

OVERVIEW OF THE *LASHAWN A.* LITIGATION

History of the *LaShawn A.* Litigation

LaShawn A. is a Federal class action suit that was filed in 1989 on behalf of the District of Columbia's abused and neglected children. The lawsuit, initially captioned *LaShawn A. v. Barry*, challenged virtually every aspect of the District's child welfare system and sought expansive reform of the city's child welfare agency. The lawsuit was filed by Children's Rights, Inc., a national child advocacy organization based in New York. Children's Rights has remained Plaintiffs' counsel throughout the litigation.

The case went to trial before District Court Judge Thomas Hogan in 1993 under the caption *LaShawn A. v. Dixon*. The two-week trial included testimony of numerous witnesses detailing the many deficiencies and dangers of the child welfare system. Over one thousand admissions of fact by the District were entered into evidence.

Following the trial, Judge Hogan concluded that the child welfare system was in "shambles" and issued a lengthy opinion finding in favor of the Plaintiff children. *LaShawn A. v. Dixon*, 762 F. Supp. 959 (D. D.C. 1991). The District appealed the decision, which was affirmed in part and remanded in part. *LaShawn A. v. Kelly*, 990 F.2d 1319 (D.C. Cir. 1993).

On remand, Judge Hogan approved an extensive remedial order imposing numerous requirements, changes, and reforms in every area of the child welfare system and bringing a court-appointed Monitor into the case. *LaShawn A. v. Kelly*, 1994 U.S. Dist. LEXIS 20872 (D. D.C. 1994). This Modified Final Order (MFO) continues to control the case today. The Center for the Study of Social Policy (CSSP), a non-profit organization based in the District, serves as the court-appointed Monitor.

The District has consistently been unable to meet deadlines for full compliance with the remedial order. The MFO has been supplemented by several implementation and strategy plans negotiated by the parties and adopted by the Court. Initially, these included an Implementation

Plan in April 2003, an Amended Implementation Plan in February 2007, and an Interim Strategy Plan in January 2008.

In July 2008, the parties attempted to negotiate an updated plan. Agreement could not be reached, and a motion for contempt was filed before Judge Hogan by Plaintiffs. After a two-week period of negotiation, the Court issued a Stipulated Order on October 6, 2008, holding Plaintiffs' motion for contempt in abeyance and incorporating a 90-day plan submitted by the parties. The Order called for the hiring of an outside consultant to help identify a permanent agency director, to assess management and staff structure and to make and help implement recommendations for achieving compliance. When the 90-day stipulated plan expired, the parties were unable to reach agreement on a new strategy plan and on February 3, 2009, the Plaintiffs renewed their motion for contempt. The government filed an opposition and the matter was set for hearing in May 2009.

In April 2010, Judge Hogan granted in part and denied in part Plaintiff's Motion for Contempt. On September 28, 2010, Judge Hogan issued a remedy for the April 2010 contempt finding, providing, in part, that the Child and Family Services Agency (CFSA) set aside \$40,000 plus attorney fees incurred by Plaintiffs, to be "spent to enhance the District's initiative to facilitate the healthy and stable transition of older youth dependent upon child welfare system through its arrangement with the Healthy Families/Thriving Communities Collaborative Council (or another program)." He also provided that the Mayor or his designee meet with Plaintiff's counsel to discuss CFSA management and its implementation of the *LaShawn A.* reforms no later than November 22, 2010. Finally, Judge Hogan ordered that the District is to consult with Plaintiffs regarding the selection of a new CFSA Director, should a new appointment be made during the pendency of the litigation.

On December 17, 2010, Judge Hogan entered a new Implementation and Exit Plan (IEP) and a 2010-2011 Strategy Plan. This plan superseded and replaced the February 2007 Amended Implementation Plan. It contains four sections. Section I is entitled "Outcomes to be Achieved;" Section II is entitled "Outcomes to be Maintained" (those requirements where D.C.'s current performance meets proposed exit requirements); Section III is entitled "Sustainability and Exit;" and Section IV contains the "2010-2011 Strategy Plan" (actions steps to achieve the outcomes).

These provisions, which governed the District's child abuse and neglect reform efforts through the end of 2011, took effect immediately.

In March 2012, CFSA filed its 2012-2013 Strategy Plan with the Court. The Strategy Plan incorporated many new strategies focusing largely on improving Child Protective Service investigations, visitation, permanency outcomes, and federal revenue claiming. In the Strategy Plan filed in February 2013, CFSA signaled a full shift to its "four pillars" model of integrating its *LaShawn* compliance into its broader vision. The four pillars model has remained central in each of the subsequent CFSA strategy plans.

The IEP is enforceable as a phased implementation plan under MFO § XX.B. Sections I and II are enforceable by civil fines and/or injunctive relief. (See IEP Preamble n. 2) The Strategy Plan "is intended to facilitate the parties' and the Court's understanding of the actions to be taken by Defendants to achieve compliance with the exit criteria." (See IEP Preamble) The "action steps and standards included in the Strategy Plan are a means to achieving the outcomes, and absent a substantial or unjustifiable disparity, the Court will not find deviations from the action steps in the Strategy Plan to constitute noncompliance." (*Id.*)

Introduction to *LaShawn A.* as an Advocacy Tool in Individual Neglect and Abuse Cases

The *LaShawn A.* litigation has yet to achieve permanent systemic reform. As the Court Monitor once reported, CFSA has often experienced periods of crisis and instability. *LaShawn A.*'s remedial orders and plans contain numerous requirements, provisions, mandates, and standards that may be extremely helpful to practitioners advocating on behalf of a child, parent, caretaker, or other party in an individual neglect and abuse proceeding. For example, the MFO and IEP include strict requirements regarding investigations, removal, visitation, services, placement, and licensing.

These criteria may be used when advocating with CFSA or pursuing a legal argument with the Neglect Court. This Practice Kit recognizes the potential of using *LaShawn A.* as an advocacy tool in individual cases. This section of the Kit was prepared to help practitioners become familiar with the remedial provisions of the *LaShawn A.* litigation and to assist practitioners in assessing whether *LaShawn A.* might be relevant and helpful in an individual case. The Kit can likewise

serve as a useful reference tool when the government or other opposing parties purport to rely on *LaShawn A.* to justify a particular recommendation, legal argument, or course of action.

As with any Practice Kit, the materials here are intended to be used as a reference and guide but are not a substitute for independent research and analysis by the practitioner. *LaShawn A.* provisions and requirements must of course be read in conjunction with other relevant materials, such as statutes or rules that may govern a particular topic or issue. The Appendix to the Summary of Requirements contains some, but not all, of these provisions. (See Section II C).

Explanation of Materials in Part II of this Kit

This section of the Practice Kit contains hyperlinks to primary materials to help the practitioner become familiar with the *LaShawn A.* litigation and requirements, and secondary materials prepared by Children’s Law Center as practice aids. The primary materials include the Modified Final Order, which sets out CFSA’s responsibilities, the plans which CFSA has put forward to comply with those requirements, and the most recent reports of the court monitor regarding CFSA’s success in moving toward exit from the litigation. Secondary materials include a chronology of the litigation and a summary of *LaShawn A.* provisions by topic. Because CFSA has moved to integrate most of their requirements to exit the litigation into their standing policies and procedures, Part III of this kit will address those documents, and provide samples for how to litigate those issues.

June 2018

LaShawn A. v. Bowser

Chronology of the Class Action Litigation

- 1989** Children’s Rights, Inc., a New York-based child advocacy organization, files federal class action lawsuit *LaShawn A. v. Barry* on behalf of District’s abused and neglected children. Suit names District and its child welfare agency (then called “DHS”) as defendants.
- 1991** After trial, Judge Thomas P. Hogan of the U.S. District Court, District of Columbia, finds that the city’s child welfare system is in “shambles.”
- 1993** Judge Hogan issues Modified Final Order (MFO), which details obligations of DHS and anticipates compliance by 1995. The Center for the Study of Social Policy (CSSP) is appointed to monitor the District’s compliance.
- 1994** Children’s Rights, Inc. files motion to hold the District in contempt of court for violating the MFO. This motion leads to a limited receivership.
- 1995** Children’s Rights, Inc. files motion to hold the District in contempt of court for violating the MFO. Judge Hogan orders the District into a general receivership.
- 2001** Receivership ends. The District enacts legislation making the child welfare agency a cabinet level agency with the new name of Child and Family Services Agency (CFSA). The parties are instructed to develop a plan to implement the MFO and achieve compliance/case closure.
- 2003** Judge Hogan adopts the Implementation Plan (IP). The IP is supposed to ensure compliance with the MFO and closure of the case by the end of 2006.
- 2006** Named Plaintiff, ‘LaShawn A.,’ turns twenty-one years old.
- 2007** The District and the Plaintiffs agree to the Amended Implementation Plan (AIP) after the District fails to satisfy the MFO or IP’s requirements. The AIP is adopted by Judge Hogan. It contains a yearly Annual Strategy Plan to be revised in February 2008. The AIP is supposed to ensure compliance with the MFO and the IP and closure of the case by the end of 2008.
- Feb 2008** The Agency is unable to meet the deadline for developing an Annual Strategy Plan after the deaths of four district children overwhelm the child welfare system with hotline calls. The Agency operates under a six-month Interim Strategy Plan (ISP).
- Apr 2008** At the court status hearing, the ISP is adopted with June 30, 2008 as the due date for a more permanent Annual Strategy Plan. Children’s Rights, Inc. states that it will pursue contempt if there is no significant progress in 60 days.
- Jun 2008** Scheduled court hearing cancelled because parties have not agreed upon an Annual Strategy Plan. The parties continue negotiations and new date set for August 2008.

