

Rhode Island Department of Children, Youth & Families

Andrew C. v. McKee Monitoring Team Report

Amendment to Monitoring Team Report for Reporting Period 5

Introduction

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 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 its responsibility under the terms of the Settlement Agreement, the Monitoring Team has produced reports summarizing DCYF's performance on a series of outcomes during the six-month Reporting Periods of July 1, 2018–December 31, 2018 (Reporting Period #1) through January 1, 2021–June 30, 2021 (Reporting Period #6). Three of the outcomes summarized in those reports were those described in Section 8 of the Settlement Agreement, which were:

- Outcome 8.1) At least 90% of reports of abuse or neglect are to be screened in or out for investigation within the time frames set forth in DCYF policies duly promulgated consistent with the Rhode Island Administrative Procedures Act;*
- Outcome 8.2) At least 90% of cases screened in for investigation shall be responded to within the time frames set forth in DCYF policies in force and effect at the time duly promulgated consistent with the Rhode Island Administrative Procedures Act; and*
- Outcome 8.3) At least 85% of investigations shall be completed within the timeframes set forth in DCYF policies in force and effect at the time duly promulgated consistent with the Rhode Island Administrative Procedures Act, unless the investigation is continued due to circumstances beyond the control of DCYF. Any extension of the time frame shall be approved by a supervisor. However, such exception beyond the regulatory timeframe shall be accompanied by an assessment of the safety of the child during the pendency of the investigation.*

After attaining, in tandem, the three required benchmarks for two consecutive six-month periods, DCYF shall be able to exit from monitoring under Section 8 of the Settlement Agreement. During Reporting Periods five and six, DCYF performance exceeded the benchmark described in each outcome of Section 8. The Data Validator was unable to validate the results in Reporting Period 5, however, due to an insufficient number of cases being reviewed for the three outcomes to ensure their statistical validity.

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*.

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Outcomes in Reporting Period #5 (July 1, 2020–December 31, 2020)

CPS Outcome 8.1: 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.

CPS Outcome 8.2: 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.

CPS Outcome 8.3: 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.

Outcomes in Reporting Period #6 (January 1, 2021–June 30, 2021)

CPS Outcome 8.1: DCYF identified 3,341 reports of abuse or neglect that were received during the sixth Reporting Period, excluding those calls that were classified as “Information & Referral.” In 3,249 of those 3,341 reports (97.25%), DCYF made a screening decision within the timeframes outlined by statute.

CPS Outcome 8.2: DCYF identified 2,753 reports of abuse or neglect that were received during the sixth Reporting Period and subsequently screened in for investigation. In 2,614 of those 2,753 reports (95.0%), DCYF made contact with the alleged victim, or someone involved in the case or report within the timeframe mandated by DCYF statute.

CPS Outcome 8.3: DCYF identified 2,753 reports of abuse or neglect that were received during the sixth Reporting Period and subsequently screened in for investigation. In 2,460 of those 2,753 reports (89.36%), DCYF completed the investigation within the timeframe mandated by Rhode Island statute.

Statistical Validity of Case Reviews

During Reporting Period 5, the Data Validator conducted a review of a random sample of 100 reports for each of the three CPS outcomes in order to validate the findings reported by DCYF. For the reviews conducted to evaluate performance under Section 8.1, the Data Validator verified that the screening decision was made within the timeframe mandated by Rhode Island statute; for the reviews conducted to evaluate performance under Section 8.2, the Data Validator verified that contact was made within the mandated timeframe; and for the reviews conducted to evaluate performance under Section 8.3, the Data Validator verified that the investigation was completed within the timeframe provided by DCYF.

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While the case reviews conducted by the Data Validator found no discrepancies between the outcome reported by DCYF and the case activity in Reporting Period 5, the 100 reports reviewed for each outcome were of insufficient number to achieve an acceptable level of statistical confidence, and the Monitoring Team was unable to validate the results.

The Monitoring Team and DCYF came to an agreement in August 2021 that the Data Validator will conduct case reviews in sufficient quantity to achieve 95 percent confidence that any systematic errors that occur in at least 2.5 percent of reports will be identified during the review.

In order to satisfy that requirement, the Data Validator reviewed 120 reports for each of the three outcomes of Section 8 during Reporting Period 6. In addition, the Monitoring Team and DCYF agreed that the Data Validator would re-evaluate the findings reported under Section 8 during the fifth Reporting Period after reviewing an additional 20 randomly-selected reports for each outcome. This would bring the number of cases reviewed for each outcome to 120, which would be sufficient to ensure the level of statistical confidence required.

The Data Validator reviewed those additional reports in September 2021, and found that in all cases, the outcome reported by DCYF was consistent with the activity on the report. This review of 120 reports for each outcome is sufficient to ensure 95 percent confidence in finding at least one error, assuming that error occurs in at least 2.5 percent of reports. The Section 8 outcomes from the fifth Reporting Period, which reflects DCYF's meeting the Settlement Agreement standard on each of the three outcomes, may now be considered fully validated.

Monitoring Team Recommendation

The Monitoring Team can now confirm that the required benchmarks have been met for each outcome of Section 8 of the Settlement Agreement for both Reporting Periods 5 and 6, and that the results have been appropriately validated. With DCYF having exceeded the required Section 8 benchmarks for two consecutive reporting periods, the Monitoring Team recommends and will support the Department's filing a Notice of Exit from Section 8 of the Settlement Agreement.