



SUMMARY OF THE REVISED JUAN F. CONSENT DECREE EXIT PLAN

By: Katherine Dwyer, Associate Legislative Attorney
Rachel Della Pietra, Principal Analyst, Office of Fiscal Analysis

ISSUE

Summarize the *Juan F.* consent decree 2016 revised exit plan.

SUMMARY

For over 25 years, the Department of Children and Families (DCF) has operated under a consent decree resulting from a 1989 federal class action lawsuit (*Juan F.*). The suit charged DCF's predecessor agency with failing to provide necessary services for children and youth who were previously or were then at risk of being abused or neglected. The consent decree called for a number of reforms and a court monitor to oversee them. In 2004, the court approved an "exit plan" enabling DCF to end the court monitoring if it achieved 22 benchmarks for at least six months. (For more information about the *Juan F.* lawsuit and the 2004 exit plan, see OLR Report [2012-R-0461](#).)

In September 2016, the court ordered a revised exit plan that would (1) end oversight of benchmarks DCF has achieved and (2) set a new exit path. The plan requires DCF to meet and sustain compliance with ten outcome measures simultaneously for at least six months in order to end court oversight. Four of the ten measures are "pre-certified," meaning that the court monitor has already determined that DCF is in compliance with them.

The plan also sets a floor for DCF's budget and specifies services that must be maintained as part of the exit plan. Under the plan, the court monitor is responsible for identifying and filing reports with the court on any specific personnel or service resource shortages that he determines may impede the plan's full implementation. He also remains responsible for quarterly reporting requirements already in place.



The plan includes appendices that provide (1) additional information about each of the outcome measures and court monitor protocols for complying with them, (2) details about General Fund budgeting requirements, and (3) a list of services the department must maintain for the plan's duration.

The revised plan will take effect and supersede the current plan in early February unless the General Assembly votes to reject it by a three-fifths majority of both chambers. The state must notify the court of the General Assembly's action by February 8, 2017.

OUTCOME MEASURES

The plan includes ten outcome measures, four of which are pre-certified (see Table 1).

Table 1: Outcome Measures Under 2016 Exit Plan

Pre-Certified Measures	
Repeat Maltreatment of Children (Measure 7)	No more than 7% of children who are victims of substantiated maltreatment during a six-month period can be substantiated victims of additional maltreatment during a subsequent six-month period.
Maltreatment of Children in Out-of-Home Care (Measure 8)	No more than 2% of children in out-of-home care can be victims of substantiated maltreatment by substitute caregivers.
Re-Entry into DCF Custody (Measure 9)	No more than 7% of all children who enter DCF custody are re-entering care within 12 months of a prior out-of-home placement.
Worker-Child Out of Home Visitation (Measure 10)	DCF must visit at least 85% of all children placed outside their homes at least once each month, except for probate, interstate, or voluntary cases. All children must be seen by their DCF social worker at least quarterly.
Remaining Outcome Measures	
Investigation/Family Assessment Response (FAR) Commencement (Measure 1)	DCF must prioritize, assign to either the investigation or FAR track, and commence investigations of at least 90% of reports alleging child abuse or neglect it receives through its Careline within specified timeframes. (Under FAR, DCF conducts a 45 day assessment of lower risk cases and, as appropriate, provides referral to community services.)
Investigation/FAR Completion (Measure 2)	DCF must complete 85% of its investigations into alleged child maltreatment within 45 days of Careline acceptance.

Table 1 (continued)

Remaining Outcome Measures (continued)	
Case Plans (Measure 3)*	DCF must develop appropriate case plans based on court monitor protocols and other specified criteria. The plan makes exceptions for probate, interstate, and subsidy only cases.
Children's Needs Met (Measure 4)*	This measure requires "families and children [to] have their medical, dental, mental health, and other service needs met" in compliance with court monitor protocols and other specified criteria.
Worker-Child Visitation (Measure 5)	DCF must visit at least 85% of all in-home family cases at least twice a month. The plan makes exceptions for probate, interstate, and voluntary cases.
Caseload Standards (Measure 6)	DCF social worker caseloads cannot exceed specified standards, with exceptions for emergencies lasting no more than 30 days. Also, the average caseload of all DCF social workers per category must not exceed 75% of the maximum caseload standards.

