

Child and Family Service Review Withholding and Performance-Based Visitation Incentives Q & A

Questions about the Visitation Incentive Fund and how the Process will Work:

- 1) Are State Child Protection Allocation (SCPA) funds being withheld to fund these performance-based visitation incentives?

Answer: Yes

- 2) When are SCPA funds being withheld?

Answer: 3rd and 4th quarter allocations

- 3) When will counties see a reduction in their SCPA funds, and will there be an opportunity to make corrections to improve performance?

Answer: 1st and 2nd quarter allocations will represent the full quarter of the allocation, and SCPA funds will not be withheld until the 3rd quarter. The county will get an allocation check in January 2016, which will be reduced by the determined percentage of the \$3,000,000 fund (addressed on the spreadsheet attached to the July 13, 2015 ODJFS communication from Deputy Director, Jennifer Justice). On February 1, 2016, the visitation report for Quarter 2 (October – December 2015) will be reviewed, and if the county is achieving one of the established performance benchmarks, its allocation amount will be adjusted, and a second allocation check will be sent.

Counties will again receive a reduced allocation payment in April 2016 for the 4th quarter. On May 1, 2016, performance will be reviewed for Quarter 3 (January – March 2016), and an adjusted allocation will be sent, if appropriate based upon Quarter 3 performance.

- 4) What is the goal of the performance-based visitation incentives?

Answer: Ohio did not meet its performance improvement goals for the CFSR Round 2 measures on the “absence of recurrence of maltreatment” and “caseworker visits with parents and children who are receiving in-home and out-of-home care services.” Ohio was assessed a fiscal penalty of \$3,847,780, and ODJFS paid this fiscal penalty for the state’s non-conformity with these CFSR measures. In an effort to increase Ohio’s ability to be in substantial conformity during the next CFSR, the incentive fund was established.

- 5) How will county performance be measured?

Answer: The *SACWIS Comprehensive Visitation Report* is being used to measure county performance because it includes data on visits with both parents and children, which, as noted above, were two of the measures Ohio failed in CFSR Round 2. The SACWIS report is also inclusive of both in-home and out-of-home care cases.

- 6) Why isn’t ODJFS using the same report to assess county performance for the incentive fund as used to report data to the federal government for Title IV-B Monthly Caseworker Visit Formula Grants?

Answer: The BIC Visitation Report yields the data Ohio sends to the U.S. Department of Health and Human Services, Administration for Children and Families for purposes of reporting on Title IV-B compliance; however, this report only provides data on visits made with children who are in substitute care. Because this report is more limited in scope than the CFSR measures on visits, it is not being used to track performance for the incentive funds.

- 7) When are reports being pulled to measure quarterly performance? Will the numbers that count be run each month or will it be done at the close of the quarter and what date will that occur? In other words will that give us time to correct things we can?

Answer: February 1st and May 1st. The report for Quarter 2 (October-December) will be generated on 2/1/16, and the report for Quarter 3 (January-March) will be run on 5/1/16 to allow sufficient time for data entry. PCSA directors and children services administrators will continue to receive the monthly summary report with their county's data on the 15th of each month, allowing counties an opportunity to impact their performance for that month. This summary report will be revised to include totals for all adult visits met and totals for all child visits met (in-home and substitute care cases combined). Please see the attached sample showing the new layout for the summary report.

Questions about the Structure of the SACWIS Comprehensive Visitation Report

- 8) What is the population included in the *SACWIS Comprehensive Visitation Report*?

Answer: SACWIS staff have worked closely with Technical Assistance and Policy staff to create an accurate population of children and adults requiring a monthly visit while being responsive to county concerns and feedback. The following criteria determine inclusion into the reporting population:

- All children who are **Active Case Members (Case Participants)** of an Ongoing, Ongoing AR, or Adoption case, regardless of whether they are on an active case plan, **except** on a case where one or more children are in agency custody and other children in the family are not in custody. In this situation, the children who are not in custody will only pull into the report if they are listed as case plan participants. (Note: the exclusion of these in-home children is pending. It is anticipated that this will be completed by 8/14/2015.)
- All children who are members/participants of an open case and have a non-end dated **Agency Legal status**, including COPS, TCOPS, and COPS extension.
- All children and adults who are **participants on any open case plan** regardless of the case category.

- 9) Regarding visitation with children in substitute care, what is being considered in the calculation of the SACWIS report – just monthly contact or monthly contact in the placement setting?

