

West Virginia

Commission to Study Residential Placements of Children

Progress Report

December 10-11, 2005

Submitted to

**The Joint Committee on
Government and Finance**

Submitted by

**Martha Y. Walker, Chair
Cabinet Secretary, WV Department of Health & Human Resources**

NOTE: This report reflects the work of the Commission through November 29, 2005 and serves to provide an update on the progress of the Commission's work as well as list the expectations for continuing and finalizing the work that the Commission was created to do.

Background

Since the creation of the Commission to Study Residential Placements of Children on April 9, 2005, the Commission has formally met five times from July through November. These meetings have been attended by the majority of the Commission members along with several other individuals representing various organizations and agencies throughout the state. A list of the members of the Commission is provided in Appendix A. In addition, designated study working groups as noted below have been meeting between meetings to address specific areas, do research and bring information and recommendations to the full Commission.

During the initial meeting, the Commission members were provided with notebooks containing information important to the Commission's work. This information included:

- Summary of the Legislation (copy of HB 2334, overall purpose, members, the responsibilities of the Commission);
- A copy of the July 2004 Strategic Plan which the Legislature requested that DHHR submit to reduce its reliance on using out-of-state placement and an update to this report (May 2005). The group that worked on the Strategic Plan had been meeting since July 2004 and there are three small sub-committees from that group that are looking at service development, training skilled development (both for the private and public sectors), and the Multi-Disciplinary Team (MDT) process.

According to the legislation (H.B. 2334), the Commission was mandated to study the following areas:

1. Current practices of placing children out-of-home and into residential placements, with special emphasis on out-of-state placements;
2. Adequacy, capacity, availability and utilization of existing in-state facilities;
3. Strategies and methods to reduce the number of children who must be placed in out-of-state facilities and to return children from existing out-of-state placements, initially targeting older youth who have been adjudicated delinquent;
4. Staffing, facilitation and oversight of multidisciplinary treatment planning teams;
5. Availability of and investment in community-based alternatives;
6. Showing in-state placement availability;
7. Strategies and methods to promote and sustain cooperation and collaboration between the courts, state, and local agencies, families and service providers;
8. Availability of including "no-refusal" clauses in contracts with in-state providers;
9. Identification of in-state service gaps and the feasibility of developing services;
10. Identification of fiscal, statutory and regulatory barriers to developing needed services in-state;
11. Ways to promote and protect the rights and participation of parents, foster parents, and children involved in out-of-home care; and
12. Ways to certify out-of-state providers to ensure that children receive high quality services consistent with this state's standards.

The Commission continues to build an implementation plan that will include recommendations to do the following:

- To reduce out-of-state placements by at least 10 percent per year and by at least 50 percent within three years.
- To develop joint operating and funding proposals within child-serving agencies to serve the needs of children and families in a more seamless way.
- To obtain all necessary federal plan waivers or amendments in order for agencies to work collaboratively while maximizing federal funds.
- To enter into memoranda of understandings among agencies regarding joint responsibilities.
- To incrementally establish systems of care components and cooperative relationships at the local, state, and regional levels.
- To make recommendations for changes in fiscal, statutory, and regulatory provisions for legislative action.

There were four specific areas listed in the statutes that the Commission needed to cover. These were:

- (1) Study Area 1 – **Strategic Planning** (including strategies and methods to reduce the number of children presently placed out of state);
- (2) Study Area 2 – **Region II System of Care** – how to transition many positive elements of that project into a statewide system;
- (3) Study Area 3 – Identify where there is **cooperation** among all involved parties and where there are barriers in developing needed services; and how to fund these services;
- (4) Study Area 4 – Almost **completed or in the process**, such as including the “no-refusal” clause in contracts with in state providers and the DHHR website which was scheduled to be ready by the end of July 2005.

The Commission deployed four working groups to focus on the four study areas. Where appropriate, existing working groups on the topics were asked to work in one of the four areas. The twelve mandated items for attention by the Legislature were placed under one of the four study areas based on best fit. These four working groups met outside of the formal Commission meetings to research, discuss and prepare reports to present to the full Commission. Each of the four groups reported on their study area and presented their findings and recommendations to the Commission for discussion. At present, the recommendations are being compiled with additional detailed information and actions to take.