*The plan specifies five "enforceable domains" for outcome measures 3 and 4 (e.g., child and family engagement, contracting or providing services to achieve permanency) and pre-certification of these outcome measures is contingent on DCF complying with each of them.

FUNDING REQUIREMENTS AND FUTURE SAVINGS

DCF General Fund budgeting may not fall below approximately \$801.2 million every fiscal year until final termination or enactment of a new plan. Final termination would result in annual savings to the Office of the State Comptroller (OSC) of approximately \$1 million. This amount reflects the total FY 16 cost to OSC to support salary and related expenses for the DCF Court Monitor, the Assistant Court Monitor, and the Office Manager/Administrator.

The plan establishes the DCF appropriation floor by protecting the agency's current FY 17 General Fund appropriation in its entirety and adding to it, in specific accounts, by a total of \$6.4 million.

The plan requires that General Fund support for DCF not fall below the amount appropriated under PA 16-2 May Special Session (MSS) (\$794,842,146).^[1] It also establishes additional funding requirements associated with services DCF is tasked to provide. The Office of Fiscal Analysis anticipates that these new requirements would result in an agency deficiency of approximately \$2 million in FY 17, which reflects partial-year implementation of the plan. (Table 2 at the end of the report provides further detail on this estimate and a breakout of the annualized amount.)

^[1]Paragraph 7.a. of the plan indicates that a summary of DCF's budget under PA 16-2 MSS is attached as Appendix C. It should be noted, however, that the summary provided in Appendix C includes holdbacks totaling \$ 580,826 and, therefore, does not reflect the amount appropriated under the PA (see Appendix C of the plan and PA 16-2 MSS pp. 20-21).

Under the plan, all funding requirements must be maintained for 12 months after the court's jurisdiction over the measures terminates, as discussed below. Upon validation by the court monitor after this period, the state may file a motion requesting final termination of the court's oversight.

PRE-CERTIFICATION PROCESS

Under the plan, provided the monitor does not identify any further issues with the four pre-certified measures, DCF may forgo a final review of them and still assert compliance when seeking to terminate the court's jurisdiction.

The court monitor may, at his discretion, conduct a pre-certification review of any of the six remaining measures (see Table 1) once DCF has complied with the measure for six months. According to the plan, the review is intended to:

1. recognize DCF's sustained improved performance,
2. identify any problem areas affecting the well-being of abused and neglected children or those at risk of abuse or neglect who are or become committed to DCF or come under its care or custody, and provide DCF a prompt and timely opportunity to remedy them, and
3. increase DCF's complete compliance with the plan in order to exit from the consent decree.

Once the monitor has pre-certified all the measures and DCF has sustained this compliance for six months, the state may file a motion to terminate the court's jurisdiction over all of the measures.

TERMINATION OF THE COURT'S JURISDICTION

Final Review

Prior to the court adjudicating the motion to terminate, the court monitor must determine if any of the measures require a final review. A pre-certified outcome measure will not require final review if (1) the pre-certification review did not identify any material issues that require remediation, (2) there are no pending assertions of noncompliance with the measure when DCF asserts sustained compliance with all the outcome measures, and (3) the court monitor has not identified any material issues requiring remediation since the pre-certification review.

If the monitor determines final review is necessary for any of the measures, he must review a statistically significant sample of case files and use other necessary measurements to determine if DCF has complied with its obligations under those

measures. Within 90 days of DCF submitting the motion, the monitor must present his findings and recommendations to the court. The parties must also have an opportunity to be heard by the court before it renders a verdict on the motion.

Final Termination

If the court grants the motion to terminate, the revised exit plan will remain in force for an additional twelve months. During that time, DCF must issue two reports, each covering six-month periods, on the department's continued performance under the outcome measures, subject to the court monitor's validation.

At the end of twelve months, when the court provides its validation, the parties must file a joint motion requesting final termination of the court's jurisdiction.

According to OFA, final termination of federal oversight would result in annual savings to OSC of approximately \$1 million. (See FUNDING REQUIREMENTS AND FUTURE SAVINGS above for more detail.)