Answer: The SACWIS report does not factor in the setting of the visit in determining whether a visit occurred. There is a column on the report detail that identifies whether a monthly placement setting visit was completed to assist agencies in tracking whether visits are occurring in the placement setting, but this information is not used to determine whether or not a visit is “counted” in the report. This is still an important issue for agencies to track, as Ohio

Administrative Code rules (5101:2-42-65 and 5101:2-48-17) require 100% of the visits with children in custody be within the substitute care setting.

- 10) Regarding visitation with parents, are only completed contacts (not three attempts monthly) included in the achievement percentages for the incentive?

Answer: The federal CFSR requires “substantial justification” when the typical pattern of visits with a parent or child has been less frequent than monthly. Although the federal CFSR does not offer “bright line” guidance regarding a specific number of attempted contacts to demonstrate “sufficient justification,” Ohio’s monitoring standard for the Child Protection Oversight and Evaluation process has been that three good-faith attempts to complete a visit demonstrates an agency’s efforts to meet policy requirements. For consistency with our monitoring and technical assistance, three good-faith attempts to complete a visit with parents or children, documented on separate days of the month, will be factored into county performance for the incentive funds. The *SACWIS Comprehensive Visitation Report* will be adjusted accordingly, and counties should expect to see this reflected in their data as of August 14, 2015.

- 11) Concerns have also been identified about the accuracy of *the SACWIS Comprehensive Visitation Report* when more than one county has involvement with a family. An example is when Agency A holds custody, and Agency B is conducting a courtesy home study. Members of these cases are sometimes displaying in Agency B’s report.

Answer: The SACWIS team is working to address this issue. It is anticipated that the report will be corrected in the next two weeks. The report will first look at the child’s custodial agency and display a worker for that agency. If there is no custodial agency, the report will look at the agency that created the most recent case plan and the case plan participants. If there is no case plan for the case, the report will look at the agency who ‘owns’ the case.

- 12) The Knowledge Base Article for the *SACWIS Comprehensive Visitation Report* includes the following disclaimer: "The inclusion or exclusion of a child or an adult from this report does not necessarily mean that the child or adult does or does not require a visit based up on rule (5101:2-38-01 and 5101:2-42-65)." If the above is a disclaimer to the report, how can we feel confident that the data being reported is accurate? Further, how can we be penalized if we do not have the tool that we need to ensure data integrity?

Answer: The article includes this note of caution, as there are narrow circumstances under which a visit may be required but not reflected in the report. For example, if a CPOE or CFSR review occurred on a case where the case plan had not yet been established, it would be expected that the agency is visiting the parent or caregiver upon transfer to an ongoing case status, regardless of whether the case plan has been established. The only alternative to the current method is to pull all adult active case participants into the report. This would mean the base population of adults would be much higher and much more difficult to meet.

- 13) It also seems that the data you use is different in different places. For example, in the BIC Visitation Report provided to the federal government, our county shows 100% compliance for visits with kids in care, but the Comprehensive Visitation Report shows we are out for some kids? How does that work?

Answer: There are some differences in the total populations between the two reports, based on the different requirements guiding each report. For example, the BIC report does not include

youth in custody who are age 18 and older, because this population of youth in out-of-home care is not currently factored in states' compliance with the requirements for the Title IV-B Monthly Caseworker Visitation Formula Grants. However, per state policy, all youth in custody (including those who are 18 and over) must be visited on a monthly basis, so these youth are included in the *SACWIS Comprehensive Visitation Report*, so that counties are able to accurately track and monitor whether these visits are occurring as required.

Questions about the Application of Policy and Best Practice Considerations:

14) What if clients refuse to meet with the caseworker - will this be counted against the agency?

Answer: In spite of caseworkers' best efforts to engage families, there are select circumstances under which visits are not able to be completed for a variety of reasons. For purposes of the CFSR, visits are measured through the onsite case review process. The CFSR case review instrument requires "substantial justification" if the typical pattern of visits with either parents or children is less than monthly. The *SACWIS Comprehensive Visitation Report* cannot determine whether "substantial justification" exists in the case record in the same way that a human reviewer would. Based on county feedback and concerns about being disadvantaged in achieving the 95% performance goal for situations that a case reviewer might reasonably consider meeting the threshold of "substantial justification" in the case documentation, ODJFS has chosen to revise the performance benchmarks for the incentive funds outlined in the July 13, 2015 letter.

