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John Midgley, Director

March 3, 2008

Braam Stakeholders

By email only

Re: Braam Plaintiffs' Attorneys' Response to Suspension of Accreditation of Children's Administration

Dear Stakeholders:

On February 15, 2008, the Council on Accreditation (COA) informed Children's Administration (CA) that the accreditation process for CA has been placed on hold.<sup>1</sup> The letter from COA stated the Department of Social & Health Services (the Department) has made progress in a number of regional offices since the Department applied for accreditation in September 2001. However, COA noted that it "reserves the discretion at any time to place an agency's accreditation process on hold when conditions exist that raise a serious concern about stakeholder health or safety or the credibility of COA's accreditation process."

The standards set forth by the COA are important—and successful compliance with those standards would be a meaningful way to show that critical standards related to child welfare outcomes are being met. While Plaintiffs' attorneys believe that some COA standards are not as stringent as need be, we believe that the standards are extremely important because they: (a) are consistent with basic practice standards; (b) overlap with Braam benchmarks and action steps; and (c) mirror the vast majority of the Braam Professional Standards adopted by the Panel.<sup>2</sup>

Unfortunately, while true COA accreditation would be meaningful, there has been significant confusion around the State's accreditation process. This confusion centers on the understandable belief—among stakeholders, legislators and others—that the State's progress on accreditation indicates that all COA standards (or at least critical standards) are being met. This belief, however, is inaccurate because CA has not actually *met* a number of critical standards, as is explained below. The misunderstanding is echoed in CA's external materials, including its website where CA notes that the goal of statewide accreditation is "earned through *meeting* rigorous nationally recognized standards of social work practice" (emphasis added).<sup>3</sup> CA points out that its "commitment to achieve accreditation" requires that "Children's Administration *must demonstrate that it meets over 700 best practice standards* in the administration and practice of

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<sup>1</sup> The correspondence between COA and CA can be found at [http://www.dshs.wa.gov/ca/about/imp\\_Accred.asp](http://www.dshs.wa.gov/ca/about/imp_Accred.asp).

<sup>2</sup> All Braam-related data can be found at the Braam panel's website at [www.braampanel.org](http://www.braampanel.org).

<sup>3</sup> Available at [www.dshs.wa.gov/ca/about/imp\\_Strategy.asp](http://www.dshs.wa.gov/ca/about/imp_Strategy.asp).



child protection/child welfare services” (emphasis added). CA also claims that “[a]s of February 2008, Headquarters and 44 field offices have met the COA standards.”<sup>4</sup>

Regrettably, there is no question that the COA standards are not being met by CA in a number of critical areas. After the Braam Panel found that CA had no plans to meet the COA standards around monthly visits or caseload standards, Plaintiffs’ attorneys notified COA in a letter of concern. In that letter, Plaintiffs also noted that the COA requirement of “regular visits and ongoing contact” between siblings<sup>5</sup> is not being met. Finally, Plaintiffs’ attorneys believe that the Department’s continuing failure to conduct timely Child and Health Education Tracking (CHET) screens violates the COA standard requiring “developmental, mental health, and alcohol and drug screenings within 30 days after entry into care, and when indicated to identify the need for further diagnostic assessment.”<sup>6</sup>

First, there is *no disagreement* that a majority of children are not receiving monthly visits. Specifically, the Braam Foster Parent Survey indicates that only 37.9% of children are receiving monthly visits. Currently, CA has no policy requiring monthly visits to all children in care. While CA indicates that it has “established a policy requiring monthly visits to all children in out-of-home care which is consistent with COA standards,”<sup>7</sup> this is a phase-in plan that: (a) is dependent on funding from the Legislature, and (b) is a plan that has been changed multiple times.<sup>8</sup> Thus, not only is CA not meeting the standard at this time, it is still unclear when CA will provide monthly visits to all children.

Second, there is also *no disagreement* over whether caseworkers’ caseloads meet COA’s requirement that “generally, caseloads do not exceed 18 children or 8 children with special therapeutic needs.”<sup>9</sup> While CA’s data is not clear, there is no dispute that caseloads for caseworkers for children in foster care are far above the 18:1/8:1 COA standard. In addition, the recent Workload Study commissioned by the Department found that workloads were almost

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<sup>4</sup> Available at [http://www.dshs.wa.gov/ca/about/imp\\_Accred.asp](http://www.dshs.wa.gov/ca/about/imp_Accred.asp) (emphasis added). CA also states, on its website, that “In 2000, the Vancouver office became the first state child welfare agency on the West Coast to achieve accreditation from COA.” This is not correct. As CA has been informed, individual offices do not become “accredited.” They may pass the COA site visit, but only the state, as a whole, may become accredited.

<sup>5</sup> PA-FC 7.01, available at [http://www.coastandards.org/standards.php?navView=public&core\\_id=258](http://www.coastandards.org/standards.php?navView=public&core_id=258).

<sup>6</sup> PA-FC 10.03(c), available at [http://www.coastandards.org/standards.php?navView=public&core\\_id=261](http://www.coastandards.org/standards.php?navView=public&core_id=261).

