

**West Virginia**  
**Commission to Study Residential  
Placement of Children**

**Status Report**

March 20, 2008

*Submitted to*

**Joint Committee on  
Government and Finance  
&  
Governor's Office**

*Submitted by*

**Martha Yeager Walker, Chair  
Cabinet Secretary, WV Department of Health and Human Resources**

NOTE: This report reflects the work of the Commission for the period March 1, 2007, through February 29, 2008, and serves to provide an update on the status of the Commission's work including a status of the implementation of Commission recommendations.

## **Continued Good Work**

The Commission has continued its volunteer status by staying together to ensure implementation of the *Advancing New Outcomes* recommendations and to build capacity to meet the mission of reducing the number of West Virginia children placed out-of-state. The continued dedication and commitment of the original members of the Commission and those who have joined since our beginning is very gratifying and appreciated.

The ongoing interest by the West Virginia Legislature, its Joint Committee on Government and Finance, and Select Committee A - Committee on Children, Juveniles and Other Issues; particularly the co-chairs Senator Roman Prezioso and Delegate Virginia Mahan have been instrumental in the productive and positive outcomes of the Commission's work. This support is vital to our continued efforts.

Despite the still challenging environment of finding ways to reduce the number of children placed out-of-state, the spirit and cooperation has gone a long way to find solutions or at least learn where efforts need to be expended. This past year, the Commission has held formal quarterly meetings. These have had meaningful agendas resulting in sound decisions and good direction. Between meetings work groups and support staff completed activities that address the recommendations in some manner. The Commission has continued to communicate its work to a variety of audiences through its newly established website and direct communication. For example, background packets regarding the Commission's work were recently sent to new judges and others who have moved into positions where the Commission's work may play a part.

Effective cooperation and communication among the participating entities (circuit judges, Supreme Court of Appeals, Division of Juvenile Services, Department of Education, Prosecuting Attorneys Institute, Department of Health and Human Resources and others) continues at a high level, especially agency-to-agency interaction outside of the direct Commission work. The on-going commitment of Supreme Court Justice Robin Davis this past year was quite helpful.

As noted in the past, our intention is not to interfere with the discretion or ability of the circuit courts to place a child in a facility, which is in the best interest of the child. However, we do want to provide the courts with new and additional options to meet the needs of children in facilities *closest to his or her home, regardless of a local border*. Likewise, we want to make sure that all agencies involved in these issues are respected for their own specific missions. Working collaboratively, and with a focus on the child, we can make a difference in how we look at, and ultimately solve, issues regarding the placement of out-of-home children.

## **Commission Membership/Working Groups**

No major changes in Commission membership has occurred. The Commission monitors its attendance and has been pleased with the active participation to date.

The Commission continues to rely on working groups who are composed of many individuals with appropriate expertise to focus on specific recommendations. These working groups work on actions as outlined by the Commission. They have been very dedicated to addressing issues, developing new processes and carrying out other activities that help the Commission achieve its work. We are indebted to them for their service.

## **Other Supportive Initiatives**

A number of accomplishments have been achieved in the area of education. The West Virginia Department of Education, after the initial implementation of the Reaching Every Child Task Force, began a new phase this past year by establishing the Education of Children in Out-of-Home Care Advisory Committee, which includes more practitioners, especially at the county level. Under the leadership of Dr. Pamela Cain, Assistant Superintendent, Division of Student Support Services, Office of Institutional Education Programs (OIEP) has been given the responsibility to oversee the continued implementation of the recommendations

of the original Reaching Every Child report, but also more specific attention to out-of-home children. This includes work with homeless children under the McKinney-Vento Act.

The West Virginia Comprehensive Behavioral Health Commission, established by the West Virginia Legislature during its 2006 regular session, has recently received recommendations from the initial working groups. That Commission's Advisory Board has evaluated the recommendations provided to the Commission. The final recommendations will be forthcoming from the Commission. Early indications are that in several areas regarding children's behavioral health, there will be actions that should have some positive affect on what the Commission to Study Residential Placement of Children is trying to achieve.

DHHR & DJS have formed a partnership to address issues for adjudicated delinquent youth placed out-of-state. Secretary Martha Yeager Walker (DHHR) and Secretary James Spears, Department of Military Affairs and Public Safety (DMAPS), along with members of their staffs, met to address issues for adjudicated delinquent youth placed out-of-state (approximately half of those placed out-of state are adjudicated delinquent youth). It is anticipated that the statewide System of Care initiative will also be involved.