Sept 2008	Judge Hogan gives parties to October 3, 2008 to work together on 90-day plan.
Oct 2008	Court issues Stipulated Order holding Plaintiffs' motion for contempt in abeyance and incorporating 90-day plan submitted by the parties. The Order calls for contracting with an outside consultant to help hire a new agency director, to assess CFSA management and staffing structure and to make and help implement recommendations to achieve compliance. The Order also requires the District to complete a proposed Annual Strategy Plan by January 15, 2009 in consultation with Children's Rights and acceptable to the Monitor. The Annual Strategy Plan is to contain specific action steps and benchmarks to move the District toward compliance with all MFO and AIP final requirements.
Jan 2009	Parties and Monitor unable to develop consent Annual Strategy Plan. District files a Motion asking Court to approve a six-month plan developed unilaterally by the District and not approved by the Monitor.
Jan-Mar 2009	Plaintiffs renew their Motion for Contempt. District files opposition and parties subsequently file numerous pleadings.
Apr 2010	Judge Hogan grants in part, denies in part Plaintiff's Motion for Contempt.
Sept 2010	Judge Hogan issues a remedy for April 2010 contempt finding providing, in part, that CFSA set aside \$40,000 plus attorney fees incurred by Plaintiffs, to be "spent to enhance the District's initiative to facilitate the healthy and stable transition of older youth dependent upon child welfare system through its arrangement with the Healthy Families/Thriving Communities Collaborative Council (or another program)."
Dec 2010	Judge Hogan approves an Implementation and Exit Plan and 2010-2011 Strategy Plan to govern the District's child abuse and neglect reform efforts through the end of 2011.
Mar 2012	CFSA filed 2012 strategy plan, which was approved by Children's Rights and the Monitor. The plan's filing was delayed for several months as a result of Brenda Donald's appointment as CFSA's new Director in January 2012. The plan identified key strategies to achieve the benchmarks required by the IEP and places those strategies in the context of the 'Four Pillars' model that Director Donald used to guide her reforms at CFSA.
2013-2018	CFSA files an updated strategy plan each year, typically in March. Each strategy plan focuses on different strategies to achieve the outstanding benchmarks required by the IEP. Since 2012, CFSA has consistently placed their strategies in the context of the 'Four Pillars' model.

LaShawn A. Checklist: Summary of Requirements

INTRODUCTION

This document was prepared by Children's Law Center as a practice aid for attorneys representing children, parents, family members, caregivers and others in the neglect system.

This summary contains examples of provisions and requirements in the *LaShawn A.* Modified Final Order (MFO) (dated November 18, 1993), the seminal operative order in the case, as well as a series of plans that have been enacted since that time to address the MFO's requirements, including the Implementation and Exit Plan (IEP) (dated December 17, 2010), the Strategy Plan (SP) (also dated December 17, 2010),¹ and the newest Strategy Plan (SP2017) (dated November 2017). Practitioners can find hyperlinks to these plans, plus other related documents and orders, in this Practice Kit.

Topics covered in this summary range from initial investigation of suspected abuse or neglect through services that must be provided by Child and Family Services Agency (CFSA) to adoptive families. Some of the topics contain selected cross-references to statutes, regulations, court rules, agency policies, or other related materials. Information about where to find these cross-referenced materials is included in the Appendix at the end of this summary and Section III of this Practice Kit (for CFSA policies).

This summary is intended as a practice aid, and does not constitute or substitute for legal advice. Attorneys should always do their own independent research and analysis before deciding how or whether to use the information in this summary. *LaShawn A.* is an on-going case. New or amended orders and plans are occasionally issued by the Federal District Court. This summary is current through June 2018.

KEY:

MFO = Modified Final Order (1993) (See Section II E)

IEP = Implementation and Exit Plan (See Section II E)

SP = Strategy Plan 2010-2011 (See Section II E) (Included in same document as IEP)

SP2015 = Strategy Plan 2015 (See Section II E)

SP2016 = Strategy Plan 2016 (See Section II E)

SP2017 = Strategy Plan 2017 (See Section II E)

¹The Strategy Plan is technically Section IV of the Implementation and Exit Plan, but since the documents have different weight and authority (see "Preamble" of Implementation and Exit Plan) they are referenced separately throughout.

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INVESTIGATIONS OF SUSPECTED ABUSE AND NEGLECT

What does *LaShawn A.* say about investigations of abuse and neglect?²

- Investigations of alleged child abuse and neglect must be initiated within 48 hours of the report to the hotline or CFSA must document good faith efforts to initiate the investigation within 48 hours. This requirement is fulfilled when:
 - o The social worker has seen the child and talked to the child away from the caregiver (MFO, p. 3; IEP, p. 3 n. 4) or
 - o The social worker has made documented good faith efforts to see the child but has been unable to locate the child (MFO, p. 3; IEP, p. 3 n. 4).
 - “Good faith” efforts include visiting the child’s home, school and daycare, as well as contacting the reporter to elicit additional information about the child’s location (IEP, p. 3 n. 4).

- Investigations of child abuse and neglect shall be completed within 30 days of the hotline report (MFO, p. 3; IEP, p. 1). The final report of findings for each investigation shall be completed within five days of the conclusion of the investigation (IEP, p. 3).

- CFSA shall conduct “acceptable” investigations of child abuse and neglect (IEP, p. 4).³ Evidence of acceptable investigations includes:
 - o Use of CFSA’s screening tool in prioritizing response times;
 - o Interviews with the following “five core contacts”: child victim(s), maltreater, reporting source (if known), medical resources, and educational resources (for school-aged children);
 - o Interviews with collateral contacts who are likely to have information re: the child’s safety and well-being;
 - o Interviews with all children in the household outside the presence of the caretaker/parent (or documentation that the worker has made good faith efforts to locate the child, but has been unable to do so);
 - o Medical and mental health evaluations of the children and/or parents (when the worker determines that such evaluations are needed to complete the investigation);
 - o Use of a risk assessment protocol in making decisions resulting from an investigation; and
 - o Initiation of services during the investigation to prevent unnecessary removals.

² See generally MFO II(G), X(D)(1)(a). See also D.C. Code §§ 4-1301.04(b), 4-1301.04(c)(3)(A), 4-1301.06(a), 4-1301.06(c)(1); CFSA “Investigations” Procedural Operations Manual (December 2013); CFSA “Hotline” Program Policy (August 30, 2011); CFSA “Investigations” Program Policy (August 30, 2011). All CFSA documents are available at www.cfsa.dc.gov.

³ See generally MFO II(H) and (J-K). See also D.C. Code §§ 4-1301.04, 4-1301.06(b)(3)(B-D), 4-1303.01a(3A).

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- “By April 30, Entry Services will create Response Team(s) consisting of a CPS Social Worker and Diligent Search staff to respond together to referrals and to assist with locating children and families” and these teams will meet in daily “huddles” (SP2017, pp. 2-3).

REASONABLE EFFORTS TO PREVENT INITIAL REMOVAL FROM HOME

What does *LaShawn A.* say about CFSA’s obligation to make reasonable efforts to prevent removal of a child from his or her home?⁴

- CFSA shall offer (or arrange for) services to enable children who have been the subject of an abuse/neglect report to avoid placement and remain safely in their own homes (MFO, p. 7; IEP, p. 5).
- The social worker must make and document reasonable efforts to avoid the need for placement by considering a range of services to keep the child safely at home (MFO, p. 7).
- The initiation of services during an investigation to prevent unnecessary removals is considered evidence of an “acceptable” investigation (IEP, p. 4. *See also* MFO, p. 3-5).
- The District’s Resource Development Plan shall include a projection of the need for community-based services to prevent unnecessary placement, replacement, adoption, and foster home disruption (MFO, p. 55; IEP, p. 27).
- CFSA will refer ninety percent (90%) of families at “low or moderate risk of [child] abuse and neglect” to a Collaborative or community agency for follow up (assuming that the family is in need of – and agrees to – additional supports). Families for whom CFSA opens an ongoing case are not subject to this requirement (IEP, p. 15).⁵
- CFSA will conduct a case review of children who are removed from their home for short periods of time to determine alternative strategies for keeping children safely in their homes (SP, p. 32 of IEP).⁶

PRACTICE POINTER: Consider these requirements when the issue of reasonable efforts is addressed at the Initial Hearing.

⁴ *See also* **FAMILY TEAM MEETINGS**, below.

⁵ *See generally* MFO XV(A)(2). *See also* D.C. Code §§ 4-1303.03(a-1)(3), 4-1303.03(3A)(A), 4-1303.03a(a).

⁶ While it has distinct weight and authority, the SP (Strategy Plan) is part of the IEP document, thus page references from this point forward will be noted as above.

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How does *LaShawn A.* define the services that encompass “reasonable efforts”?

- Reasonable efforts to avoid the need for foster care placement shall be defined as services that cover a range of intensity relating to a family’s needs, including:
 - o Intensive home-based crisis intervention services;
 - o Homemaker services (including 24-hour);
 - o Parent education/counseling;
 - o Mental health services (including day treatment);
 - o Substance abuse programs;
 - o Housing assistance;
 - o Respite care;
 - o Daycare;
 - o Emergency cash assistance;
 - o Access to other public benefits; and
 - o Less intensive family services.
- (MFO, p. 9).

What must CFSA do where a child/family has multiple reports of abuse/ neglect?

- CFSA shall conduct “comprehensive reviews” of families with four or more reports of abuse and neglect. These reviews may include the investigations program manager, the current investigative worker, the Office of Clinical Practice, Collaborative workers and others who have prior familiarity with the family (MFO, p. 43; IEP, p. 3; SP, p. 32 of IEP).