Although the national standard for visits with both parents and children is 95% achievement, for purposes of the incentive fund, a "margin of error" adjustment has been applied to the performance benchmarks to account for cases that might be considered in compliance with the benefit of a full review of the case documentation. The performance goals for the incentive funds have been revised as follows:

Visits with Children

90% or higher = 100% of funds
85% up to 89.99% = 90% of funds
75% up to 84.99% = 80% of funds
65% up to 74.99% = 70% of funds

Visits with Parents

90% or higher = 100% of funds
85% up to 89.99% = 90% of funds
75% up to 84.99% = 80% of funds
65% up to 74.99% = 70% of funds

15) What about those cases where contacts are waived due to safety concerns?

Answer: 5101:2-38-05 (W) allows for the home visit to be suspended if a safety threat to the caseworker is present. However, (X) of this rule requires that agency complete face-to-face contact no less than monthly in a location that ensures the safety of the caseworker. The *SACWIS Comprehensive Visitation* report only counts whether the visit occurred and is not looking at the setting, so the face-to-face visit in a safer location would count.

16) Is the state recommending removing parents/adults from the case plan if they are not receiving services?

Answer: At a minimum, custodial parents are receiving case management services when a family is in an ongoing case status and should remain on the case plan. It would not be

appropriate to make a blanket statement to remove parents/adults from the case plan if they are not receiving services, as the case plan is designed to serve the family system. The recommendation has been for counties to use the report as a tool to review who is included on the case and determine if each individual should or should not be receiving case plan services. In addition, there may be individuals identified on the report that are no longer active members of the case, such as safety plan participants, that should be de-activated.

- 17) Our court will not allow removal of an absent parent from the case plan. Is there a way to document the absent parent on the case plan and include efforts to locate, without this individual pulling into the report?

Answer: Although agencies must make concerted efforts to assess the needs of non-custodial parents and include them in case planning and case plan services, there are exceptions that are informed by case-specific circumstances. One such example may be a non-custodial parent who lives in another state, and the parent child relationship appears to be nonexistent. Although the PCSA would want to document its attempts to engage the non-custodial parent through phone calls, letters and e-mail, participation in case plan services and related visits may not be applicable. The federal CFSR allows for reviewers to consider whether the item measure on visits is applicable based on this type of information in the case record. As noted in #14 above, a “margin of error” adjustment has been applied to the performance benchmarks to account for cases that might be considered in compliance with the benefit of a full review of the case documentation.

In cases where a legal father has not been established, it is not required and has not been recommended from a policy perspective that a putative father be listed on the case plan. Rather, the establishment of paternity could be pursued as a case management, child-focused service without naming the putative father on the case plan.

- 18) Why has there been an interpretation that we must see a sibling even if we do not have them on an open case plan? For example, if we have a delinquent youth in residential placement, what legal authority do we have to see the siblings each month when the parents don't want us to be dealing with them, and the court does not allow us protective supervision on those kids or we do not file as it is inappropriate?

Answer: This policy guidance has been based on the principle of serving family systems, which is consistent with federal expectations within the Child and Family Services Reviews. The removal of any child/youth from the family unit has an impact on the entire family. Regular contact with all individuals residing in the child's home of origin is needed to support the ongoing assessment of safety and risk and/or readiness for reunification.

The Federal CFSR Review tool supports the assessment of safety and risk from a family systems perspective and requires documentation of the ongoing assessment of risk and safety concerns not only for the “target child” in care, but also for any children remaining in the family home. However, for the item on caseworker visits with children, for children and youth in substitute care settings, visits are assessed specifically for the “target child” in care (vs. all children in the home for in-home cases). The SACWIS Team is currently working to implement a solution that will allow the *SACWIS Comprehensive Visitation Report* to more closely mirror this structure. Once completed, the *SACWIS Comprehensive Visitation Report* will be able to identify cases where there is at least one child on the case requiring an in-home visit and at least one requiring

a foster-care visit. In these cases, if the in-home child is not a participant on the case plan, this child will not be included in the report.

- 19) If a child in custody is placed with a kinship provider and the kinship provider has other biological children of the kin relative in their home, are those children required to be visited as well?

Answer: If the child is in agency custody, the requirement would be based on the case plan participants.

- 20) Will all individuals on the visitation plan with the child be pulled into the *SACWIS Comprehensive Visitation Report*?

Answer: No. Individuals on visitation plans can be case members or non-case members but would only pull into the report if also listed as an adult on the first page of the case plan. It is not required that the participant be listed on the first page of the case plan in order for a visitation plan to be added.

For additional assistance related to the *SACWIS Comprehensive Visitation Report* or entering visit information in SACWIS, please contact the SACWIS Help Desk:

SACWIS_HELP_DESK@jfs.ohio.gov

1-800-686-1580, option 3 then 5