### **Accomplishments/Actions**

The Commission's list of accomplishments/actions for the past year follow:

- ◆ **Commission Website:** The Commission's dedicated website is active at [www.residentialplacementcommission.org](http://www.residentialplacementcommission.org). This site contains all pertinent information, meeting notes, and progress reports concerning the Commission from its original authorization.
- ◆ **McKinney-Vento Act:** Working closely with the Department of Education, the Commission has gained greater understanding of the McKinney-Vento Act and how it affects policy and procedures in West Virginia. During this past year, an agreed upon definition of "awaiting foster care placement" was developed that will provide specific guidance on how West Virginia foster children will be included in provisions of the Act.
- ◆ **Special Survey by Judges:** To assess from the perspective of judges who are working with the disposition of children before the court, the judicial representatives on the Commission agreed and fully supported doing a special survey across the state. The survey focused on what services were available locally to the judges that could address the needs of the child. Beyond identifying the existence of such services, the survey asked for an opinion of the quality and effectiveness of the service(s). Although not all judges participated within the survey's timeframe, those that did were helpful in providing an understanding of what is in place, what needs improved and what opportunities exist to add services. The report was done, by county, in the four DHHR regions. This actively shows the extent the Commission is willing to go to get information that helps it make better decisions, especially deployment of resources.
- ◆ **New Coordinator's Position Established in Education:** An early concern with the Commission was defining clear "ownership" within the Department of Education regarding education issues with homeless and other out-of-home-care children. During this past year, a Coordinator of Homeless Education, Attendance and Student Placement, was established within the Office of Institutional Education Programs (OIEP). One primary area the Coordinator will focus on is the students who have had multiple placements throughout their education. This position will help support the work of the Education of Children in Out-of-Home Care Advisory Committee as well as the Commission to Study Residential Placement of Children.
- ◆ The **WV Child Placement Network (WVCPN)** website continues to be an excellent resource in tracking the daily availability of beds across West Virginia. Of the seventy-one providers identified, fifty-eight are required, by contract, to participate in providing information. For the year 2007, five of these providers reported being within the 95%-100% participation levels

regarding the use of the site, while the remaining providers covered a broad range from less than 60% to 94% participation.

- ◆ Work has begun on the **Standardized Referral & Tracking** system that will interface between the Family and Children Tracking System (FACTS) and the FACTS Provider Lookup System (FACTSPLUS). Standardized Referral & Tracking will be able to track both placement referrals and provider responses.
- ◆ The implementation of a “**System of Care**” **statewide model** has been initiated. The **System of Care Implementation Team** includes members from the Department of Education, Department of Health and Human Resources (Bureau for Children and Families, Bureau for Behavioral Health & Health Facilities, Bureau for Medical Services), Military Affairs & Public Safety (Division of Juvenile Services), WV Supreme Court of Appeals (Probation Services), Providers, Family Networks and the West Virginia System of Care. The System of Care Implementation Team has been very active over the past year.
  - The System of Care Implementation Team is actively working on the objectives, activities and timelines under five goals for their 3-year strategic plan.
  - A contractual agreement has been made with Legal Aid of West Virginia for the expansion of the parent component, Family Advocacy Support Training (FAST). The FAST program will create a statewide parent-to-parent and youth support network.
- ◆ A new **Clinical Review Process** has been implemented through the West Virginia System of Care. This is a coordinated effort designed to provide a comprehensive, objective, clinical review of designated youth. One of the results was refinement of a permanent clinical review tool with a uniform statewide structure and protocols. This tool will guide the Regional Clinical Review Teams when assessing youth at risk or in out-of-state/region placements. Regional Clinical Coordinators have been hired through the West Virginia System of Care to facilitate the Regional Clinical Process. The role of the Regional Clinical Coordinator will include recruiting, facilitating and supporting the clinical review teams. They work with child welfare, families, behavioral health, education, probation, and others in the community to ensure that the needs are being met for children/youth that are at risk of going out-of-state, and for those children/youth that are returning.
- ◆ The **Service Array Assessment Process** has begun with the first of thirteen Community Collaborative teams preparing to report their assessment results in April. The Service Array Assessment Process can help determine what community services and supports are available as well as what additional services might be needed. This process will assess current capacity to meet the needs of children and families, develop a service directory and resource development plan. At the State level the WV System of Care Implementation Team will take the lead in the development of services and service delivery strategies to improve outcomes for the well-being, safety and permanency for WV’s children and families. West Virginia is being provided technical assistance by Steve Preister, John Bumgarner, and Paul Dilorenzo from the National Child Welfare Resource Center for Organizational Improvement.
- ◆ Work continues to support the **Multidisciplinary Treatment (MDT) Team** process. The Court Improvement Program (CIP) Training Grant Committee along with members of the Commission’s MDT workgroup, have created a uniform Case Plan and Case Plan Review (Summary) to be used statewide. The CIP Training Grant Committee has also begun a statewide assessment of current MDT practices and procedures, that includes:
  - Background analysis and observation of the MDT process & focus group interviews.
  - Mail survey of MDT participants.
  - Final technical report.