FAMILY TEAM MEETINGS

What does *LaShawn A.* say about Family Team Meetings?⁷

- CFSA shall identify and investigate relative resources in all cases requiring removal of children from their homes (IEP, p. 8).⁸ Specifically:
 - o CFSA will convene *pre-removal* Family Team Meetings (FTMs) in 70% of applicable cases where there is an “imminent risk of removal” (IEP, p. 8);⁹
 - o By December 31, 2010, CFSA will develop the capacity (in-house or contracted) to ensure that FTMs occur prior to a child’s removal (unless the child is at

⁷ See generally MFO VI(A)(6). See also D.C. Code § 4-1303.03(a-1)(4)(B); D.C.M.R. § 29-1642.1; CFSA In-Home and Out-of-Home Procedural Operations Manual, “Family Team Meetings/Case Transfer Staffing” (May 2011); CFSA “Family Team Meetings” Program Policy (October 25, 2010); CFSA “Family Team Meetings” Quick Reference Guide (2007). CFSA documents are available at www.cfsa.dc.gov.

⁸ See *id.* See also CFSA “Diligent Search” Program Policy (December 1, 2009); CFSA “Temporary Licensing of Foster Home for Kin” Program Policy (September 20, 2011); CFSA “Family Partnerships” Quick Reference Guide (2011); CFSA “Removal Notification to Relatives” Quick Reference Guide (2010); CFSA “Temporary Licensing of Kinship Foster Homes” Quick Reference Guide (2011). CFSA documents are available at www.cfsa.dc.gov.

⁹ According to the IEP, “FTMs are . . . not held in cases where criminal charges are pending, the Children’s Advocacy Center is involved, or the family refuses to participate.” (IEP, p. 8 n. 14).

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- imminent risk of harm) or prior to filing a petition for removal with Superior Court (SP, p. 32 of IEP);¹⁰
- In 90% of cases where a child has been removed, CFSA will make reasonable efforts to identify, locate and invite known relatives to the FTM (IEP, p. 8; SP, p. 37 of IEP).

PRACTICE POINTER: Consider these requirements prior to the Family Team Meeting, Initial Hearing or during the Initial Hearing.

SERVICES TO PROMOTE SAFETY, PERMANENCY, AND WELL-BEING

What does *LaShawn A.* say about services CFSA must offer to children and families?¹¹

- CFSA shall offer children and families “appropriate” services to support child safety, permanence, and well-being. “Appropriate services” shall include all services identified in a child or family’s safety plan or case plan (IEP, p. 5).
- CFSA shall provide (or arrange for) the following services:
 - Services to enable children who have been the subject of an abuse/neglect report to avoid placement and remain safely in their own homes;
 - Services to enable children who have (or will be) returned from foster care to remain with their parents/relatives and avoid replacement into foster care;
 - Services to avoid disruption of an adoptive placement that has not yet been finalized and avoid the need for replacement; and
 - Services to prevent the disruption of a beneficial foster care placement and avoid the need for replacement (MFO p. 7-9; IEP, p. 5).
- The District shall provide evidence, on an annual basis, of financial support for community and neighborhood based services to protect children and families (IEP, p. 17).¹²
- By June 30, 2016, CFSA will expand referrals to Project Connect and Homebuilders to include in-home cases involving chronic neglect and/or substance abuse (SP 2016, p. 6).
- Beginning April 3, 2017, CFSA’s Office of Well Being will generate a weekly report of outstanding service referrals to the Department of Behavioral Health, to be discussed in a weekly “huddle” to resolve service delivery barriers (SP2017, p. 5).

¹⁰ In October 2010, CFSA began coordinating all removal FTMs.

¹¹ See generally MFO III(B). See also D.C. Code §§ 4-1303.01a(b)(7, 9, 10), 4-1303.03(a)(3, 7, 13, 14), 4-1303.03(b)(1-4), (9), 4-1303.03(b)(9A).

¹² See generally MFO XV(C); D.C. Code § 4-1303.03a(a).

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- CFSA will maintain the Rapid Housing program for families at risk of entering foster care or in need of housing assistance for reunification (SP, p. 34 of IEP).

PRACTICE POINTER: Consider these requirements when Rapid Housing or behavioral health services are at issue in your case or when the agency states that Rapid Housing funds are limited or unavailable.

CASE PLANNING AND DELIVERY OF SERVICES

What does *LaShawn A.* say about case planning in general?¹³

- CFSA, with the family, shall develop timely, comprehensive and appropriate care plans in compliance with District law requirements and permanency timeframes (IEP, p. 14; *see generally* MFO, p. 20).
- CFSA will ensure that team meetings are held with the family and other team members within the first 30 days of case opening to identify service needs and plan for service provision (SP, p. 34 of IEP). Team meetings shall also be held at “critical decision points” through the life of the case (*e.g.*, placement changes, significant life changes, permanency decision-making) (SP, p. 34 of IEP).
- Within 30 days of the child entering CFSA’s physical or legal custody the worker assigned to the case shall develop, with the parents if possible, a written case plan for the family (MFO, p. 22). There shall be a written case plan for each child recorded on a standardized form. It should be signed by the parents and the worker’s supervisor (MFO, p. 22).
- Within 30 days of removal, CFSA shall screen and/or assess the children on development, mental/behavioral health, and trauma. CFSA shall hold a 30-day case planning RED team meeting to review the screens and assessments, and the team will select from one or more categories of services that will fit the needs of the child and will develop a plan with the family to meet those needs. The parents will be invited to the case planning RED Team and encouraged to attend and participate (SP2015, p. 3).
- Every reasonable effort shall be made to locate family members and to develop case plans in partnership with youth and families, the families’ informal support networks, and other formal resources working with, or needed by, the youth or family (IEP, p. 14).

¹³ *See generally* MFO VII. *See also* D.C. Code §§ 4-1301.02(3), 4-1301.09(b); CFSA In-Home and Out-of-Home Procedural Operations Manual, “Behaviorally Focused Case Plan” (May 2011). CFSA documents are available at www.cfsa.dc.gov.

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- Case plans shall identify specific services, supports and timetables for services needed by children and families to achieve identified goals (IEP, p. 14).
- Case plans shall reflect the family and children's needs, and be updated as family circumstances or needs change (IEP, p. 14).
- Every 90 days the case plan should be reviewed in a supervisory conference and updated (MFO, p. 27; *But see* IEP, p. 25, stating that case plans shall be reviewed and modified as necessary at least every six months).
- All services identified in a family or child's case plan shall be offered and children/families shall be assisted in using those services (IEP, p. 2, 14).

PRACTICE POINTER: Is meaningful case planning going on in your case? See if the requirements above are being followed. Are individualized case plans being developed? Are all the services identified in the case plan being offered to the child and/or family?

What does *LaShawn A.* say about case planning for children who are leaving foster care?

- The case plan shall be reviewed/revise to determine the services necessary to support the child and the family when the child is returned home (MFO, p. 8).

HEALTH, MENTAL HEALTH, AND DENTAL CARE; MEDICAID COVERAGE

What does *LaShawn A.* say about medical and dental evaluations and services for children in foster care?¹⁴

- All children shall receive a medical screening within 24 hours of entering CFSA's physical custody (MFO, p. 18); children in foster care shall have a health screening prior to placement (IEP, p. 16).

¹⁴ See generally MFO VI(C)(1). See also D.C. Code §§ 4-1303.03(a)(3), 4-1303(d); CFSA "Healthcare Coordination" Program Policy (September 28, 2011); CFSA "HIV, Sexual, and Reproductive Health Services" Program Policy (February 26, 2010); CFSA "HIV and AIDS" Program Policy (February 24, 2010); CFSA "Initial Evaluation of Children's Health" Program Policy (May 17, 2011); CFSA "Medical Consents" Program Policy (February 23, 2011); CFSA "Medical Records Maintenance" Program Policy (October 4, 2011); CFSA "Preventative and Ongoing Healthcare" Program Policy (May 17, 2011); CFSA "Healthy Horizons Assessment Center" Administrative Issuance (November 1, 2010); CFSA "Nurse Care Manager Teaming with Staff" Administrative Issuance (November 1, 2010); CFSA "Psychotropic Medication" Administrative Issuance (June 30, 2012). CFSA documents are available at www.cfsa.dc.gov.

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- All children in foster care shall receive a full medical and dental evaluation within 30 days of placement (IEP, p. 16; *But see* MFO, p. 18 (all children shall receive a full medical and dental examination within two weeks of entering CFSA's physical custody)).

PRACTICE POINTER: If you're a GAL, check to see if your clients receive a full medical and dental evaluation within 30 days of initial placement.

- Children in foster care shall have timely access to health care services to meet identified needs (IEP, p. 16).
- CFSA will operate an on-site screening center and clinic ("Healthy Horizons") with licensed nurse practitioners for the completion of pre-placement screenings and comprehensive medical evaluations. Healthy Horizons¹⁵ will:
 - o Provide medical and behavioral health screenings;
 - o Engage families to complete comprehensive medical, mental, and developmental biological family history;
 - o Provide comprehensive mental health screenings (completed by co-located mental health professionals), except for children under age one;
 - Screenings will only be conducted for children under age eight with the involvement of the biological parent;
 - o Provide medical, mental health, and developmental information to social workers, family support workers, and co-located mental health professionals;
 - o Serve as a medical information resource with the first month of placement; and
 - o Provide medical assistants/nurse care managers who will follow up with foster parents and social workers to make dental evaluation appointments. Nurse care managers and/or medical assistants will document the completion of dental evaluations
(SP, p. 44 of IEP).
- Nurse Care Managers will be assigned to children in foster care at a ratio of 1:100. In collaboration with the social worker, the Nurse Care Manager¹⁶ will be responsible for:
 - o Coordinating and monitoring health care services over the life of the case;
 - o Ensuring active Medicaid coverage for the entire time the child is in foster care, or otherwise facilitating needed health care;
 - o Teaming with foster parents and social workers to ensure compliance with required and necessary health care services;

¹⁵ See CFSA "Healthy Horizons Assessment Center" Administrative Issuance (November 1, 2010). CFSA documents are available at www.cfsa.dc.gov.

