



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #427

Milwaukee Child Welfare (DHFS -- Children and Families)

[LFB 2005-07 Budget Summary: Page 288, #2 (Part)]

CURRENT LAW

The Department of Health and Family Services (DHFS) administers child welfare services in Milwaukee County through the Bureau of Milwaukee Child Welfare (BMCW). In 1993, the American Civil Liberties Union (ACLU) Children's Rights Project (now Children's Rights, Inc.) filed a lawsuit on behalf of an estimated class of approximately 5,000 children who were receiving, or should have been receiving, child welfare services in Milwaukee County. The complaint was a broad-based challenge to the administration of the Milwaukee County child welfare system, alleging that the county, among other things, failed to investigate complaints of abuse and neglect, failed to provide services to avoid unnecessary out-of-home placements, failed to provide appropriate out-of-home placements, and failed to terminate parental rights and secure permanent placements for children who could not be returned to their birth families. The complaint alleged that the state failed to adequately supervise and fund the Milwaukee County system. In response to the lawsuit, DHFS began providing child welfare services in Milwaukee County, beginning January 1, 1998.

The federal court approved a settlement agreement on September 2, 2002, effectively closing the case, although the state will be subject to arbitration or court intervention if non-compliance issues arise. The settlement requires DHFS to attain specified outcomes on or before January 1, 2006, for permanence, safety, and child well-being for children in out-of-home care in Milwaukee County. These areas are described in more detail in the Legislative Fiscal Bureau's Informational Paper #50, *Child Welfare Services in Wisconsin*.

GOVERNOR

Provide \$2,949,700 (\$2,660,900 GPR and \$288,800 FED) annually to support four new initiatives: (a) additional training and support for foster parents (\$280,000 GPR annually); (b) activities to address workforce quality, particularly to assist in the recruitment and retention of ongoing case management staff (\$625,900 GPR and \$215,600 FED annually); (c) grants to community organizations that would provide domestic violence intervention for families involved with the Bureau (\$1,559,300 GPR annually); and (d) an ombudsman office in the Bureau (\$195,700 GPR and \$73,200 FED annually).

DISCUSSION POINTS

Training and Support for Foster Parents

1. BMCW requires that all prospective foster parents receive 36 hours of initial training in order to become a licensed foster parent in Milwaukee County. The training includes the following topics: teambuilding, abuse and neglect, child development, separation, discipline, cultural issues in placement, primary families, sexual abuse, effects of caregiving on the family, permanency issues for children, and permanency issues for families. In addition, foster parents are required to receive at least ten hours of continuing education per year. Some of ongoing training options include training on the coordinated service teams, independent living skills, sibling rivalry, challenging behaviors, growth and development in youth, alternative lifestyles and foster care, teens and suicide, de-escalation techniques, teens and sexuality, information on attention deficit and hyperactivity disorder (ADHS) and oppositional defiant disorder, physical and verbal aggression in foster youth, and sexually traumatized children.

2. In the 2003-05 biennium, BMCW is budgeted \$533,000 (all funds) annually for training activities. BMCW contracts with a local agency, St. Aemilian-Lakeside, to provide training to prospective and current foster parents. In calendar year 2003, St. Aemilian provided 11,938 units of training to prospective and current foster parents, for which the state paid the agency \$529,900 (all funds). (A unit of training equals one person attending one training session.) In calendar year 2004, the agency provided 9,744 units of training, for which the state paid \$492,200. It is not known how many different foster parents or prospective foster parents received training.

3. The bill would provide \$280,000 GPR annually to support: (a) foster parents' expenses to attend ongoing training, which may include child care or transportation costs; and (b) additional training sessions relating to the needs of certain populations of children in out-of-home care, especially on topics that would not be reimbursed under Title IV-E. For example, training on mental health issues, including suicide and depression, is not eligible for reimbursement under Title IV-E. Allowable training costs under Title IV-E include training for case workers to manage child welfare activities for children and for foster parents and facility staff who work with children.

4. DHFS staff indicate a need to license more foster homes for older children with

behavioral problems, adolescent girls, and sibling groups. By offering additional, specialized training, BMCW may be able to recruit additional foster parents, or retain more foster parents.

5. In addition to needing additional foster homes for specific populations, BMCW expects that the additional training would help improve two findings in the 2004 annual report of the Bureau: (a) rates of substantiated abuse of children in out-of-home care; and (b) placement stability of children in out-of-home care. In this report, BMCW indicated that there were 41 substantiated allegations of child maltreatment for children in out-of-home care in 2004. This is 0.85% of the children in BMCW's custody, and is greater than the 0.65% maximum level established under the settlement agreement for the year. Further, this percentage increased from 0.57% in 2003. One response by BMCW was to provide additional training on dealing with challenging behaviors for both foster parents and licensing specialists. This additional training was supported with base funding budgeted in the Bureau for training activities.

