

June 2009 Summary of Status of State Defendants' Compliance with October 27, 2005 Kenny A v. Perdue Consent Decree

Table 1: Kenny A v. Perdue	1 st Period, June 30, 2006		2 nd Period, December 31, 2006		3 rd Period, June 30, 2007		4 th Period, December 31, 2007		5 th Period, June 30, 2008		6 th Period, December 31, 2008		7 th Period, June 30, 2009	
	Target	Reported	Target	Reported	Target	Reported	Target	Reported	Target	Reported	Target	Reported	Target	Reported
Measure 1: By the end of the first reporting period, at least 95% of all investigations of reports of abuse or neglect of foster children shall be commenced, in accordance with Section 2106 of the Social Services Manual, within 24 hours of receipt of report.	95% or more	91%	95% or more	87%	95% or more	85%	95% or more	86%	95% or more	90%	95% or more	96%	95% or more	97%
Measure 2: By the end of the first reporting period, at least 95% of all investigations of reported abuse or neglect of foster children shall be completed, in accordance with Section 2106 of the Social Services Manual, within 30 days of receipt of report.	95% or more	83%	95% or more	78%	95% or more	72%	95% or more	72%	95% or more	76%	95% or more	87%	95% or more	90%
Measure 3: By the end of the first reporting period, at least 99% of all investigations of reported abuse or neglect of foster children during the reporting period shall include timely, face-to-face, private contact with alleged victim, including face-to-face contact with a child who is non-verbal due to age or for any other reason.	99% or more	85%	99% or more	87%	99% or more	83%	99% or more	83%	99% or more	88%	99% or more	97%	99% or more	97%
Measure 4: By the end of the second reporting period, no more than 8.6% of all foster children entering custody shall have re-entered care within 12 months of the prior placement episode.	NA		8.6% or less	9.2%	8.6% or less	9.6%	8.6% or less	9.2%	8.6% or less	9.1%	8.6% or less	6.5%	8.6% or less	4.8%
Measure 5: By the end of the first/second/fourth reporting period, no more than 1.27%/ .94%/ .57% of all children in foster care shall be the victim of substantiated maltreatment while in foster care.	1.27% or less	0.54%	0.94% or less	0.81%	0.94% or less	0.92%	0.57% or less	1.01%	0.57% or less	0.90%	0.57% or less	0.51%	0.57% or less	1.06%
Measure 6: By the end of the second/third reporting period, 90%/98% of all foster homes will not have an incident of corporal punishment within the previous 12 months.	NA		90% or more	100%	98% or more	100%	98% or more	100%	98% or more	100%	98% or more	99%	98% or more	100%
Measure 7: By the end of the second/fourth reporting period, at least 70%/95% of all foster children entering care shall have had a diligent	NA		70% or	73%	70% or	??	95% or	??	95% or	93%	95% or	In the 7 th period	95% or	80%

search for parents and relatives undertaken and documented within 90/60 days of entering foster care.			more		more		more		more		more	report	more	
Measure 8a: Of all the children entering custody following the entry of the Consent Decree, at least 40% shall have had one of the following permanency outcomes within 12 months or less after entering custody: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship.			40% or more	45%	40% or more	45%	40% or more	48%	40% or more	49%	40% or more	51%	40% or more	50%
Measure 8b: Of all children entering custody following the entry of the Consent Decree, at least 74%: (1) shall have had one of the following permanency outcomes within 12 months or less after entering custody: reunification or permanent placement with relatives; or (2) shall have had one of the following permanency outcomes within 24 months or less after entering custody: adoption, permanent legal custody or guardianship.	NA		NA		NA		74% or more	50%	74% or more	53%	74% or more	56%	74% or more	56%
Measure 9: Children in custody for up to 24 months and still in custody upon entry of the Consent Decree (children in the "24 backlog pool"): For all children in the 24 month backlog pool, <ul style="list-style-type: none"> at least 35% by the end of the second reporting period; of those remaining in custody at the end of the second reporting period, at least 40% by the end of the third reporting period; shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent legal custody, adoption, or guardianship. 	NA		35% or more	49%	40% or more	20%	40% or more	20%	40% or more	19%	40% or more	21%	40% or more	19%
Measure 10: Children in custody for more than 24 months and still in custody upon entry of the Consent Decree (children in the "over 24 backlog pool"): For all children in the over 24 month backlog pool, <ul style="list-style-type: none"> at least 35% by the end of the second reporting period; of those remaining in custody at the end of the second reporting period, at least 35% by the end of the third reporting period; shall have one of the following permanency outcomes: reunification, permanent placement with relatives, permanent 	NA		35% or more	36%	35% or more	9%	35% or more	9%	35% or more	14%	35% or more	15%	35% or more	10%