¹⁶ See CFSA "Nurse Care Manager Teaming with Staff" Administrative Issuance (November 1, 2010). CFSA documents are available at www.cfsa.dc.gov.

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- Engaging in systematic communication, education, and coordination of care among health care providers, child welfare professionals and family supports; and
- Ensuring medical plans are integrated into permanency case plans (SP, p. 45 of IEP).

What does *LaShawn A.* say about mental health services for children in care?

- CFSA, with DBH, will review the availability of mental health services (as identified in the 2007 Children’s Mental Health Needs Assessment) and determine, based on current needs and capacity, the additional services that are required. By February 2011, CFSA and DBH will release a solicitation to provide the identified services. Services will be in place by August 2011 (SP, p. 45 of IEP).

What does *LaShawn A.* say about Medicaid coverage for children in foster care?

- CFSA shall provide caregivers with documentation of Medicaid coverage within five days of every placement (IEP, p. 16-17).
- CFSA shall provide caregivers with Medicaid cards within 45 days of placement (IEP, p. 16-17).¹⁷
- The Placement Administration will follow up each week to ensure that the Medicaid number and card are provided to the foster parents (SP2016, p. 7).
- By December 2016, the District government will have developed and implemented a “longer term strategy” to deliver Medicaid cards to caregivers (SP2016, p. 7).

PRACTICE POINTER: Check with caregivers about timely receipt of Medicaid number (within five days of placement) and Medicaid Card (within 45 days of placement).

VISITATION

What does *LaShawn A.* say in general about visitation between parents and children?¹⁸

- In all substantiated cases, the social worker should meet with parent(s) to arrange a visitation schedule and to assure that where necessary, daycare and transportation resources exist to allow visits to take place (MFO, p. 21).

¹⁷ See also CFSA “Medicaid Cards” Quick Reference Guide. CFSA documents available at: www.cfsa.dc.gov.

¹⁸ See also CFSA “Visitation” Program Policy (August 29, 2011); CFSA “Visitation” Quick Reference Guide (2004); CFSA In-Home and Out-of-Home Procedural Operations Manual, “Intentional Visitation Practices” (May 2011). CFSA documents are available at: www.cfsa.dc.gov.

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- For all initial placements and re-entries into foster care, social workers will work with parents and foster parents to develop written visitation schedules (SP, p. 35 of IEP). Every child with a goal of reunification shall have a written visitation plan (SP, p. 36 of IEP).
- The social worker shall ensure that all visitations between children and parents and siblings occur in the parent's home unless there are reasons documented in the record that home visits would pose a danger to the child (MFO, p. 24).
- In all instances, visitation is to take place in the most family-like setting possible (MFO, p. 24).
- CFSA supervisors and social workers shall plan visitations in advance and identify the need for support in conducting required visits from family support workers and other identified team members. Once a week, the supervisors will coordinate with the identified support team to fill the support needs (SP2015, p. 5).

PRACTICE POINTER: Attorneys for parents and children should be sure that CFSA is following these guidelines for good visitation practice. Is there a written plan for parent-child visitation? Are visits happening in the "most family-like setting possible"? If the visits aren't happening in the parent's home, is there a documented reason that doing so would pose a danger to the child?

What does *LaShawn A.* say specifically about visitation between parents and children with a permanency goal of returning home?¹⁹

- Children are permitted to visit with their parents at least once a week unless the best interest of the child, specifically documented in the child's case record, requires less frequent visitation (MFO, p. 24).
- Similarly, there shall be weekly visitations between parents and children with a goal of reunification unless clinically inappropriate and approved by the Family Court (MFO, p. 24; IEP, p. 10).
- Where visitation does not occur, there shall be documentation in the case record that visitation was not in the child's best interest, is clinically inappropriate, or did not occur despite Agency efforts (MFO, p. 24; IEP, p. 10).

¹⁹ See generally MFO VII(B)(7). See also D.C. Code § 4-1303.03(a-1)(5); CFSA "Visitation" Program Policy (August 29, 2011); CFSA "Engaging Incarcerated Parents" Program Policy (December 1, 2009); CFSA "Elements of Good Documentation Tip-Sheet" Quick Reference Guide. CFSA documents are available at www.cfsa.dc.gov.

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What does *LaShawn A.* say about sibling visitation and placement?²⁰

- Children in out-of-home placement who enter foster care with their siblings should be placed with some or all of their siblings (IEP, p. 15).²¹
- Children placed apart from their siblings shall have at least twice monthly visitation with some or all of their siblings unless it is documented that visits are not in the children's best interest (IEP, p. 15).
- For all initial placements and re-entries into foster care, social workers will engage parents, foster parents, and kinship caregivers in the development of written visitation schedules outlining when and where sibling visits will occur (SP, p. 42 of IEP).
- By December 31, 2010, CFSA will explore the feasibility of and begin to implement strategies to increase visitation between siblings placed apart. Strategies may include (but are not limited to):²²
 - o Permitting visits to occur in the parent's home;
 - o Expansion of community-based visitation centers;
 - o Using foster parents to supervise visits;
 - o Using contracted providers to supervise visits(SP, p. 42 of IEP).

PRACTICE POINTER: If you work on a case with siblings, have they been placed together? If not, are the siblings visiting at least twice monthly?

PLACEMENT IN GENERAL

What does *LaShawn A.* say in general about CFSA's placement of children?²³

- Children in out-of-home care should be placed in the least restrictive, most family-like setting appropriate to their needs (MFO, p. 14; IEP, p. 8).
- Children should be placed in close proximity to the homes and communities they resided in before entering CFSA's custody (MFO, p. 14).

²⁰ See generally MFO VI(A)(5). See also D.C. Code § 4-1303.03(a-1)(5); D.C.M.R. § 29-1642.8; CFSA "Sibling Connections" Administrative Issuance (December 2, 2009); CFSA "Sibling Connections" Quick Reference Guide (2011). CFSA documents are available at www.cfsa.dc.gov.

²¹ This requirement does not apply where there is a court order requiring separation or it is documented that placing siblings together is not appropriate based on safety or the best interest needs of the child(ren) (IEP, p. 15).

²² CFSA was required to prepare and provide a brief report of its research and findings (SP, p. 42 of IEP).

²³ See generally MFO VI(A)(1, 5). See also D.C. Code § 4-1301.09(d)(1); D.C.M.R. § 29-6256.4; CFSA "Placement and Matching" Program Policy (March 8, 2012); CFSA In-Home and Out-of-Home Procedural Operations Manual, "Placement Practices" (May 2011). CFSA documents are available at www.cfsa.dc.gov.

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- Children in out-of-home placements should be placed with some or all of their siblings (MFO, p. 15; IEP, p. 15).
- No child shall remain in an emergency, short-term, or shelter facility for more than 30 days (MFO, p. 16; IEP, p. 8).²⁴
- No more than 82 children shall be placed more than 100 miles from the District (unless in kinship/pre-adoptive homes under the Interstate Compact on the Placement of Children) (IEP, p. 24).^{25 26}
- In order to place a child in a congregate care facility, CFSA must document the absence of an available family placement. In addition, CFSA must develop transition plans for all children placed in congregate care (SP, p. 37 of IEP).
- By December 31, 2010, CFSA will reduce traditional congregate care placements by 30% (compared with January 1, 2010) (SP, p. 37 of IEP).²⁷
- By April 30, 2016, CFSA will improve the placement matching database to enable providers to enter daily status updates on bed availability (SP2016, p. 8).
- By April 30, 2016, CFSA shall renegotiate its contracts with placement providers to:
 - o Develop a procedure for child-specific recruitment, to be funded and monitored for 60 days
 - o Finance “bed hold stays” enabling absconding youth to return to their previous placements(SP2016, p. 9).
- CFSA will use beds in its contract with Sasha Bruce Youthwork for up to 30 days, when all other placement options have been exhausted. Said emergency placement will be monitored weekly (SP2016, p. 10).

PRACTICE POINTER: If your client is placed in a congregate care facility, is CFSA following these provisions? Is there an absence of an available family placement? Is the congregate placement short-term?

²⁴ An exception to this requirement will be made where the Monitor determines that moving the child(ren) is contrary to their best interests (IEP, p. 9 n. 17).

²⁵ Children placed in college, vocational programs, correctional facilities, or kinship/pre-adoptive family-based settings under the ICPC are exempt from this requirement (IEP, p. 24).

²⁶ See generally MFO XV(D)(1), (5); XIX(A)(9).

²⁷ By January 2011, CFSA’s count of contracted slots was 58 (a 40% reduction).

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What restrictions does *LaShawn A.* place upon the number of children who may reside in a foster home (unless placing a sibling group (with no other children in the home) exceeds these limits)?²⁸

- No more than three foster children or six total children (including the family's natural children) (MFO, p. 16; IEP p. 24).
- No more than two children under two years of age (MFO, p. 16; IEP, p. 24).
- No more than three children under six years of age (MFO, p. 16; IEP, p. 24).
- Children shall not be placed in a foster home/foster care facility in excess of its licensed capacity (IEP, p. 24).

What restrictions does *LaShawn A.* place upon the number of children that can be placed in a group-care setting?

- No child shall be placed in a group-care setting with a capacity in excess of eight (8) children without express written approval by the Director or designee. Approval must be based on written documentation that the child's needs can only be met in that specific facility, including a description of the services available at the facility to address the individual child's needs (MFO, p. 17; IEP, p. 24).

