

West Virginia Commission to Study Residential Placement of Children

March 31, 2011

Charleston WV

Meeting Notes

Attendance

Members: Jason Najmulski; Nikki Tennis (representing Steve Canterbury); Chris Curtis; Susan Fry; Denny Dodson (representing Dale Humphreys); Honorable Gary Johnson; Vickie Jones; Mike Lacy; Kate Luikart; Kathy D'Antoni (representing Joreau M. Marple); Philip W. Morrison II; Honorable O. C. Spaulding; and Fran Warsing.

Absent: Michael Lewis; Honorable Jack Alsop; Nancy Atkins; Pat Homberg; Honorable John A. Hutchison; Honorable Mike Kelly; and Kimberlee Sharp.

Guests: Linda Watts; Tammy Pearson; Tara Stevens; Laura Barno; Kathy King; Ghaski Browning; Frank Andrews; Scott Boileau, Rhonda McCormick, Trudi Blaylock; Debi Gillespie; Jacqueline Columbia; Dianae Fooce; Nora McQuain; Michael Price; Doug Robinson; Caroline Duckworth, Tricia Kingery, Joanne Dobrzanski; Raymona Preston; and Anees Rahil.

Administrative Assistance: Sue Hage- BCF, Linda Dalyai- BCF, Carl Hadsell, CESD

Opening

Jason Najmulski welcomed members and guests and called the meeting to order at approximately 10:30 a.m.

The **December 2, 2010** meeting notes were approved, pending revisions, and will be provided to members and posted on the Commission's website www.residentialplacementcommission.org.

Presentation: Readily at Hand – A Best Practices Checklist for Youth in Transition

Susan Fry, Chair of the Service Delivery & Development Workgroup and the Older Youth & Best Practices Team, provided an overview and a live website demonstration of the development and implementation of the *Readily At Hand* checklist for youth in transition that includes indicators that are needed to better prepare them (youth) for adulthood (includes key skills and documents that are needed). Prior to the development, surveys were sent out to determine what was needed for youth. Feedback from Community Forums indicated that not only did they need to know what was needed, but how get these things accomplished.

The *Readily At Hand* checklist is built into the new CAPS process. The *Readily At Hand* checklist will include online support and data gathering for evaluative purposes.

It's My Move and the Bureau for Behavioral Health and Health Facilities partnership takes Readily At Hand information to an online application. It's My Move can be found at www.itsmymove.org. Anees Rahil, from CESD, who helped develop the system presented an overview of how it works, including accessing it online to show an example.

The *Readily At Hand* checklist can be printed and carry with the youth. Online links are provided so youth can easily access information (e.g. voter's registration, medical records, school records, library card, etc.). Chris Curtis indicated they could help with more information on getting birth certificates.

Other support for this demonstration project comes from the Bureau for Children and Families, WV System of Care, Division of Juvenile Services, and others.

Readily At Hand can be edited internally using basic HTML and MS Word. There is very little setup cost, with no cost to the youth. More items can be easily added to the list and can be updated based on what works best for youth. Readily At Hand can be easily transferred and customized for any organization.

It was suggested that the language be changed that reflect that the youth is using the website. This will be changed. It was suggested that volunteers/online support be included to support youth when they have difficulty accessing information. Online support is included.

It's My Move guidebook was also provided.

Performance Benchmarks/Definitions & Data Analysis

The *Methodology for Monitoring & Report of Out-of-State Placements Levels* report was provided. The Commission's Legislative requirements include decreasing out-of-state placements. The Commission defined the baseline by using October 2010, November 2010 and December 2010 data. The baseline included only those children in State Custody in Residential Group Care and Psychiatric Residential Treatment Facilities (long term), and Psychiatric Hospital (short term). Based on January's data, a reduction of 2-3 out-of-state placements per month (cumulative) would get at the 10 % reduction required by Legislation.

The *Methodology for Monitoring & Report of Out-of-State Placements Levels* does not include data for 50 miles from the West Virginia border. This report will provide information on the 10% reduction required by Legislation and will only include data on the number of placements greater than or less than 50 miles from the child's community.