6. BMCW reported that in 2004, 72.1% of children in BMCW custody in that year had three or fewer placements after January 1, 1999, during their current episode in BMCW custody. However, the goal in the settlement agreement for 2004 was 82% or above. Therefore, 27.9%, or 962 children in out-of-home care have had four or more placements. Placement stability is also a factor that is measured in the federal child and family services review (CFSR).

7. DHFS estimates that the amount of funding in the bill would enable a contracted agency to provide 32 training sessions, each attended by up to 50 people, for an average cost of \$173 per attendee per session. However, DHFS has not determined how much of the funding would be available to contract for additional training, and how much might be available to support costs foster parents incur by attending training.

Caseworker Retention

8. The bill would provide \$841,500 (\$625,900 GPR and \$215,600 FED) to support caseworker retention activities, specifically relating to ongoing case managers.

9. The BMCW 2004 annual report includes information on the turnover of ongoing case managers. BMCW staff calculated monthly turnover by identifying the number of case carrying workers terminated for any reason during the month divided by the number of case carrying workers at the beginning of the month plus the case carrying workers added during the month. Using this definition, the turnover rate for ongoing case managers for 2004 was 38.6%; an increase from 30.1% in 2003. In 2004, 129 ongoing case managers "separated their employment," a 24% increase from 98 ongoing case managers in 2003.

10. Using a different measure of turnover, defined as the number of staff who left the agency for any reason relative to the number of authorized positions in the agency, the turnover rate would be 42.8%. This number does not reflect the number of staff who left their positions but stayed within the agency. National estimates of annual turnover rates in child welfare are between 30% and 40%, with the average tenure of child welfare workers being two years.

11. Many studies have identified several reasons for child welfare case worker turnover, including low salaries (which affects retention and recruiting new workers), high caseloads, administrative burdens, limited supervision, and insufficient training.

12. As part of the settlement agreement, BMCW is required to ensure that ongoing case managers' caseloads do not exceed an average of 11 families per case-carrying manager per site. The average number of family cases per ongoing case manager was 9.6 in both 2003 and 2004. The Child Welfare League of America recommends between 12 and 15 children per case manager. The BMCW caseload numbers represent the number of families per manager. The average number of children per case manager in 2004 was 18.3 children.

13. In the General Accountability Office (GAO) March, 2003, report on child welfare staff recruitment and retention, the GAO found that "disparities in the salaries between public and private child welfare workers - with public agency caseworkers generally earning higher salaries - also present a retention challenge within the child welfare profession." In a January, 2005, review of turnover in ongoing case managers in BMCW, it was found that starting salaries for ongoing case manager staff were less than starting salaries for state intake and assessment staff. In addition, state workers receive different salary adjustments than the private case workers.

14. Of the funding the bill would provide for caseworker retention activities, \$780,100 (\$567,600 GPR and \$212,500 FED) annually would be used to increase ongoing case managers' salaries. While these workers are considered part of BMCW, they are employed by private agencies that DHFS contracts with to provide ongoing services to families with children in out-of-home care. The remaining funding under this item [\$61,400 (\$44,700 GPR and \$16,700 FED) annually] would be used to support caseworker training, which could include additional court training, leadership training for supervisors, additional training on WISACWIS (the information system used by case managers), and additional training sessions so that more case workers could receive the training that BMCW currently offers.

15. The administration has indicated that the caseworker retention activities would correlate with the recommendations identified in the current review of the causes of caseworker turnover. This review is being conducted by the University of Wisconsin - Milwaukee, the Child Welfare League of America, University of Chicago, and Frances Pitt and Associates. These groups are working with BMCW to identify and prioritize strategies to improve staff retention in BMCW. The recommendations from the group will be based on the results of focus groups and a web-based survey of current BMCW staff and supervisors. BMCW expects to complete this review this summer.

16. Because the results of the review will be specific to BMCW, the Committee may wish to have this information before making a decision on the amount of funding to provide for caseworker retention issues and what this funding should support. In order to incorporate the results of the survey into its decision making, the Committee could budget the GPR funding for this initiative (\$625,900 annually) in the Committee's supplemental appropriation, for release to DHFS once the Department submits, under s. 13.10 of the statutes, a specific plan on how these funds

would be used to address case worker retention issues, based on the results of the current survey efforts. Alternatively, the Committee could delete the additional funding that would be provided in the bill for this purpose.