What does *LaShawn A.* say about placing younger children?²⁹

- A child under age 12 must not be placed in congregate care settings for more than 30 days unless:
 - o The child has special treatment needs that cannot be met in a home-like setting; and
 - o The congregate care setting has a program to treat the child's specific needs (IEP, p. 9).
- CFSA will prepare a monthly report of all children under age 12 in congregate care settings. The report shall include the needs of each child and whether they meet the established criteria for this placement. For those children who do not meet the criteria, CFSA will immediately take "corrective actions" to place the child in a more appropriate setting (SP, p. 37 of IEP).

²⁸ See generally MFO XV(E); MFO VI(A)(7), (10). See also D.C. Code § 4-1402; D.C.M.R. §§ 29-1638.2, 29-6206.1-4.

²⁹ See generally MFO VI(A)(8). See also D.C.M.R. §§ 29-6256.1, 29-6256.2.

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- Children under age six shall not be placed in a group care (non-foster home) setting. An exception is made for children with “exceptional needs” that cannot be met in any other type of care (MFO, p. 16; IEP, p. 9).

LICENSING

What does *LaShawn A.* require for foster home/facility licensure?³⁰

- CFSA shall only put children in placements that meet licensing and other MFO placement standards and have a current, valid license (MFO, p. 60; IEP, p. 14).³¹
- All standards shall ensure that foster homes and group facilities are visited by the monitoring unit at least once per year to issue a 12-month license renewal and to ensure continuing compliance with standards (MFO, p. 61).
- CFSA will review and seek to modify applicable regulations to better facilitate timely licensure [of foster parents], and to eliminate or waive the fire inspection fee (SP, p. 39 of IEP).
- By September 30, 2010, CFSA will modify its administrative processes to facilitate a more timely licensing process, including:
 - o Beginning the home study process earlier during pre-service training;
 - o Beginning 30/60/90 day reviews of each applicant completed by the licensing supervisor and worker; and
 - o Streamlining the required documents (SP, p. 39 of IEP).

KINSHIP PLACEMENTS

In general, what does *LaShawn A.* say about placing children with relatives when removal from the home is necessary?

- CFSA will investigate relative resources in all cases requiring removal of children from their homes (MFO, p. 15-16; IEP, p. 8).
- Whenever possible, CFSA should place children with relatives who have been certified for emergency placement (MFO, p. 6).³²

³⁰ See generally MFO XV(E); MFO VI(A)(7), (10). See also D.C. Code § 4-1402; D.C.M.R. §§ 29-1638.2, 29-6206.1-4.

³¹ See generally MFO XV(E). See also D.C. Code §§ 4-217.02, 4-1303.03(a-1)(10), 4-1402, 7-217.02, 7-2103, 7-2105; D.C.M.R. §§ 29-1638.2, 29-6206.1-5.

³² See CFSA “Temporary Licensing of Foster Homes for Kin” Program Policy (September 20, 2011); CFSA “Temporary Licensing of Kinship Foster Homes” Quick Reference Guide (2011). CFSA documents are available at www.cfsa.dc.gov.

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- CFSA shall license relatives as foster parents in accordance with District law, District licensing regulations, and Adoption and Safe Families Act requirements (MFO p. 62; IEP, p. 28).³³

PRACTICE POINTER: IS CFSA making a good faith effort to investigate and pursue relative resources and placements?

- By October 31, 2010, CFSA will implement the requirements of the Fostering Connections Act relating to the engagement of relatives as part of the routine Agency response to allegations of abuse or neglect in the family home (SP, p. 36 of IEP).³⁴
- By May 31, 2016, CFSA will try to increase kinship resources to use as initial placement options by:
 - o Creating “protocols to ensure that staff has exhausted possible avenues to identify, locate, and engage extended family options” prior to a child’s placement in a non-kinship foster home
 - o Securing all appropriate “tools to assess and approve relative homes in a timely manner”
 - o Providing kinship placements with “the full range of services and supports to stabilize the placement(s)”(SP2016, p. 9-10).

What does LaShawn A. say about the licensing of kinship placements?

- By November 30, 2010, CFSA will develop policies³⁵ to:
 - o Define, consistent with federal law, which foster care licensing standards are “non-safety” in nature and, therefore, eligible for the exercise of waiver authority in relation to licensing kinship placements.
 - o Permit temporary kinship licensing to be utilized in circumstances in which relative placement is determined to be in the best interest of the child and safety can be maintained.³⁶

³³ See generally MFO XV(F).

³⁴ See, e.g., “Removal Notification to Relatives” Quick Reference Guide (2010). CFSA documents available at www.cfsa.dc.gov.

³⁵ In developing these policies, “CFSA shall reassess D.C.M.R. § 29-6000.5 and whether or not its assignment of waiver authority to the Director remains appropriate” (SP, p. 36-37 of IEP). See CFSA “Temporary Licensing of Foster Homes for Kin” Program Policy (September 20, 2011), which contains a listing of non-safety related licensing requirements that may be potentially waived for kinship caregivers. CFSA documents available at www.cfsa.dc.gov.

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- Ensure kinship placements for 18 to 20 year olds under Family Court jurisdiction who wish to live with identified and qualified kin. This will involve developing age appropriate policy and age appropriate licensing standards (SP, p. 36-37 of IEP).

What does *LaShawn A.* say about emergency licensing in Maryland?

- CFSA will develop and promulgate policy regarding full implementation of the temporary kin licensing agreement with Maryland (SP, p. 37 of IEP).

FOSTER PARENT TRAINING

What does *LaShawn A.* say about foster parent training?³⁷

- CFSA should ensure that training opportunities are available so that interested families may begin training within 30 days of inquiry (IEP, p. 24).
- CFSA and contract agency foster parents shall receive a minimum of 15 hours of pre-service training (MFO, p. 51; IEP, p. 19).
- CFSA and contract agency foster parents shall receive 30 hours of in-service training every two years (IEP, p. 19).
- Starting in April 2016, each foster parent will be assigned a “buddy” resource worker who will serve as their point of contact with CFSA during training and placement (SP2016, p. 9).

MULTIPLE PLACEMENTS

What “exit standards” does *LaShawn A.* set for the reduction of multiple placements?³⁸

- For children who have been in care for less than a year (but more than a week), 83% shall have had two or fewer placements;
- For children who have been in care for more than one year, but less than two years, 60% shall have had two or fewer placements;
- For children who have been in care for more than two years, 75% shall have had two or fewer placements in the previous 12 month period (MFO, p. 14-18; IEP, p.11).

³⁷ See generally MFO XIV(F), (G); MFO XV(E). See also D.C.M.R. §29- 6028.4-5.

³⁸ See generally MFO VI(A) and (B). See also CFSA “Family Team Meetings” Program Policy (October 25, 2010). CFSA documents available at www.cfsa.dc.gov.

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What must CFSA do in an effort to achieve these exit standards?

- By December 1, 2010, CFSA will centralize all placement decisions within the CFSA Placement Administration eliminating all moves between and within private agencies without CFSA approval (SP, p. 38 of IEP).³⁹

PRACTICE POINTER: Has your client had multiple foster care placements or is another placement change proposed? Does the number of moves (or proposed moves) exceed the goals set forth for CFSA?

PLACEMENT DISRUPTION AND CRISIS INTERVENTION

LaShawn A. requires CFSA to provide services to protect against placement disruption when a:

- Child who is subject of abuse/neglect report remains at home;
- Child has been returned from foster care to parents or relatives;
- Child is in an adoptive placement that has not yet been finalized; or
- Child is in a “beneficial” foster care placement

(MFO, p. 7-9; IEP, p. 5).

What does *LaShawn A.* say about preventing disruption of a long-term foster placement?

- Beginning October 1, 2010, CFSA will ensure that team meetings are held with the family and other team members at critical decision points throughout the life of the case, including placement changes (SP, p. 34 of IEP).
- If the worker determines that the placement is beneficial to the child, the case plan shall be reviewed and revised to determine the services necessary to support the child and the foster family (MFO, p. 8).

PRACTICE POINTER: Is your client’s placement at risk? If so, make sure that CFSA is following these provisions (and CFSA policy) in order to prevent disruption.

³⁹ Centralization of all placement decisions was implemented on or about March 1, 2011.

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What does *LaShawn A.* say about preventing disruption of an adoptive placement?

- Beginning October 1, 2010, CFSA will ensure that team meetings are held with the family and other team members at critical decision points throughout the life of the case, including placement changes (SP, p. 34 of IEP).
- If the worker determines that the placement is beneficial to the child, the case plan shall be reviewed and revised to determine the services necessary to support the child and the family (MFO, p. 8).
- All services necessary to avoid the need for replacement shall be provided (MFO p. 8).
- Families in which an adoptive placement is in danger of disrupting shall receive intensive family services (MFO, p. 36).

What does *LaShawn A.* say should happen if a placement disrupts, despite providing the child and family with services?

- Children whose placements disrupt shall be provided with “a comprehensive and appropriate assessment and follow-up action plan” within 30 days of re-placement.⁴⁰ The assessment/action plan should determine the child’s service and re-placement needs (IEP, p. 15).
 - The assessment should include, as applicable: the child, his/her family, kin, current and former caregiver, and GAL.
 - The assessment should address: the child’s current medical, social, behavioral, educational and dental needs to determine the additional evaluations/services/supports that are required to prevent future placement disruptions (MFO, p. 8-9, 18; IEP, p. 15-16).
- The following actions shall be taken whenever a placement disruption occurs.
 - Prior to replacement, the children will receive a pre-placement health screening;
 - The social worker, nurse care manager, and family support worker will be provided a record of the medical and behavioral health screening and any other information emanating from the replacement screening;
 - The social worker and/or family support worker will schedule a case consultation with the nurse care manager and placement services to conduct a comprehensive assessment of the child within 30 days of the disrupted placement to provide information on the social, behavioral, medical, dental and educational needs of the child;
 - The social worker with the support of the nurse care manager and family support worker will identify appropriate services to address any outstanding medical,

⁴⁰ See generally MFO III(B)(3-4), VI(C)(3).