It is not clear what the Legislators are seeking to know. They recently requested the number of employees working in an out-of-state facility and living in West Virginia. The recent Advancing New Outcomes, that was provided to the Legislature included the facilities that are within 50 miles of WV borders.

Commission member representatives from education support looking at true out-of-state definitions because their funds are affected by out of state placements. Likewise, the West Virginia Child Care and Alliance for Children also support looking at looking at true out-of-state definitions because WV providers are held to more stringent standards than many OOS facilities. Other Commission members pointed out that regardless of what definition is used, we can't lose sight of doing what is best for children. When we look at placements, Judges need to place children when the placements are needed. Of particular concern is the Northern and Eastern Panhandle that continually have difficulty finding placements for children because the resources in these areas.

As we move forward, we will be putting some of our energy and resources at making changes that need to take place so that children can be placed in-state. However, we are also looking at modeling other states, such as Virginia, who are already looking at keeping children in their own homes thus reducing using out-of-home placements.

Out-of-Home Facility Matrices

The Out-of-Home Facility Matrices is a snapshot of facilities in-state and out-of-state. It includes a definition of each level of care, and number of beds, ages, gender, area of focus for programs, licensing and type of school offered for each facility. The In-state Facilities and Programs matrix includes columns to identify the License Status, Date of License, and type of School. The Out-of-State Facilities and Programs matrix includes columns to identify if the provider meets the WV Standards for Education, Treatment, and Licensing Requirements. WV

providers are all meeting the WV Standards. WV providers need to provide more information for the area of focus. Providers can send any changes/suggestions to Sue Hage at Sue.C.Hage@wv.gov.

Judge Spaulding requested that this information also be shared with Judges. He would like the information to be sent to Judges. He would like the information to identify the county (for in-state) and the state (for out-of-state) where the facility is located. Tammy Pearson/Sue Hage and the Division of Juvenile Services provide a draft for Judge Spaulding's review by June.)

Automatic Placement Referral (APR)

The APR Task Team met to begin putting the data together. A cross reference was done of the children that have gone out-of-state and those that have had an APR. Fifty percent of children on the out-of-state list are going out-of-state without referrals. During this time, WV providers have had vacancies as identified on the Child Placement Network.

DHHR workers need to go to the Child Placement Network when considering out of state placement for a child. Judges could ask workers if they have looked at the Child Placement Network and made referrals to the APR before considering out-of-state placement. The next report to the Commission will include when an in-state resource could have been used.

Out-of-State Site Visits

Laura Barno, with the Out-of-State Provider Certification Workgroup, provided a summary of out-of-state onsite visits recently conducted. There have been three onsite visits conducted this year. Two of these visits (Alice C. Tyler of Child Help and Timber Ridge) have been asked to do a corrective action (An outline of the recent onsite reviews are included in the meeting packets). It is typical for a facility, both in-state and out-of-state to be asked to comply with a corrective action plan. The out-of-state review team is still in the process of reviewing the information gathered from the onsite visits. The goal of the team is to do five site visits per year.

Reviewing out-of-state facilities has challenges because of different interpretations and definitions being communicated. For instance, therapeutic means different things to different people. These differences make it difficult to report out when treatment definitions are different. Likewise, many states do not have "Psychiatric Residential Treatment Facilities (PRTF)" and even when they do call themselves a PRTF, they are not usually at the higher level-of-care that PRTF's are known to have in West Virginia. In-state facilities are reviewed every two years. It is not feasible to review out-of-state facilities on the same time schedule because there are no additional resources dedicated to this effort.

The team has several issues that need to be resolved and protocols need to be developed. These are:

- 1) Getting information out to the public – although public agencies are aware of facilities that are not to be used (e.g., DHHR not placing children at Fox Run) due to substantiated educational concerns, parents continue to place their children in this facility and others. This information is not put on our websites for various reasons (e.g. the internet does not reach everyone,). However, to address this, the Bureau for Children and Families is working with Medicaid to revise their manuals. Currently, this information is sent to DHHR staff, associations and other providers.
- 2) Determine where resources should be used - determine if we should do an onsite review for facilities that we might only use once or twice.
- 3) Corrective Actions – determine what we will do if a facility has a corrective action and does not want to participate.