legal custody, adoption, or guardianship.															
Measure 11: By the end of the second reporting period, for all children whose parental rights have been terminated or released during the reporting period, 80% will have adoptions or legal guardianships finalized within 12 months of final termination or release of parental rights	NA		80% or more	In the 4 th period report	80% or more	In the 4 th period report	80% or more	74%	80% or more	70%	80% or more	69%	80% or more	68%	
Measure 12: For children whose parental rights have been terminated or released and the child has an identified adoptive or legal guardian resource at the time of the entry of the Consent Decree, 90% shall have had their adoptions or legal guardianships finalized within six months after the entry of the Consent Decree.	90% or more	94% One Time Measure	NA		NA		NA		NA		NA		NA		
Measure 13: For all children for whom parental rights have been terminated or released at the time of entry of the Consent Decree, and the child does not have an identified adoptive resource, 95% shall have been registered on national, regional, and local adoption exchanges, and have an individualized adoption recruitment plan or plan for legal guardianship within 60 days of the Consent Decree.	95% or more	100% 30% One Time Measure	NA		NA		NA		NA		NA		NA		
Measure 14: No more than 5% of adoptions finalized during the reporting period shall disrupt within the 12 months subsequent to the reporting period.	NA		5% or less	In the 4 th period report	5% or less	1%	5% or less	0%	5% or less	0%	5% or less	0%	5% or less	0%	
Measure 15: Permanency efforts (15/22): By the end of the second/fourth reporting period, at least 80%/95% of all foster children who reached the point of being in state custody for 15 of the prior 22 months, shall have had either (1) a petition for the termination of parental rights filed as to both parents or legal caregivers as applicable OR (2) documented compelling reasons in the child's case record why termination of parental rights should not be filed.	NA		80% or more	84%	80% or more	86%	80% or more	86%	95% or more	92%	95% or more	95%	95% or more	95%	
Measure 16: By the end of the second/fourth reporting period, at least 70%/80% of all foster children who entered foster care during the reporting period along with one or more siblings shall be placed with all of their siblings.	NA		70% or more	73%	70% or more		80% or more	??	80% or more	69%	80% or more	79%	80% or more	81%	
Measure 17: By the end of the second/fourth reporting period, at			86.7%		86.7%		95%		95%		95%		95%		

<p>least 86.7%/95% of all children in care shall have had 2 or fewer moves during the prior 12 months in custody.</p>	NA	or more	90%	or more	84.4%	or more	91%	or more	92%	or more	91%	or more	89%
<p>Measure 18: By the end of the second reporting period, at least 90% of all children in care at a point in time during the reporting period shall have had 2 or fewer DFCS placement case managers during the prior 12 months in custody.</p>	NA	90% or more	84%	90% or more	91%	90% or more	92%	90% or more	90%	90% or more	91%	90% or more	91%
<p>Measure 19: By the end of the second/third/fourth reporting period, at least 70%/80%/90% of all children in care shall be placed in their own county (the county from which they were removed) or within a 50 mile radius of the home from which they were removed, subject to the exceptions in Paragraph 5.C.4.b (ii) and (iii).</p>	NA	70% or more	88%	80% or more	89%	90% or more	97%	90% or more	98%	90% or more	97%	90% or more	99%
<p>Measure 20: By the end of the second reporting period, at least 95% of children in care at a point in time during the reporting period shall have had at least one placement visit and one other visit, as defined in Section 5.D, each month by their case manager during the prior 12 months in custody.</p>	NA	95% or more	16%	95% or more	15%	95% or more	14%	95% or more	36%	95% or more	48%	95% or more	51%
<p>Measure 21: By the end of the third/fourth reporting period, at least 75%/85% of all children with the goal of reunification shall have appropriate visitation with their parents to progress toward reunification.</p>	NA	NA		75% or more	25%	85% or more	47%	85% or more	76%	85% or more	81%	85% or more	90%
<p>Measure 22: By the end of the second reporting period, at least 90% of all children in care at a point in time during the reporting period shall have had visits between their DFCS placement case manager and their foster parent, group care, institutional or other caretaker at least one time each month during the prior 12 months in custody.</p>	NA	90% or more	39%	90% or more	45%	90% or more	52%	90% or more	60%	90% or more	68%	90% or more	75%
<p>Measure 23: By the end of the second reporting period, at least 80% of children in the Class at a point in time during the reporting period who have one or more siblings in custody with whom they are not placed shall have had visits with their siblings at least one time each month during the prior 12 months in custody, unless the visit is harmful to one or more of the siblings, the sibling is placed out of state in compliance with ICPC, or the distance between the children's placement is more than 50 miles and the child is placed with a</p>	NA	80% or more	19%	80% or more	21%	80% or more	26%	80% or more	39%	80% or more	34%	80% or more	50%