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- social, behavioral, dental or educational services required by the child and inform placement services;
 - As part of the assessment, the social worker or other designated CFSA staff will consult with the former caregiver to assess reasons for placement disruption and the extent to which support services could have prevented the disruption; and
 - The social worker (with the support of the nurse care manager, family support worker, and placement services) will complete a follow-up action plan in the case notes
- (SP, p. 44 of IEP).

INVESTIGATION OF ALLEGATIONS OF ABUSE AND NEGLECT IN FOSTER HOMES

What does *LaShawn A.* say about investigations of abuse and neglect when a child is living in a foster home or congregate care facility?⁴¹

- Reports of abuse and neglect in foster homes and in institutions must be comprehensively investigated (IEP, p. 23).
- Reports of abuse or neglect in a foster home or other child care facility shall be investigated in the same manner as children not in custody (MFO, p. 38).
- The investigating worker shall notify the CFSA worker or private agency worker with responsibility for the child's case (MFO, p. 38).
- Investigations involving foster homes shall be completed within 35 days. Investigations involving group/daycare/congregate settings shall be completed within 60 days (IEP, p. 23).

PERMANENCY GOALS

What does *LaShawn A.* say in general about how CFSA must determine which permanency goal to support?^{42 43}

- Children shall have permanency planning goals consistent with the Federal Adoption and Safe Families Act and District law and policy guidelines (MFO, p. 24-28; IEP, p. 10).⁴⁴

⁴¹ See also CFSA "Investigations" Program Policy (August 30, 2011). CFSA documents are available at www.cfsa.dc.gov.

⁴² See generally MFO XIX(A)(8), VII(C)(4).

⁴³ It is important for practitioners to remember that *LaShawn A.* and CFSA Policy inform what permanency goals CFSA can support, but does not govern what individual practitioners and the Court ultimately determines to be the most appropriate permanency goal in a particular child's best interest. The ultimate decision-maker is the judicial officer presiding over the case, and practitioners are free to disagree with the guidelines set forth in *LaShawn A.* and/or CFSA's position on the appropriate permanency goal and/or permanency planning.

⁴⁴ See generally MFO VII(C-D); D.C. Code §§ 4-1303.03(a)(6); 4-1303.03(a)(15).

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- All children who enter CFSA's custody shall initially have a permanency goal of return home unless:
 - o Both parents have relinquished custody or are deceased;
 - o Child's parents cannot be located within three months by a diligent search; or
 - o Parents found guilty of repeated serious abuse or neglect of child or sibling (MFO, p. 24).

What does *LaShawn A.* say about whether CFSA can support legal custody with permanent caregivers as a permanency goal?

- No child under 12 shall have this goal unless:
 - o Child is placed with a relative who is willing to accept long-term responsibility and has legitimate reasons for not adopting the child; and
 - o It is in the child's best interest to remain in the home of a relative rather than be adopted by another person (MFO, p. 26, 74; IEP, p. 25).

What does *LaShawn A.* say about whether CFSA can support Another Planned Permanent Living Arrangement (APPLA) as a permanency goal?⁴⁵

- No child under 16 shall be assigned "independent living" as a permanency goal (MFO, p. 26).
- No child under 12 shall be given the goal of "continued foster care" unless CFSA has made every effort, documented in the record, to:
 - o Return the child home
 - o Place the child with an appropriate family member
 - o Place the child for adoption
 - o Rejected possibility of foster parents assuming permanent custody (IEP, p. 25).
- CFSA may provide services to children 14 and older in anticipation of the permanency goal changing to independent living at 16 (MFO, p. 26).
- Beginning July 1, 2010, children shall not be given a goal of APPLA without convening a Family Team Meeting (FTM) or a Listening to Youth and Families as Experts (LYFE) meeting with participation by the youth and approval by the CFSA Director, or a court order directing the permanency goal of APPLA (IEP, p. 10).

⁴⁵ See CFSA "Establishing the Goal of Alternative Planned Permanent Living Arrangement (APPLA)" Program Policy (June 25, 2009); CFSA "APPLA Goals" Quick Reference Guide (2007); CFSA In-Home and Out-of-Home Procedural Operations Manual, "Permanency Planning" (May 2011). CFSA documents are available at www.cfsa.dc.gov.

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- Ninety percent (90%) of youth age 18 and older will have a plan to prepare them for adulthood that is developed with their consultation.⁴⁶ No later than 180 days prior to the youth's 21st birthday (or emancipation date), an individualized transition plan will be created. The plan should include, as appropriate:
 - o Connections to specific options on housing, health insurance, and education;
 - o Linkages to continuing adult support services agencies (*e.g.*, RSA, DDS, DBH, SSI, Medicaid);
 - o Workforce supports;
 - Employment services;
 - Local opportunities for mentors
- (IEP, p. 10-11).

PRACTICE POINTER: Is APPLA a possible goal in your case? Review the above provisions to see what limitations have been placed on CFSA regarding its support of APPLA goals... BUT remember that the Family Court ultimately has the authority to set an APPLA goal if appropriate, and practitioners should advocate for APPLA if they believe it is consistent with the child's best interests.

TIMELINE FOR PERMANENCY

What "exit standards" does *LaShawn A.* set to ensure that children achieve "timely permanency" through reunification, adoption, or legal guardianship?

- 45% of children who entered foster care for the first time in FY2010 (and who remained in care for more than one week) shall achieve permanency by September 30, 2011.
- 45% of children who, as of September 30, 2010, had been in foster care for more than 12 but less than 25 months, will achieve permanency by September 30, 2011.
- 40% of children who, as of September 30, 2010, had been in foster care for 25 months or longer, will achieve permanency by September 30, 2010 (or prior to their 21st birthday, whichever is earlier).
- These standards will continue for each year for as long as the IEP is in effect (IEP, p. 13).

⁴⁶ See CFSA Youth Empowerment Procedural Operations Manual (June 2011).

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ADOPTION

What does *LaShawn A.* say about adoption as a permanency goal?

- Where adoption is the permanency goal, legal action shall be initiated to free children for adoption, and the OAG, on behalf of CFSA, shall facilitate the Court's timely hearing and resolution of Termination of Parental Rights (TPR) motions (IEP, p. 12).⁴⁷
 - o For 90% of children with the permanency goal of adoption, the OAG shall file a motion to terminate parental rights within 45 days of the goal becoming adoption (IEP, p. 12).
- Within 95 days of the goal becoming adoption, CFSA shall convene a permanency-planning team to develop a child-specific recruitment plan for children without an adoptive resource (IEP, p. 25; SP, p. 40 of IEP).⁴⁸
- CFSA shall have in place a process for recruiting, studying, and approving families (including relative caregivers) interested in becoming foster or adoptive parents. This process shall result in the necessary training, home studies, and decisions on approval being completed within 150 days of beginning training (IEP, p. 11).⁴⁹
- Adoptive parents shall receive a minimum of 30 hours of training, excluding the orientation process (IEP, p. 27).⁵⁰
- Children with a goal of adoption should be in an approved adoptive placement within nine months of their goal becoming adoption (IEP, p. 12).⁵¹
- CFSA shall make "all reasonable efforts" to ensure that children placed in an approved adoptive home have their adoptions finalized within 12 months of placement.⁵²

Reasonable efforts include:

 - o Ensuring the home is licensed as a pre-adoptive home;
 - o Requesting an adoption home study if needed;
 - o Responding to the Order of Reference;
 - o Preparing the child and biological parents for the adoption;
 - o Referring adoptive families to Family Intervention Services;
 - o Assessing post-permanency needs and families' readiness for adoption;
 - o Referring and acquainting families with the Post-Permanency Center;
 - o Preparing for a TPR trial if the child is not legally free;

⁴⁷ See generally MFO VIII(C)(3).

⁴⁸ See generally MFO VIII(D)(1), (2)(d).

⁴⁹ See generally MFO XV(E). See also D.C. Code § 4-1303.03(a-1)(4)(C); D.C.M.R. §§ 29-6028.4, 29-6028.5.

⁵⁰ See generally MFO XIV(G).

⁵¹ See generally MFO VIII(D)(1), VIII(D)(2)(d). See also D.C. Code § 4-1303.01a(b)(11).

⁵² See generally MFO VIII(D)(1), VIII(D)(2)(d). See also D.C. Code § 4-1303.01a(b)(11).

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LaShawn A. Checklist: Summary of Requirements, page - 23 -

- Preparing an ICPC package if needed; and
- Preparing the final adoption report (IEP, p. 13 and n. 36).

PRACTICE POINTER: Does your client have a goal of adoption? If so, consider whether CFSA is following these timelines and making appropriate efforts to promote the adoption process.

What does *LaShawn A.* say about post-adoption services?

- CFSA shall make available post-adoption services necessary to preserve families who have adopted a child that was committed to CFSA (IEP, p. 29).⁵³
- Adoptive families shall receive notification at the time the adoption becomes final of the availability of post-adoption services (IEP, p. 26).⁵⁴

SOCIAL WORKER TRAINING AND QUALIFICATIONS⁵⁵

- Unless otherwise agreed, all social worker hires at CFSA shall have an MSW or BSW before being employed as trainees (MFO, p. 47; IEP, p. 26).
- All social work staff shall meet District licensing requirements to carry cases independently of training units (IEP, p. 26).

What does *LaShawn A.* say about pre-service training for new social workers?