Fostering Connections

Kathie King, Program Manager for Policy, provided an overview of The Fostering Connections to Success and Increasing Adoptions Act of 2008. Title IV-E provides federal funding for children in foster care and adoption for part of their care. All these provisions apply to children coming into care with Abuse & Neglect and children coming into care through Juvenile Detention. Children in care and their placement must meet the specified criteria. The purpose was to amend parts B and E of title IV of the Social Security Act. The major provisions of the act provide: an option for kinship guardianship assistance; extend eligibility for title IV-E foster and adoption assistance and kinship guardianship payments to age 21; Placement of siblings; Health Care oversight and coordination; Education Stability; Diligent Search; Waiving non safety licensing standards for relatives; Reinvestment and Tax Credit (adoption Assistance); Reconnecting with Family Members; and other miscellaneous expenditures

This does not provide a new funding source. However, services that are currently reimbursed using state funds may now be eligible for federal funding. States that choose to apply for these funds (when eligibility is met), will be required to comply with the stipulations that come with the funding. West Virginia is already ahead of many states on meeting these stipulations. For instance, until the Foster Connections Act, West Virginia continued to use state funds to keep these youth in care up to the age of 21, if it was in their best interest, even though they went off the Court Docket (many states turned youth out at age 18 because of limited state funds). However, to access the funds under the Fostering Connections, these youth will need to stay on the Court Docket until age 21 if in care. Likewise, all youth prior to the age of 18 must have a transition plan and that plan must be directed by the youth. Educational stability is a new requirement of the Fostering Connections and must be added to case plan and reviewed. More emphases with the Fostering Connections Act are on keeping children in their own school districts and will require transportation. West Virginia is already ahead of this issue. In fact, the US Senate Finance Committee recognized WV and how they are using McKinney-Vento. West Virginia is also already in compliance with placing children with siblings. However, greater emphases must be made on a “diligent search” for placement with relatives. There will also be Family Connection Grants that will be made to private child welfare agencies for specific purposes and IV-E staff training funds can now be used for non-agency employees. A Memorandum of Understanding is being developed to share 30% of these costs. More information is found in the handouts provided with the meeting packet.

Judges Informative Letter – Judge Spaulding

At the last meeting, Judge Spaulding requested copies of the Annual Report to distribute and educate his constituents on what the Commission is doing with regards to children in care. He also requested a report to reflect the number of children in out-of-state placement, where they are placed, and from what jurisdiction they came from. Judges need to be kept informed about children in out-of-home care and emerging trends, such as the difficulty of placing children with dual diagnoses (mental health and substance abuse).

Judge Spaulding sent out a letter to other Judges (a copy of this letter is included in packets).

MDT Statute – Placing Children in Out-of-State Facilities

During the last meeting it was recommended that in-state facilities be used prior to out-of-state facilities and that perhaps language needed to be added to WV Code to reflect this. After review of WV Code, §49-5D-3 that deals with the Multidisciplinary Treatment Planning process, WV Code specifies that if an out-of-home placement is needed, an in-state placement should be considered first and an out-of-state placement should only be considered if there are no available and suitable in-state facilities which can meet the specific needs of the child. Furthermore, if a child is placed in an out-of-state facility, the order should give reasons why the child

was not placed in an in-state facility or program. The Youth Services subcommittee of the CIP Board will continue to research this topic.

Children in Out-of-Home Advisory Committee

Frank Andrews provided information and an overview of the Advisory Committee's Goals for 2010-2011. The new Chair, Kathy D'Antoni, comes from higher education so her expertise will benefit children transitioning to adulthood.