- ◆ The **CIP Training Grant Committee** has been addressing areas that will prove helpful in the Commission's work. The task is to:
  - develop and implement Judicial Leadership Roundtable (JLR) sessions, judge-led cross-training, and best-practice seminars.
  - re-evaluate and update multidisciplinary treatment team training.
  - provide continuing education to judicial officers.
  - continue to provide cross-disciplinary basic and advanced training on child abuse and neglect law and procedure.
- ◆ The **Education of Children in Out-Of-Home Care Advisory Committee** noted earlier in this report is an implementation process under the authority of the West Virginia Department of Education. The State Board of Education has entered into a Memorandum of Understanding signed by Dr. Steven Paine, State Superintendent of Schools, and Martha Yeager Walker, State Secretary of Department of Health and Human Resources, which continues the commitment to look at academic achievement gaps, increased prevalence of disability, and the rates of discipline occurrences for foster children placed in West Virginia. Also, education standards are being developed for monitoring non-exceptional students placed in out-of-state facilities.
- ◆ The **Bureau for Behavioral Health and Health Facilities** has implemented two **Transitioning Youth** programs, in the northern and southern sectors of the state. These programs involve a three phase transition to independence for youth ages 17-21. The program serves individuals with a diagnosis of mental health, mild mental retardation and/or stable abstinence from previous substance abuse. The goal of the program is to provide services that support the individual to live independently including obtaining education or employment, maintaining a safe lifestyle, and establishing relationships with families.
- ◆ Funding for the southern program went to Stepping Stones in Lavalette. All of the Youth enrolled in the Phase I Program are actively involved in an educational program. Youth are being assessed for career and interest to be linked with appropriate community vocational, certification and employment opportunities. The program is staffed with one transition coach and three youth workers. Funding for the northern program went to Burlington United Methodist Family Services, Inc. in Keyser. The first resident moved into the facility in January.
- ◆ The **Department of Health and Human Resources** has provided funding for four **group homes for adolescent children with co-existing disorders**. These group homes will provide treatment for children with multiple disabilities in local communities and will promote opportunities for permanency for these children at the local level. These four group homes will be located in each of the four DHHR Regions. Awards were granted to: Youth Services Systems, Inc. and REM (Region I); Braley & Thompson/Residential Care (Region II); and Burlington UMC (Region III and Region IV).

## **Closing**

The Commission realizes that it still has much work to do. There are a significant number of actions in progress that, when completed, will show the kind of changes the Commission envisioned. The dedicated individuals across state agencies, within the system throughout the state and in many provider and support organizations have been the real champions in making a difference in the lives of so many children. The Commission closes this progress report extending to each of these individuals its heartfelt gratitude and unwavering commitment to continue to improve the system.

# COMMISSION MEMBERS

## Commission to Study Residential Placements of Children

Martha Yeager Walker, Chair  
Cabinet Secretary  
WV Department of Health and Human Resources

The Honorable Jack Alsop  
Circuit Court Judge  
Webster County

Matt Kittle  
Superintendent  
Office of Institutional Education Programs  
WV Department of Education

Marsha Morris  
Commissioner  
Bureau for Medical Services  
WV Department of Health and Human Resources

John Bianconi  
Commissioner  
Bureau for Behavioral Health and Health Facilities  
WV Department of Health and Human Resources

Lynn Boyer  
Executive Director  
Office of Special Education  
WV Department of Education

Pam Cain  
Assistant State Superintendent  
WV Department of Education

Steve Canterbury  
Administrative Director  
WV Supreme Court of Appeals

Andrea Darr  
Legal Assistant  
WV Prosecuting Attorneys Institute

The Honorable John A. Hutchison  
Circuit Court Judge  
Raleigh County

The Honorable Gary Johnson  
Circuit Court Judge  
Nicholas County

Mike Lacy  
Director  
Probation Services  
WV Supreme Court of Appeals

Dale Humphreys  
Director  
Division of Juvenile Services  
WV Department of Military Affairs & Public Safety

Philip W. Morrison II  
Executive Director  
WV Prosecuting Attorneys

Steven L. Paine  
Superintendent of Schools  
WV Department of Education

The Honorable Jane Charnock Smallridge  
Family Court Judge  
11<sup>th</sup> District

The Honorable O.C. Spaulding  
Circuit Court Judge  
Putnam County

Jason Najmulski  
Commissioner  
Bureau for Children and Families  
WV Department of Health and Human Resources

### Staff to Commission

Sue Hage  
Director, Regulatory Management  
Bureau for Children and Families  
WV Department of Health and Human Resources

### Facilitator/Technical Assistance

Carl D. Hadsell  
Center for Entrepreneurial Studies & Development, Inc.