- New direct service staff (social workers, nurse care managers, and family support workers) shall receive the required 80 hours of pre-service training through a combination of classroom, web-based and/or on- the- job training (MFO, p. 49; IEP, p. 18).
- Within eight months of assuming supervisory responsibility, new supervisors shall complete a minimum of 40 hours of pre-service training on supervision of child welfare workers (MFO, p. 50; IEP, p. 19).

⁵³ See generally MFO VIII(G). See also D.C. Code § 4-1303.03(b)(9); D.C.M.R. § 29-1622.6; CFSA In-Home and Out-of-Home Procedural Operations Manual, "Permanency Planning" (May 2011). CFSA documents are available at www.cfsa.dc.gov.

⁵⁴ See generally MFO VIII(G)(2).

⁵⁵ See generally MFO XIV(D); MFO XIII(A). See also D.C. Code § 4-1303.02a(e).

LaShawn A. Checklist: Summary of Requirements, page - 24 -

What does *LaShawn A.* say about ongoing training for social workers and supervisors?

- Direct service staff shall receive a minimum of five full days (or 30 hours) of training annually (IEP, p. 19; *but see* MFO, p. 50 (requiring 40 hours)).
- Supervisors and administrators shall receive a minimum of 24 hours of structured in-service training annually (IEP, p. 19).

SOCIAL WORKER CASELOADS

What does *LaShawn A.* say about having an assigned social worker?

- There shall be no cases unassigned to a social worker for more than five business days (IEP, p. 18).⁵⁶
- If the case has not been assigned, the supervisor shall provide coverage. This coverage shall not last more than five business days (MFO, p. 46-47; IEP p. 18). No supervisor shall be responsible for the ongoing case management of any case (MFO, p. 47; IEP, p. 18).

PRACTICE POINTER: Don't have an assigned social worker? Check these provisions.

What does *LaShawn A.* say about caseload requirements?⁵⁷

- The caseload of each worker conducting investigations of reports of abuse and/or neglect shall not exceed the MFO standard, which is 12 investigations at one time (MFO, p. 44; IEP, p. 17). Each family shall count as a case (MFO, p. 44).
- The caseload of a worker providing services to children and families when the child is living in the home shall not exceed 15 families (IEP, p. 17; *But see* MFO, p. 45 (stating that such a caseload shall not exceed 17 families)).
- The caseload of a worker providing services to children in placement shall not exceed 15 children (IEP, p. 18; *But see* MFO, p. 45 (stating that such a caseload shall not exceed 12 children with special needs or 20 other children)).
- The caseload of a worker having responsibility for conducting home studies shall not exceed 30 cases (IEP, p. 18).

⁵⁶ See also MFO, p. 46 (which includes this five-day provision in cases where a social worker leaves CFSA).

⁵⁷ See generally MFO XI(A, F). See also D.C. Code §§ 4-1303.02a(d), 4-1303.02a(e).

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LaShawn A. Checklist: Summary of Requirements, page - 25 -

What does *LaShawn A.* say about how many social workers a supervisor should be responsible for?⁵⁸

- Supervisors who are responsible for supervising social workers who carry caseloads shall be responsible for no more than six workers, including case aides or family support workers, or five caseworkers (MFO, p. 46; IEP, p. 18).

SOCIAL WORKER VISITS WITH CHILDREN AND FAMILIES

PRACTICE POINTER: Is the social worker visiting the child *and* parent as frequently as required? Review the following requirements.

What does *LaShawn A.* say about how often – and where – a social worker must visit children who have not been removed?⁵⁹

- Where a child is receiving in-home services, a CFSA social worker or private agency social worker shall make at least one home visit per month (IEP, p. 6; *see generally* MFO, p. 7).
- A CFSA social worker, family support worker, private agency social worker, or Collaborative family support worker shall make a second monthly visit at the home, school, or elsewhere (IEP, p. 6).
- Workers must assess and document the safety of the child at every visit (*e.g.*, health, education, environmental factors, and the initial safety concerns that brought the family to CFSA's attention) (IEP, p. 6).
- Each child must be separately interviewed outside the caretaker's presence at least monthly (IEP, p. 6).

What does *LaShawn A.* say about how often a social worker has to visit a child who is in an out-of-home placement?⁶⁰

- A CFSA social worker or private agency worker with case management responsibility shall make monthly visits to each child in out-of-home care (IEP, p. 6).
- A CFSA social worker, private agency social worker, family support worker, or nurse care manager shall make a second monthly visit to each child in out-of-home care (IEP, p. 6).

⁵⁸ *See generally* MFO XI(C). *See also* D.C. Code §§ 4-1303.02a(d), 4-1303.02a(e).

⁵⁹ *See generally* MFO III(B)(1).

⁶⁰ *See generally* MFO IX(A-B). *See also* D.C. Code § 4-1405(b); D.C.M.R. § 29-6003.2(b); CFSA "Visitation" Program Policy (August 29, 2011). CFSA documents are available at www.cfsa.dc.gov.

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LaShawn A. Checklist: Summary of Requirements, page - 26 -

- At least one visit per month shall take place in the child's placement/foster home (IEP, p. 6).
- Workers are responsible for assessing and documenting the safety of each child at every visit (*e.g.*, health, education, environmental factors, and the initial safety concerns that brought the family to CFSA's attention) (IEP, p. 7).
- Children over the age of two must be separately interviewed outside the caretaker's presence at least monthly (IEP, p. 7).

What does *LaShawn A.* say about how often a social worker must visit children experiencing a new placement or a placement change?⁶¹

- A CFSA social worker or private agency social worker with case management responsibility shall make at least two visits to each child during the first four weeks of a new placement/placement change. A social worker, family support worker, or nurse care manager shall make two additional visits during this time period (IEP, p. 7).
 - o At least one of these visits shall be in the child's home (IEP, p. 7).
 - o At least one of these visits shall include a conversation between the social worker and resource parent to assess assistance needed by the resource parent (IEP, p. 7; *but see* MFO, p.37 (stating that the worker shall visit as frequently as necessary but no less than once per week for the first eight weeks)).
- Each visit should include a private visit with the child outside the presence of the foster parents except in cases where the child is a very young infant (MFO, p. 37; IEP, p. 7).
- Workers are responsible for assessing and documenting the safety of each child at every visit (*e.g.*, health, education, environmental factors, and the initial safety concerns that brought the family to CFSA's attention) (IEP, p. 7).

What does *LaShawn A.* say about how frequently the Agency has to visit a parent when a child is in foster care with a goal of reunification?⁶²

- The social worker shall visit no less than twice a month in the first three months after the permanency goal becomes returning home (MFO, p. 24).

⁶¹ See generally *id.*

⁶² See generally MFO VII(B)(6). See also CFSA "Visitation" Program Policy (August 29, 2011); CFSA "Engaging Incarcerated Parents" Program Policy (December 1, 2009); CFSA "Elements of Good Documentation Tip Sheet" Quick Reference Guide. CFSA documents are available at www.cfsa.dc.gov.

LaShawn A. Checklist: Summary of Requirements, page - 27 -

- The social worker shall visit at least once per month for the first three months post-placement. A second monthly visit shall be made by a social worker/family support worker/nurse care manager (MFO, p. 24; IEP, p. 9).⁶³

PRIVATE FOSTER CARE AGENCIES AND SERVICE PROVIDERS

What does *LaShawn A.* say about compliance with the MFO by private foster care agencies?

- All caseload limits/caps apply to both CFSA workers and private agency workers (MFO, p. 45; IEP, p. 17 n. 51).
- CFSA shall ensure that caseload limitations are followed by any private agencies with which CFSA contracts (MFO, p. 45).

What does *LaShawn A.* say about contract monitoring and performance of private foster care agencies and other private service providers?

- All services within the scope of the MFO for which CFSA contracts with private providers or agencies shall be subject to a contract screening and review process within CFSA (MFO, p. 63).
- All CFSA contracts with private agencies providing foster care services shall include performance expectations for child visits in compliance with MFO visitation requirements (MFO, p. 45; IEP, p. 17 n. 51).

What does *LaShawn A.* say about the obligation of providers to accept referrals for services?

- All contracts entered into for any services referred to in the MFO shall provide that the contracting agency shall accept for service all clients referred by CFSA pursuant to the terms of the contract, subject only to a lack of vacancy (MFO p. 63).
- CFSA contracts for services shall include a provision that requires the provider to accept all clients referred pursuant to the terms of the contract except for a lack of vacancy (MFO, p. 63-64; IEP, p. 28).⁶⁴

What does *LaShawn A.* say about payments to providers and foster parents?

- CFSA shall ensure payment to providers in compliance with the District's Quick Payment Act for all services rendered (IEP, p. 29).

⁶³ There is an exception to this requirement where the parent is unavailable or refuses to cooperate (IEP, p. 9 n. 21).

⁶⁴ See generally MFO XVI(C).

LaShawn A. Checklist: Summary of Requirements, page - 28 -

- Foster and adoptive parent board rates shall be adjusted annually to maintain rates consistent with USDA standards for costs of raising a child in the urban south (MFO, p. 58; IEP, p. 29).⁶⁵

SPECIAL CORRECTIVE ACTION CATEGORIES

What are the “special corrective action” categories under *LaShawn A.*?⁶⁶

- Child placed in four or more different placements and the fourth placement is not permanent and occurred in the last 12 months;
- Child has had a permanency goal of adoption for more than one year and has not been placed in an adoptive home;
- Child has returned home and reentered care more than twice and still has a plan of return home;
- Child has a permanency goal of reunification for more than 18 months;
- Child placed in emergency facilities for more than 90 days;
- Child under age the age of 14 and has a permanency goal of APPLA;
- Child is placed in a facility more than 100 miles from the District; or
- Child is placed in an unlicensed facility/foster home or in a facility that exceeds its licensed capacity

(MFO, p. 74-75; IEP, p. 20).