The first two goals are currently being institutionalized. They will not be goals for next year, but will continue to be worked on. Goal 3 deals with working in collaboration with the Court Improvement Program to improve the legal advocacy for addressing the educational needs of children with a focus to include training Guardian Ad Litem. Goal 4 deals with working in collaboration with the Court Improvement Program to increase involvement of educational personnel in multidisciplinary team meetings with a focus to include developing and providing tools, memorandums of understanding for interagency collaboration at the local level. Goal 5 involves developing a model for improving the education of children placed in the state's emergency shelters.

The meeting on the March 19, 2011, brought members together to begin working on Goal 6 which involves the study of the American Bar Association's Blueprint for Change (included in the meeting packet). The Blueprint for Change model, written by a retired educator on how he worked with children in foster care, provides a framework for the educational success for children in out-of-home care.

To prepare foster youth for college, some community technical schools have college courses online for youth over the age of 18.

A possible goal of the Children in Out-of-Home Advisory Committee for next year will be working with Pre-schools.

Jacob's Law Update

There are three components with Jacob's Law. They are: 1) The CAPS 14-day Comprehensive Assessment; 2) foster parent training on trauma – A research-based model has been selected; and 3) evaluation – a vendor that will conduct the evaluation has been selected.

Training on Jacob's Law is underway. Training will be offered to kinship care providers.

Education on Jacob's Law will be added to the training being offered at the Judicial Conference.

Best Practice – Community Forums Update

Communities where the Community Forums have taken place are developing community action plans for youth with co-occurring and co-existing (MR/DD) or integrating into their Service Array Development Plan. Lessons learned from the Community Forums are being utilized to make revisions to future Community Forums and how communities will develop plans to address specific issues.

June Commission Meeting – Eastern Panhandle

The June 23rd meeting will be at Board of Child Care in Martinsburg, WV. Tours will be offered to look at the facility and school. However, the school will not be in session. The meeting will be from 10 am through 2 pm. A lot of community involvement is expected. Members are encouraged to bring additional staff that might be of benefit to those living and working in this area. The focus of the meeting will be on solutions that support the community's concerns. It was recommended that Secretary Lewis write a letter asking Judges in this area to attend. A preliminary discussion with the DHHR Community Service Manager for Berkeley, Jefferson & Morgan Counties as to the purpose of the meeting and how we plan to involve community stakeholders in the discussion.

Philip Morrison suggested considering broadening the counties to pick up the counties next to the Eastern Panhandle who may have interest and do need some attention in this area. Sue and Carl will also provide information on what was known about these counties from the Community Forums. Commission members need to encourage their counterparts in these counties to attend the June meeting. More information will be sent out on the logistics, an announcement, and a sample letter to encourage attendance of member's constituents. Joan Ohl has been invited to the meeting, however, an earlier scheduled event conflicts with the meeting and she will not be able to attend.

Legislative Updates

- Clarification on what is "imminent danger";
- A social work provisional license has been added to the Board of Social Work Examiners;
- Increase tax for non-family adoption;
- The DHHR 5-year plan for meeting a standard case load ratio was approved;
- An increase of 5% was approved for specialized foster care providers;
- Legislation approval for the provision of appointing a Juvenile Judge for Juvenile Drug Courts;
- Pilot truancy plan was passed (Judge Johnson has a truancy program that works well and could be modeled); and
- Penalties added for juveniles that abuse their parents.

Commission Member Reflections

One of the challenges we face is children that are aging out of the system. The regional clinical review tools are being used to ensure youth 18-21 years old are getting their needs met.

The Governor is in Hampshire County today looking at a vacant hospital to see how it might be used.

Budget concerns about the special education funds that follow a child where ever they go is hurting in-state education programs because when a child goes out-of-state this money is lost to in-state programs. However, these same funds are not transferred from county to county in-state. Furthermore, the number of children in special education has increased. Pat Homberg can speak to this issue at a future meeting.

Nikki Tennis requested a summary of the various initiatives going on across the state prior to and at the June meeting.

The Child and Family Services Plan is in the third quarter review.

The next meeting date: June 23, 2011 will take place at the Board of Child Care residential facility at 715 Brown Road, Martinsburg, WV

Meeting was adjourned at approximately 1:30 PM.