relative.														
Measure 24: By the end of the second reporting period, the percentage of youth discharged from foster care at age 18 or older with a high school diploma or GED will increase over baseline by 10 percentage points. By the end of the fourth reporting period, that percentage shall increase by an additional 10 percentage points.	65.7% baseline		75.7% or more	34.4%	75.7% or more	25%	85.7% or more	??	85.7% or more	??	85.7% or more	46.8%	85.7% or more	In the 8 th period report
Measure 25: By the end of the first/second/fourth reporting period, at least 85%/95%/98% of all foster children in custody at a point in time during the reporting period shall be in placements that are in full approval and/or licensure status.	85% or more	Not measured	95% or more	86%	95% or more	86%	95% or more	88%	98% or more	96%	98% or more	97%	98% or more	99%
Measure 26: By the end of the second/fourth reporting period, at least 85%/95% of foster children in custody at a point in time during the reporting period shall have all applicable language in court orders necessary to assess qualification for federal funding under Title IV-E of the Social Security Act. This outcome shall be measured for court orders entered after the entry of the Consent Decree.	NA		85% or more	55%	85% or more	42%	95% or more	70%	95% or more	64%	95% or more	65%	95% or more	71%
Measure 27: By the end of the second/third/fourth reporting period, at least 80%/85%/95% of foster children in custody for six months or more shall have either had their six-month case plan review completed by the Juvenile Court within six months of their prior case plan review, or DFCS shall have submitted the child's six-month case plan to the Juvenile Court and filed a motion requesting a six-month case plan review within 45 days of the expiration of the six-month period following the last review.	NA		80% or more	70%	85% or more	33%	95% or more	46%	95% or more	63%	95% or more	81%	95% or more	80%
Measure 28: By the end of the second reporting period, at least 95% of foster children in custody for 12 or more months shall have either had a permanency hearing held by the Juvenile Court within 12 months of the time the child entered foster care or had his or her last permanency hearing, or DFCS shall have submitted the documents required by the Juvenile Court for and requested a permanency hearing within 45 days of the expiration of the 12-month period following the time the child entered foster care or had his or her last permanency	NA		95% or more	80%	95% or more	70%	95% or more	84%	95% or more	83%	95% or more	81%	95% or more	95%

hearing.														
Measure 29: By the end of the third reporting, no more than 5% of all children in custody of DHR/DFCS for 12 months or more shall have lapse of legal custody within the prior 13 months.	NA	NA		5% or less	30%	5% or less	3%	5% or less	5%	5% or less	4%	5% or less	4%	
Measure 30: By the end of the second/fourth reporting period, at least 80%/85% of children in care shall not have any unmet medical, dental, mental health, education or other service needs, according to the service needs documented in the child's most recent case plan.	NA	80% or more	74%	80% or more	77%	85% or more	57%	85% or more	54%	85% or more	75%	85% or more	72%	
Measure 31: By the end of the second reporting period and continuing thereafter, no more than 10% of all children in foster homes shall be placed in foster care homes that exceed the capacity limits referenced in Section 5.C.4.e. of the Consent Decree, concerning the requirement that no child shall be placed in a foster home if that placement will result in more than three(3) foster children in that foster home, or a total of six (6) children in the home, including the foster family's biological and/or adopted children.	NA	10% or less	8%	10% or less	5%	10% or less	7%	10% or less	6%	10% or less	8%	10% or less	3%	

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