Overall Work

After gathering a wealth of information on what has been addressed by others, what is in progress and what challenges remain, the Commission clearly sees opportunities for improvement. Finding the best solutions to very complex and dynamic situations that have many different perspectives is not an easy task. The Commission is committed to bringing new views to the issues and finding ways to make improvements that are lasting. This will take critical thinking to frame the issues and to develop solutions. Already, the Commission has been tackling the most difficult challenges.

Work in Process

Some of the work of the Commission has already begun and some of it is already completed. Listed below are some of the completed and in-process activities that the Commission is involved with.

- The **WV Child Placement Network (WVCPN) website** was launched in late July. The website allows one to view in one place, in real time, the availability of resources to meet the specific needs of the child for placement and treatment. Future enhancements are already planned for WVCPN.
- The new **Group Residential Provider Agreement** was effective September 1, 2005. Two new things had been incorporated into this agreement as a result of House Bill 2334. First, the Provider must update the bed availability information on the website daily. Second, the inclusion of the ‘no-refusal’ clause which basically states that if the Provider has an open bed in which it has been determined is appropriate for the level of care that the child needs, then they will be expected to provide services for that child.
- **Legislation** have been drafted and will be introduced during the 2006 legislative session which will allow licensed group residential facilities in West Virginia to continue the placement and treatment of youth in state custody at their facilities upon reaching their 18th birthday. This will allow the youth to complete their treatment without a disruption in placement.
- Through the work of the Commission, **lines of communication** have been opened among various organizations and agencies throughout the state that are involved in the placements of children, whether directly or indirectly. The Commission meetings have been well attended and productive with the group really focusing on and dealing with important issues.
- Immediate actions taken by the Commission have resulted in **better data being available** on the out-of-state placements of children. Further work is being done to assess youth currently in out-of-state placements to develop **data driven recommendations** as to service gaps, programmatic needs, barriers, training needs, etc. The initial focus is on 16-21 years of age out-of-state placements.
- The Commission has identified other existing work relative to the work it is doing. This includes the WVDHHR developed *Strategic Plan on Reduction of Dependence on Out-of-State Placement of Youth* and the WV Out-of-Home Care Education Task Force’s report, *Reaching Every Child: Addressing Educational Attainment of Out-of-Home Care Children in West Virginia*. The Commission is striving to **enhance and support the efforts of this other work**, not duplicate it. Many of the recommendations from these earlier efforts are being integrated into the Commission’s work. In fact, the mentioned Task Force, under the leadership of the WV Department of Education, continues its implementation work that will assist what the Commission is striving to accomplish.

- Work is being done to make the necessary **changes in the West Virginia Certificate of Need Summary Review process** to allow program reconfiguration and expansion to address WVDHHR identified needs, gaps and barriers.
- Work is also in process on implementing **uniform statewide protocols for timely and appropriately pre-reunification and discharge services** for all youth in out-of-state placement.
- The Commission has a subgroup working with the Division of Juvenile Services (DJS) on how to immediately make adjustments to **address more in-state capacity for adjudicated delinquents, particularly 18-21 year olds**. DJS has offered to work on making adjustments in the type of beds and available locations based on what makes sense to meet the capacity needs.
- The Commission is working on **specific recommendations that would address/improve what the Commission has been charged to do or any aspect of the out-of-state placement issue**. This work is being done as we speak, and recommendations should be gathered by mid-December. The Commission plans to hold an extended meeting on January 18, 2006, to address the recommendations and determine relative next steps for the Commission.

Key Points of Focus

Some of the major areas that the Commission is working to address include:

- ***System of Care:*** The Mountain State Family Alliance in Region II has been the agency that has been implementing the System of Care Grant for seriously emotionally disturbed children in Region II since West Virginia was awarded the grant in 1999. This is currently the last funded year, but there is enough money left so it will be continued for an additional year at no cost. This group is now looking at sustaining what it has learned as well as transitioning it both within Region II and other parts of the state. Another group, the System of Care Collaborative, attended a Training Institute Meeting three years ago that focused all about the System of Care – how to work to meet the needs of the children and their families; how to build that system and continuum of care to hopefully keep children and families together. These groups, working together with the Commission subgroup, have developed some recommendations, some of which require a ‘fiscal note’. Fiscal notes are being done to correspond to the specific recommendations. All recommendations are being evaluated for cost, impact, difficulty, etc.
- ***Definition of Out-of-State:*** The Commission has been focusing on what will work best in terms of keeping the child and family together. A key issue surrounds the definition of “out-of-state” as it applies to ensuring Federal regulations are met as to the proximity of placement to the child’s support system. This touches, in part, on being able to receive Federal funding for some program costs. The Commission is considering a more effective “locality rule” that will help ensure that the best interests of the child are being attended and still be aware of keeping our children within the state. Ultimately, the goal