What happens if a child is in a “special corrective action” category?

- By October 15, 2010, CFSA will develop and implement a plan to review all children and families in special corrective action categories. The plan will include a timeframe for when these reviews will commence (SP, p. 47 of IEP).⁶⁷
- CFSA shall produce accurate monthly reports, shared with the Monitor, which identify children in special corrective action categories (IEP, p. 20).

⁶⁵ See generally MFO XV(D)(6)(a).

⁶⁶ See generally MFO XIX.

⁶⁷ CFSA intends that these reviews occur through the Structured Progress Reviews process and/or case planning meetings.

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LaShawn A. Checklist: Summary of Requirements, page - 29 -

- CFSA shall conduct a child-specific case review by the Director or Director's designee(s) for each child identified and implement a child-specific corrective action plan, as appropriate (IEP, p. 20).
- CFSA to report and take remedial steps for individual children whose cases are not in compliance with substantive provisions of the MFO (MFO p. 43, 71, 74).

APPENDIX

Statutes, rules, and regulations related to *LaShawn A.* requirements

PLEASE NOTE: This Appendix is a compilation of selected statutes, regulations, court rules, and other materials included in the *LaShawn A.* related plans and court orders referenced throughout this Practice Kit; referenced CFSA policies can be found in Section III of this Practice Kit. This Appendix is not intended to include *every* relevant secondary source, and is intended as a practice aid only. It is not necessarily comprehensive and should not be used as a substitute for independent legal research and analysis by practitioners in their individual cases.

INVESTIGATIONS OF SUSPECTED ABUSE AND NEGLECT

- [D.C. Code §§ 4-1301.04 \(“Handling of Reports – By Agency”\), 4-1301.06 \(“Investigation”\); 4-1303.01a \(“Establishment and Purposes of CFSA”\)](#)

REASONABLE EFFORTS TO PREVENT INITIAL REMOVAL FROM HOME

- [D.C. Code §§ 4-1301.09a \(“Reasonable Efforts”\), 4-1303.03 \(“Duties and Powers of the \[CFSA\] Director”\), 4-1303.03a \(“Provision of neighborhood-based services; partnerships with neighborhood groups”\)](#)
- [D.C. Code § 16-2312 \(“Detention or shelter care hearing; intermediate disposition”\)](#)
- [SCR-Neglect Rule 14 \(“Conduct of shelter care hearing”\)](#)

FAMILY TEAM MEETINGS

- [D.C. Code § 4-1303.03 \(“Duties and Powers of the \[CFSA\] Director”\)](#)
- [D.C. Code § 16-2312 \(“Detention or shelter care hearing; intermediate disposition”\)](#)
- [D.C.M.R. § 29-1642.1 \(“Placement considerations for foster care”\)](#)

CASE PLANNING AND DELIVERY OF SERVICES

- [D.C. Code §§ 4-1301.09 \(“Social investigation; services; report”\), 4-1303.01a \(“Establishment and purposes of CFSA”\), 4-1303.02a \(“Organization and authority of CFSA”\), 4-1303.03 \(“Duties and powers of the \[CFSA\] Director”\)](#)
- [SCR-Neglect Rule 15\(b\)\(6\) \(“Case plan to be filed within 60 days of removal from home”\)](#)
- [SCR-Neglect Rule 22\(d\) \(“Case plan to be included with disposition report”\)](#)
- [SCR-Neglect Rule 33 \(“Contents of agency report for permanency hearings”\)](#)

HEALTH AND MENTAL HEALTH; MEDICAID COVERAGE

- [D.C. Code §§ 4-1303.03 \(“Duties and powers of the \[CFSA\] Director”\), 4-1303.05 \(“Medical treatment authorized”\)](#)
- [D.C. Code § 16-2315 \(“Physical and Mental Health Examinations”\)](#)

VISITATION

Generally

- [D.C. Code § 4-1303.03\(a-1\)\(5\) \(“Duties and powers of the \[CFSA\] Director”\)](#)
- [D.C.M.R. § 29-1642.8 \(“Placement considerations for foster care”\)](#)

APPENDIX

Statutes, rules, and regulations related to *LaShawn A.* requirements

Visitation when the child is in shelter care:

- [D.C. Code § 16-2310\(d\)](#) (“Criteria for detaining children”)
- [SCR-Neglect Rule 7\(b\)](#) (“Court report for first hearing”)
- [SCR-Neglect Rule 15\(a\)\(4\)](#) (“Findings and order at initial hearing”)

Visitation after a neglect adjudication:

- [D.C. Code § 16-2319\(a\)](#) (“Predisposition study and report”)
- [D.C. Code § 16-2323\(d\)](#) (“Review of dispositional orders”)
- [SCR-Neglect Rule 15\(a\)\(4\)](#) (“Findings and order at initial hearing”)
- [SCR-Neglect Rule 22\(i\)\(5\)](#) (“Contents of agency report for disposition”)
- [SCR-Neglect Rule 33\(c\)](#) (“Contents of agency report for permanency hearing”)

PLACEMENT IN GENERAL

- [D.C. Code §§ 4-1301.09\(d\)\(1\)](#) (“Social investigation; services; report”), [4-1402](#) (“Child Placing Agency defined; license required”)
- [D.C.M.R. §§ 29-1638.2](#) (“Foster care”), [29-6206](#) (“Types of licenses”), [29-6256](#) (“Admission and placement”)

FOSTER HOME LICENSING IN GENERAL

- [D.C. Code §§ 4-217.02](#) (“Types of placement”), [4-1303.03\(a-1\)\(10\)](#) (“Duties and powers of the [CFSA] Director”), [4-1402](#) (“Child Placing agency defined; license required”)
- [D.C. Code §§ 7-2103](#) (“Rules”), [7-2105](#) (“Inspections”)
- [D.C.M.R. § 29-1638.2](#) (“Foster care”), [29-6000](#) (“Foster homes; scope”), [29-6005.2](#) (“Foster home capacity”), [29-6028.4-5](#) (“Licensing process”), [29-6206.1-5](#) (“Types of licenses”)

EMERGENCY KINSHIP PLACEMENTS IN D.C. AND MARYLAND

- [D.C.M.R. § 29-6027](#) (“Temporary License for Kin”)
- [D.C.M.R. § 29-6000.5](#) (“Authority to waive certain licensing requirements for kin”)

PERMANENCY

- [D.C. Code § 4-1303.03](#) (“Duties and powers of the [CFSA] Director”)
- [D.C. Code § 16-2323\(b\)\(4\)](#) (“Review of dispositional orders”)
- [SCR-Neglect Rule 34\(c\)](#) (“Findings and orders at permanency hearing”)

ADOPTION

- [D.C. Code §§ 4-344.01](#) (“Establishment of the Adoption Voucher Fund”), [4-1303.01a](#) (“Establishment and purposes of CFSA”), [4-1303.03](#) (“Duties and powers of the [CFSA] Director”)
- [D.C.M.R. §§ 29-6028.4-5](#) (“Licensing Process”), [29-1622.6](#) (“Services to Adoptive Parents”)

Contact with the *LaShawn* Monitor

As described in the annual reports generated by the Center for the Study of Social Policy, this organization regularly has contact with case professionals and Guardians *ad litem* through Quality Service Reviews (QSRs). These QSRs allow the Center for the Study of Social Policy to monitor certain IEP standards in the *LaShawn* litigation, so practitioners can view their participation in QSRs as an opportunity for reporting and advocacy.

However, there may be additional times where practitioners or community members may wish to contact the Center for the Study of Social Policy, in its role as the court-appointed monitoring organization in the *LaShawn* litigation. This direct feedback about a specific issue may prompt the Center for the Study of Social Policy to note the issue for further investigation or inquiry. Telephone callers should ask to be connected to a staff person assigned to the *LaShawn* litigation.

Should practitioners or community members want to report information to the Center for the Study of Social Policy, here is the organization's contact information:

Center for the Study of Social Policy
1575 Eye Street NW, Suite 500
Washington, D.C. 20005
202.371.1565 telephone
202.371.1472 fax
info@cssp.org

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Resources

LaShawn A. Court Orders & Reports

The [Civil Rights Litigation Clearinghouse](#), at the University of Michigan Law School, brings together and analyzes information and documents about important civil rights cases across the United States. *LaShawn A.* is one of the court-ordered receivership cases that the Clearinghouse profiles. The [LaShawn A.](#) case page provides access to the *LaShawn v. Kelly*, 887 F. Supp. 297 (1995), opinion, the 1993 Modified Final Order (MFO), and a number of more recent motions and orders in the case.

The [Center for the Study of Social Policy](#) (CSSP) is the Court-appointed Monitor in the *LaShawn A.* case. CSSP issues a report about CFSA performance against benchmarks in the Implementation and Exit Plan every six months. All reports and assessments about CFSA's performance are located on CSSP's [Child Welfare: Class Action Reform](#) page. The 2010 Implementation and Exit Plan (IEP) and most recent Court Monitor Reports are directly linked below. Each Court Monitor Report includes CFSA's strategy plan for that calendar year, as well as for the following calendar year.

- ◆ [Implementation and Exit Plan \(IEP\), 2010](#)
- ◆ [Summer 2018 Court Monitor's Report](#)
- ◆ [Winter 2017 Court Monitor's Report](#)
- ◆ [Summer 2017 Court Monitor's Report](#)
- ◆ [Winter 2016 Court Monitor's Report](#)
- ◆ [Summer 2016 Court Monitor's Report](#)

In to identify in what areas the agency needs to improve its performance, CFSA also recently published its own [chart of Key Deficiency Areas in 2017](#).