Domestic Violence Services for Families Involved with BMCW

17. Research has found a significant overlap between domestic violence and child abuse. One study found that 50% of men who frequently assault their wives also frequently abuse their children, physically, emotionally, or sexually. Other studies found that 30% of child welfare case records for substantiated child abuse reports included references to adult domestic violence and domestic violence was present in 41% of families that experienced critical injuries or deaths due to child abuse or neglect.

18. Studies suggest that between 3.3 and 10 million children witness domestic violence annually. Domestic violence affects children in many ways. Of children who live in homes where domestic violence is present, 80% to 90% report being aware of the violence. Children can be physically or psychologically harmed by domestic abuse. Even if children are not directly harmed, research has found that domestic abuse affects children of all ages, including regression in development, sleep disturbances, and problem behaviors, including depressions, anxiety, and violence towards peers. In addition, adolescents who grow up in homes where there is violence are more likely to have an abusive relationship in the future.

19. Domestic abuse can also interfere with a parent's ability to parent a child, leading to neglect of the child. One study found that women were eight times more likely to hurt their children while they themselves were being battered than after they left the abusive relationship. Some of this abuse may be in an effort to protect themselves and their children.

20. A report funded by the Family Violence Prevention Fund on suggested components of an effective child welfare response to domestic violence states that collaboration between child welfare agencies and local domestic violence programs would make domestic abuse services and resources available to the child welfare workers. These services include legal resources, shelters, counseling, support groups, and programs for children who experienced domestic violence. The report also suggests the following policies: (a) identify and assess domestic violence in child welfare cases; (b) provide services to families where domestic violence has been identified, even if child abuse has not been substantiated, that includes helping abused women protect themselves and their children; and (c) holding perpetrators of domestic violence accountable for stopping the violent behavior. The supporting premise of these suggestions is that children cannot be safe until their mothers are safe.

21. In a 2002 evaluation of the safety services program in BMCW, Dr. Mark Courtney (University of Chicago) and Dr. Steven McMurtry (University of Wisconsin-Milwaukee) found that more than one-third of female caregivers had, at some point in the past, been sexually molested and about one-fourth had been forced to have sex against their will. The evaluation also suggested that case workers are not able to adequately identify a need for domestic abuse services in families with

which they work.

22. Under the bill, \$1,559,300 GPR annually would be provided to support the three components to this initiative: (a) domestic abuse specialists (\$385,000 GPR annually); (b) family safety services (\$365,000 GPR annually); and (c) domestic abuse education for families (\$809,300 GPR annually). The services under each initiative would be provided under contracts with one or more local agencies with expertise and experience in that specific area. The three components are discussed individually below.

Domestic Abuse Specialists

23. BMCW would contract with local domestic abuse agencies for five domestic abuse specialists. The domestic abuse staff would be employed by the contracted domestic violence agency, but would be supervised by both BMCW staff and the contracted agency and would be located with BMCW staff. DHFS expects that the domestic abuse staff would provide expertise and experience in screening, identifying, and assessing for domestic abuse in families involved with BMCW.

24. These domestic abuse staff would assist safety services and ongoing case managers in identifying domestic violence issues in families that BMCW serves and would train the case managers to learn to recognize and respond appropriately to family violence safety threats. The staff would also assist in referring and accessing existing family violence services that might be needed by the family, including legal services, orders of protection, temporary shelter and safe transitional shelter, and counseling and support groups for adults and children.

Family Safety Services

25. Under a contract with a local agency, funding under this item would support voluntary services to families in which a child abuse restraining order has been issued to protect a child in the family. These families are not currently served by BMCW. DHFS indicates that, in 2004, Milwaukee County courts issued approximately 120 child abuse restraining orders, which affected approximately 75 families. These orders are issued on behalf of children and are petitioned by the parent or legal guardian of the child victim of adult abusers. In addition, funding in this item would provide access to legal services, relating to the safety of a victim of domestic abuse, to an estimated 100 to 165 parents whose families are involved with BMCW.

26. The services provided through the contract would include: (a) case management, including the development and implementation of a safety and protective plan, assistance with social or economic support services, and access to legal services if needed; (b) short-term economic support, which could include security deposits when relocation is necessary for the safety of the family, relocation or access to services, food, formula, diapers, school supplies, or transportation costs related to safety; (c) mental health services, including individual therapy and support groups for the parent and the child; and (d) legal representation in matters relating to child custody, changes in placement orders for children, and other family proceedings as included in the safety plan.

