

JUAN F. FAQ

THE CLASS: Children who are or will be in the care, custody or supervision of DCF due to abuse, neglect or abandonment or whom DCF knows, or should know, are at serious risk of such maltreatment

IS DCF CURRENTLY OUT OF COMPLIANCE WITH THE JUAN F. CONSENT DECREE? IF SO, HOW WILL THIS AGREEMENT HELP US ACHIEVE COMPLIANCE?

- The Consent Decree was entered in 1991. The court monitor has documented the State's compliance and its failure to comply with various elements over the course of twenty-five years.
- In 2004, an Exit Plan was entered into by the parties to avoid the department being placed in court ordered receivership. It enumerated 22 specific Outcome Measures the monitor would use to evaluate the department's progress going forward.
- Additional stipulated judgements have been entered since then to address ongoing areas of non-compliance – often resulting from disagreements over funding reductions. It is due to the State's significant progress in recent years that the federal court has not intervened since 2010 ([See Annie E. Casey Report](#)).
- The agreement permanently eliminates 16 measures from active oversight and dramatically limits the requirements for the new Outcome Measures 3 and 4. This greatly enhances the State's ability to meet its obligations by allowing the agency to focus on the specific remaining issues.
- Approval of this new exit plan is in the best interests of the children and families of Connecticut because it requires the department to stabilize staffing at levels necessary to keep caseloads at established limits, address key service gaps, and safeguard current areas of compliance through a minimum budget requirement.
- In addition, the exit from Juan F. would reduce current DCF expenditures that fund the Federal Court Monitor by an estimated \$1 million per year.

WHY ARE WE BEING ASKED TO APPROVE THIS AGREEMENT NOW?

- The department has made significant progress in meeting 16 of the 22 outcome measures in the current exit plan. However, the structure of the current agreement hinders the State's ability to achieve compliance with all of the outcome measures.
- In the spring of 2016, the court directed the parties to begin negotiations to identify ways of ensuring continued progress toward satisfying the remaining needs of the plaintiff children and families in a reasonable timeframe. In September 2016, the court approved the 2016 Revised Exit Plan currently before the legislature for consideration.
- The 2016 Revised Exit Plan 1) eliminates state spending on court monitoring in areas the agency has demonstrated continuing compliance, 2) safeguards the State's ability to maintain current areas of compliance by stabilizing funding, and 3) focuses new funding to areas of non-compliance so the State can meet its remaining obligations to the plaintiff children and families.
- Additionally, the agreement provides for an expedited process for certifying compliance with the remaining outcome measures.

WHAT HAPPENS IF THIS AGREEMENT IS REJECTED BY THE GENERAL ASSEMBLY?

The Parties will continue to operate under the terms of the current Exit Plan. This would:

- Require the state to continue funding active court monitoring on 16 outcomes measures the agency has already demonstrated continued compliance with. (Under the 2016 Revised Exit Plan these funds would instead be spent on meeting the remaining needs of children and families.)

- The current Exit Plan also requires that “*The Defendants shall provide funding and other resources necessary to fully implement the Exit Plan.*” This creates legal and fiscal exposure to the State because:
 - The agency continues to be out of compliance with 6 Outcome Measures and the structure of the current agreement hinders the State’s ability to achieve compliance with all of the outcome measures.
 - The plaintiffs would likely seek greater remedies to address the areas of non-compliance than were negotiated in the 2016 Revised Exit Plan.
 - The Court may likely order the Monitor to conduct a costly needs analysis, at State expense, that would identify greater funding and staffing needs than were negotiated in the 2016 Revised Exit Plan.
 - Based on findings from the Federal Court Monitor’s 2016 time study, which demonstrates the inability of staff to meet their obligations due to caseload size, the plaintiffs could demand and the court could impose additional funding, staffing and comprehensive caseload requirements.

WHY ARE VARIOUS DCF CONTRACTORS LISTED BY NAME IN APPENDIX D? DOES THIS PROVIDE THESE CONTRACTORS RIGHTS AS A THIRD PARTY BENEFICIARY?