Table 2: Revised Juan F. Exit Plan: Additional Funding Required for DCF¹

Account (Program)	Area to be served, number of clients, target population	Annual Funding Need²	FY 17 Impact Estimate³
Child Abuse and Neglect Intervention / Individualized Family Supports (<i>Parenting Education and Support</i>)	Statewide	\$1,800,000	\$600,000
Family Violence Outreach and Counseling (<i>Multi-Systemic Therapy - Intimate Partner Violence</i>)	Fill gap for intensive support for families involved with IPV, Region 6	\$530,000	\$176,667
Community Based Prevention Programs (<i>Child First</i>)	Fill gap due to expiring federal grant. Currently services 42 - 48 families annually	\$462,000	\$154,000
Child Abuse and Neglect Intervention	Multiple service types	\$455,124	\$151,708
Community Kidcare (Emergency Mobile Psychiatric Services - EMPS)	Statewide	\$450,000	\$150,000
Child Abuse and Neglect Intervention (Youth Villages)	Statewide. Supports ~32 youth each year	\$440,000	\$146,667

Table 2 (continued)

Account (Program)	Area to be served, number of clients, target population	Annual Funding Need²	FY 17 Impact Estimate³
Health Assessment and Consultation	Address increased volume	\$400,000	\$133,333
Family Violence Outreach and Counseling (<i>Recovery Case Management</i>)	~90 families annually	\$300,000	\$100,000
Other Expenses (<i>Infant Mental Health Training</i>)	Statewide to support for workforce development improving outcomes for children ages 0 - 3	\$240,000	\$80,000
Child Abuse and Neglect Intervention (<i>Therapeutic Child Care</i>)	Development in Region 2	\$210,000	\$70,000
Juvenile Justice Outreach Services (<i>Multi-Systemic Therapy - Transitional Age Youth</i>)	Increase service availability for youth ages 17 - 19	\$150,386	\$50,129
Community Kidcare (<i>Multi-systemic Therapy - Building Stronger Families</i>)	Increase service availability for more families	\$131,000	\$43,667
Family Violence Outreach and Counseling (<i>Intimate Partner Violence</i>)	Achieve statewide utilization	\$120,000	\$30,000
Regional Behavioral Health Consultation (<i>CT Access Mental Health</i>)	Support psychiatric coverage statewide at all three hubs	\$107,468	\$26,867
Substance Abuse Treatment (<i>Family-Based Recovery</i>)	Families with children ages 0 - 3	\$97,263	\$24,316
Family Violence Outreach and Counseling	Ensure coverage in Regions 5 and 6	\$94,610	\$23,653
Grants for Psychiatric Clinics for Children (<i>Cognitive Behavioral Intervention for Trauma in Schools</i>)	Statewide for children/ youth ages 9 - 18	\$90,000	\$22,500
Family Preservation Services (<i>Intensive Family Preservation</i>)	Statewide	\$84,000	\$21,000
Board and Care for Children - Adoption (<i>Wendy's Wonderful Kids</i>)	Statewide	\$78,217	\$19,554

Table 2 (continued)

Account (Program)	Area to be served, number of clients, target population	Annual Funding Need²	FY 17 Impact Estimate³
Day Treatment Centers for Children (<i>Extended Day Treatment</i>)	Statewide for children and youth ages 12 - 18	\$75,000	\$18,750
Differential Response System (<i>Community Support for Families</i>)	Timely availability statewide	\$60,195	\$15,049
TOTAL		\$6,375,263	\$2,057,858

Source: Office of Fiscal Analysis

¹ The funding detailed in the table above is required under paragraph 7.b. of the revised exit plan. It should be noted that paragraph 7.a. requires that annual agency funding not fall below the amount appropriated for the agency under PA 16-2 MSS (\$794,842,146.)

² The provisions of the plan, assuming it is not rejected by the General Assembly, will remain in effect until the Court issues a final order to terminate oversight.

³ Assumes the plan will be effective on February 8, 2017 (see paragraph 1 of the plan) and that contracts will be amended/requests for proposals processed by April 1, 2017.

KD/RD:cmg