<sup>7</sup> Letter from the Assistant Secretary, at 7. Available at <http://www.dshs.wa.gov/pdf/ca/CAResponse.pdf>.

<sup>8</sup> Confusion around monthly visits has existed for some time. For example, the Governor’s budget request for monthly visits notes May 2008 as the implementation date for monthly visits. CA notes that it will be September 2008 before visits are actually provided to all children *if* the Legislature provides funding. No explanation of this five month difference exists in either of the Legislative budgets or the Governor’s budget request.

<sup>9</sup> PA-FC 19.06, available at [http://www.coastandards.org/standards.php?navView=public&core\\_id=269](http://www.coastandards.org/standards.php?navView=public&core_id=269). Specifically, this standard calls for “a manageable workload” that “makes it possible for workers to meet practice requirements” and “does not impede the achievement of outcomes.” The Workload Study’s findings clearly indicate that this is not the case in Washington State.

twice as high as needed to achieve basic practice standards.<sup>10</sup> Finally, the 2006 Annual Report from the Office of the Family & Children's Ombudsman (issued in 2007), noted that the steps taken by the agency to address high caseloads have not been sufficient, and now recommends that urgent action be taken to establish manageable workloads throughout the agency. The report notes the role of high caseloads in child fatality cases.<sup>11</sup> In addition, CA has added to the confusion by arguing that achieving an *average* statewide caseload of 18:1 would be akin to meeting the COA standard. In fact, the COA standard would only be met when *each and every* caseworker's caseload meets the standard—a statewide average could mean that the majority of caseworkers carry far more than 18 cases.

Third, according to the Braam Foster Parent Survey, more than half of separated siblings do not have contact with each other more than once a month. Therefore, it is clear the Department is not meeting the COA standard requiring "regular visits and ongoing contact" between siblings.

Finally, in FY 2006 (the last year for which valid data is available), less than 1/3 of children in care for more than 30 days were receiving timely CHET screens, despite a longstanding law calling for timely CHET completion.

Of note, COA mentions six issues in its decision to put the accreditation process on hold. While COA's letter states that the Braam litigation "is centered on issues directly related to the non-compliance with COA's standards of best practice," only two of the six issues cited as the reason to put the process on hold are directly related to Braam.<sup>12</sup> Again, there is no question that on those two issues—monthly visits and caseloads—the Department is not complying with COA standards.

In her response to COA, the Assistant Secretary refers to the recent court action by the Braam Plaintiffs and asks whether it is COA's position that "simply because a party in pending litigation alleges the Department falls short of a COA standard that COA will assume this to be an established fact?" As noted above, the Department cannot challenge that key COA standards are not being met, regardless of the court action by the Plaintiffs.

The failure to meet accreditation standards is a collective one, and does not rest solely on the Children's Administration. To meet these standards, CA must be given clear directives by the

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<sup>10</sup> The workload study is available at <http://www.dshs.wa.gov/ca/pubs/wls2007.asp>.

<sup>11</sup> Available at [http://www.governor.wa.gov/ofco/reports/ofco\\_2006\\_annual.pdf](http://www.governor.wa.gov/ofco/reports/ofco_2006_annual.pdf), at 75 (73 of the PDF).

<sup>12</sup> Of particular concern to COA were the following "foundational standards relating to stakeholder health and safety that have not been implemented" by CA, including but not limited to:

- Timely visits to foster homes;
- Caseload size;
- Staff credentials;
- Adequate kinship home studies;
- Stakeholder participation in the CQI processes; and
- Risk management reviews.

Department, the Governor, the Legislature, and COA itself, that the standards must be reached. The Department and the Governor must advocate for funds to comply with accreditation and with legislative directives. The Legislature must provide funding for initiatives, such as accreditation, that it has seen fit to codify in law, and must fund reforms mandated by legal settlements, such as Braam, especially where those initiatives are developed by experts and consistent with other initiatives.

Finally, we must emphasize that *it was the Braam Oversight Panel, a panel of independent, child welfare experts that oversees the foster care reform efforts, who developed the Braam benchmarks and determined the Department was in non-compliance in the areas that compelled the Plaintiffs to return to court.* It was not the Plaintiffs' attorneys who made this determination. To ensure that the thousands of foster children in care receive constitutionally adequate services, Plaintiffs' attorneys filed a motion in court to address the four most pressing areas of non-compliance, including: monthly visits to children in foster care; caseloads; sibling visits; and mental health screens within 30 days of children entering care.

Plaintiffs' attorneys acknowledge that the COA accreditation process may well have brought about a number of systemic improvements. In addition, we know that individuals in the administration and in the field offices have been working hard to meet standards set forth by COA, by the federal government, and by the Braam Panel. Additionally, CA has made gains in its data collection and quality assurance process, and has made some gains in specific Braam benchmarks. However, the Plaintiffs' attorneys firmly believe that COA accreditation of CA, without actual compliance with COA standards, undermines the integrity of the accreditation process, would devalue the hard work of many individuals at CA, and puts children at risk.

As always, please contact me if you have any questions about this letter.

Sincerely,



Casey Trupin

On Behalf of Attorney for Plaintiffs in *Braam v. State*