Appendix D identifies the service areas gaps that need to be met under the agreement. The contractors listed in Appendix D are those currently providing those services under contract with DCF. The agreement does not establish the current contractors as “third party beneficiaries.” Some existing contracts will be amended to fill service gaps while others will go out to bid. All contracts will remain subject to state procurement laws.

WHAT IS THE CFSR AND WHY CAN’T DCF RELEASE THE DRAFT?

The CFSR is the Child and Family Services Review required by the Children’s Bureau at the US Department of Health and Human Services. It was established to identify areas of strength and those needing improvement in child welfare systems across the country. It is the very nature of the CFSR that areas needing improvement are identified for all states.

The Children’s Bureau is currently conducting a third round of the CFSR process. The report is not yet available because it is far from final. DCF is in the process of reviewing case samples and any draft findings are merely preliminary and subject to change. Reliance on any preliminary findings would be circumspect and any conclusions drawn from them would be premature. It is anticipated that the final report will be completed sometime in the 1st Quarter of 2017.

DOES THIS AGREEMENT TIE THE LEGISLATURE’S HANDS IN DECIDING THE APPROPRIATE LEVEL OF FUNDING FOR THIS AGENCY?

The 2016 Revised Exit Plan sets a minimum level of funding for the agency of \$6.3M above the current FY17 appropriation. This number is well below what the legislature has deemed appropriate for the agency in all but one of the last ten fiscal years. It is \$100M below the initial FY09 appropriation, \$95M below the initial FY13 appropriation and \$33M below the initial FY17 appropriation. Setting a minimum level of funding will provide stability to the agency so that it can set a clear path to meeting its obligations to the plaintiff children in a reasonable timeframe. The end of court oversight will restore the legislature’s role in setting State policies for meet the needs of Connecticut’s most vulnerable children.

DCF Ongoing Oversight

WHAT TYPES OF MONITORING AND OVERSIGHT EXIST FOR DCF?

Even at the conclusion of federal court oversight, DCF will continue to be monitored by federal, state and non-government entities. These requirements will continue long after Juan F. and should provide assurance that monitoring and assessment of DCF's work will carry on in accordance with federal mandates, state quality controls and internal agency review mechanisms.

Federal Monitoring

Due to the robust nature of our internal evaluations, Connecticut is one of only five states that was approved to implement a State-led CFSR. Connecticut had to demonstrate that it has the capacity to evaluate its own performance through a strong quality assurance system. The Connecticut system was recently featured by the federal government at a meeting of the New England states. (See 2016 Revised Exit Plan - Appendix 2: DCF Quality Assurance and Quality Improvement Environment.)

In addition to the CFSR, the Department is required to submit data and reports for a variety of federal funding streams including: Mental Health Block Grant (MHBG), Adoption and Foster Care Analysis and Reporting System (AFCARs), National Child Abuse and Neglect Data System (NCANDS), among others. These are reviewed by federal agencies to determine compliance with established standards. Failure to submit reports and satisfy levels of quality can result in loss of funding and/or penalties.

Legislative Oversight

The Department submits 34 legislatively mandated reports to the Children's and Human Services Committees on data, outcomes, program oversight, and recommendations for ongoing monitoring and review. These reports are posted on [DCF's data website](#). In addition, DCF is one of the lead agencies contributing data on an ongoing basis to the CT Children's Results Based Accountability (RBA) Report Card, a policy and data tool coordinated by the Children's Committee to help legislators, service providers, and the public track the wellbeing of Connecticut's children, and inform budget, management, and planning decisions.

Independent State Oversight

An additional in-state partner with continued oversight of the Department is the Office of the Child Advocate (OCA). The OCA will continue to be a critical partner to DCF post-exit from federal court oversight. The OCA has direct real-time access to DCF's case management system and is in contact with DCF staff daily when there are concerns about case practice, response, and decision-making. We have made progress to ensure this is a good collaboration and that we learn from insights offered from the OCA to improve our work.

Non-Government Evaluators

The Department has also demonstrated its ongoing commitment to sharing data and partnering with external evaluators. For example, various DCF datasets are posted for public use on the CT Open Data Portal. And the Department has a longstanding Institutional Review Board (IRB) process to encourage and support research using DCF data. Currently, there are 29 active and approved research projects, and four more applications are in the review stage for possible approval by our IRB.