is to build policy and adopt practices that focus on the interest of the child and family without having to worry about the strict “state boundary line” issue.

- ***Education for Out-of-State Placements:*** Currently there are no consistent standards in place for the education of out-of-state placements, except in the case of those who are special education students. The Commission desires that those students who must be placed out-of-state are ensured of quality education that will be transferable when they return to West Virginia.
- ***MDT Process:*** The Commission recognizes that the MDT process in theory is a good concept; however, investigation into the process shows that it doesn’t consistently work everywhere the way it was intended to work. The Commission is focusing on how the MDT process might be improved and implemented more effectively. A fiscal note is being done for this also. In practice, the MDT concept fits with the earlier discussed “system of care”.
- ***18-21 Year Olds:*** A group has been looking at the older adjudicated delinquents and looking at what additional information is needed regarding the characteristics of those groups and what are the gaps in resources in West Virginia. The Commission has several members, including representatives from Division of Juvenile Services, looking at what can be done immediately to increase bed capacity for some of these students already placed out-of-state and those who may be in the future.
- ***Implementation Strategy:*** The Commission recognizes the value of an array of people being brought together to implement actions and recommendations. A critical concern by the Commission is that recommendations and the important communication among those involved in the system not be dropped when a final report is completed. Rather, the Commission will be building a process for continued tracking and monitoring of the issues it has addressed. Earlier models were in place to do this. The Commission wants to be assured its work will be implemented and issues and problems that surface in the future are addressed in a timely manner by the right people.

Next Steps

The first round of recommendations, primarily generated from the four study groups’ work, has been compiled into a working recommendations table that provides information on each one. This includes who will be responsible for the implementation of the recommendation, its costs, its difficulty to accomplish along with the estimated impact it might have on improving the system.

The Commission members are now providing additional specific recommendations based on what our work and their professional perspective. These will be compiled and readied for review by the full Commission. An extended meeting will be held in mid-January to finalize the first full round of recommendations.

APPENDIX A

MEMBERS OF THE COMMISSION TO STUDY RESIDENTIAL PLACEMENTS OF CHILDREN

Name	Title	Agency
Martha Yeager Walker, Chair	Cabinet Secretary	WV Department of Health & Human Resources
Margaret Waybright	Commissioner	Bureau for Children and Families
Lynn Boyer	Executive Director	Office of Special Education WV Department of Education
Pam Cain	Assistant State Superintendent	WV Department of Education
Frank D. Andrews	Superintendent of Institutional Educational Programs	WV Department of Education
Cindy Largent-Hill	Acting Director	Division of Juvenile Services MAPS
Steve Canterbury	Administrative Director	Administrative Office WV Supreme Court of Appeals
Nancy V. Atkins	Commissioner	Bureau for Medical Services
Jane Charnock Smallridge	Family Court Judge	11th District
Philip W. Morrison II	Executive Director	WV Prosecuting Attorneys Institute
Andrea Darr	Legal Assistant	WV Prosecuting Attorneys Institute
Mike Lacy	Director	Probation Services WV Supreme Court of Appeals
Gary Johnson	Circuit Court Judge	Nicholas County
O. C. Spaulding	Circuit Court Judge	Putnam County
Jack Alsop	Circuit Court Judge	Webster County
John A. Hutchison	Circuit Court Judge	Raleigh County
Steven L. Paine	Superintendent of Schools	WV Department of Education
John Bianconi	Acting Commissioner	BHHF
Local Representative Educational Agency		
Sue Hage, Staff to the Commission	Director, Regulatory Management	Division of Children and Adult Services
Susan Coghill	Legislative Liaison	WV Legislative