27. The services through this program would be budgeted at the monthly rate used in the current BMCW safety services program, but would be budgeted for an average of six months of services per family, rather than four months of services that are budgeted in the current safety services program, to reflect the different needs of families with issues related to domestic violence.

Domestic Violence Education

28. Funding under this item would support a contract with a local agency to provide outreach, assessment, and group education for children, victims, and perpetrators, as well as referrals to therapy and program outcome evaluations for: (a) children who witness or are exposed to family violence; (b) adults who perpetrate domestic abuse in households where children are present; and (c) victims of domestic abuse whose parents and whose children have been exposed to violence. DHFS estimates that between 540 and 675 individuals (adults and children) would receive services through 18 groups annually for each group.

29. The services to the parents (both the victim and the abuser) would focus on parenting and the effect the abuse is having on their children. The children services would help children deal with the abuse that they witnessed or were victims of and would teach the children how to resolve conflicts without violence. The premise behind all of these services is that domestic violence is a learned behavior and the services focus on parenting and the abuse's effect on children.

30. DHFS has indicated that these services are not readily available in the Milwaukee community, especially services focused on parenting and children. Currently, one organization in Milwaukee is providing these services, but other organizations in the community have recently eliminated programs for abusers. In addition, these services are not currently included in the network of services available to families involved with BMCW. DHFS has also indicated that this funding could serve families involved with BMCW as well as families not involved with BMCW, depending on the need for and availability of these services.

BMCW Ombudsman

31. DHFS currently has a \$268,800 contract with the Planning Council for Health and Human Services for the Office of the Milwaukee Ombudsman for Children, for the period from January 1, 2005, through December 31, 2005. GPR funding for this contract in 2004-05 became available from an increase in the federal Title IV-E claiming rate for eligible costs in BMCW. The bill would provide \$268,900 (\$195,700 GPR and \$73,200 FED) annually to support the last six months of the current contract, and for annual renewals of the contract for the remainder of the biennium. The federal funding is available under Title IV-E.

32. The Office is an independent, neutral, fact-finding office, which is staffed by 3.0 positions (an ombudsman, an associate ombudsman, and a program assistant) with experience in child welfare practice, policy, and law. The Office has the power to respond to citizen concerns regarding specific action or inaction of BMCW by independently reviewing complaints or concerns and provide education, information, and referral to callers. The Office is not intended to substitute

for the Bureau's complaint resolution process, which is an existing process within the Bureau for families or others involved with the Bureau to address issues or concerns.

33. The goals of the Office, as stated in the Department's request for proposals, are to: (a) respond to child protective services concerns and questions of citizens related to action or inaction of the Bureau; (b) determine which concerns require review and in what manner; (c) provide independent reviews of case-specific concerns to assure that policies and procedures are being followed appropriately, and make recommendations for Bureau actions, as appropriate; (d) affirm correct actions of the Bureau, when applicable; (e) make recommendations related to systemic issues that emerge as a result of reviews; (f) prepare and distribute public reports annually that contain summaries of its findings and recommendations; and (g) regularly provide information to the community about its general activities.

34. Since January, the office has been hiring staff and setting up its operations and procedures. It has not yet accepted any complaints or concerns, but plans to do so this summer.

Summary

35. The Governor's recommendations would expand the activities currently conducted by BMCW. If the Committee agrees that some or all of these activities are priorities at this time, it could approve the Governor's recommendations. However, in light of the limited availability of GPR funding, the Committee could delete some or all of the funding that would be provided in the bill for these enhanced activities.

ALTERNATIVES

1. Approve the Governor's recommendation.
2. Approve any of the following:
 - a. \$280,000 GPR annually for foster parent training.
 - b. \$625,900 GPR and \$215,600 FED annually for caseworker retention activities.
 - c. \$625,900 GPR annually to the JFC appropriation for caseworker retention activities. Require DHFS to submit caseworker retention plan, based on CWLA findings, and specific request for allocation of these funds.
 - d. \$385,000 GPR annually for domestic abuse specialists.
 - e. \$365,000 GPR annually for family safety services.
 - f. \$809,300 GPR annually for domestic violence education.
 - g. \$195,700 GPR and \$73,200 FED annually for ombudsman services.

3. Delete provision.

<u>Alternative 3</u>	<u>GPR</u>	<u>FED</u>	<u>TOTAL</u>
2005-07 FUNDING (Change to Bill)	- \$5,321,800	- \$577,600	- \$5,899,400

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