Verify CDOs |
| Visitation 6.2: Quality of face-to-face visits | Verify DCYF Quality Review |
| Visitation 6.3b: Frequency of sibling visitation | Verify DCYF Quality Review |
| Visitation 6.4b: Frequency of parent visitation (reunifications) | Verify DCYF Quality Review |
| Licensing 7.1: Non-kinship placements must be licensed | Verify CDOs |
| Licensing 7.2: Background checks required | Verify CDOs |
| Licensing 7.3: Kinship applications completed within six months | Verify CDOs |
| Licensing 7.4: Background checks for family members | Verify CDOs |
| CPS 8.1: Timely screening of reports of abuse/neglect | Verify CDOs |
| CPS 8.2: Response within designated timeframes | Verify CDOs |
| CPS 8.3: Investigations completed within designated timeframes | Verify CDOs |
| Case Planning 10.2: Case plans meet timeliness requirements | Verify CDOs |
| Case Planning 10.3: AACWA elements in case plan | Verify DCYF Quality Review |

Table 3: Purpose of Data Validator Reviews

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

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

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

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

¹³ Computationally Derived Outcomes

| Measure | Purpose of Second-Level Review | Size of Statewide Universe or DCYF QR Sample | # Data Validator Reviews to Achieve 95% CL in Finding Errors Occurring at Rate of 2.5% or Higher |
|-----------------------|---------------------------------------|---|---|
| Assessments 1.1 | Verify CDOs | 446 | 106 |
| Sibling Placement 4.1 | Verify DCYF QR | 145 | 91 |
| Visitation 6.1 | Verify CDOs | 2,223 | 117 |
| Visitation 6.2 | Verify DCYF QR | 237 | 106 |
| Visitation 6.3b | Verify DCYF QR | 124 | 78 |
| Visitation 6.4b | Verify DCYF QR | 289 | 100 |
| Licensing 7.1 | Verify CDOs | 580 | 111 |
| Licensing 7.2 | Verify CDOs | 390 | 110 |
| Licensing 7.3 | Verify CDOs | 133 | 84 |
| Licensing 7.4 | Verify CDOs | 111 | 86 |
| CPS 8.1 | Verify CDOs | 3,113 | 118 |
| CPS 8.2 | Verify CDOs | 2,624 | 117 |
| CPS 8.3 | Verify CDOs | 2,624 | 117 |
| Case Planning 10.2 | Verify CDOs | 1,920 | 115 |
| Case Planning 10.3 | Verify DCYF QR | 320 | 115 |

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

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

Conclusion & Next Steps

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

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