

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

PHIL BRYANT, as Governor of the State of Mississippi, et al.

DEFENDANTS

NOTICE OF FILING OF FINAL PERIOD 4 IMPLEMENTATION PLAN

Pursuant to Section I.D of the Modified Mississippi Settlement Agreement and Reform Plan (Dkt. No. 571) (the “Modified Settlement Agreement”), the parties agreed to develop an annual implementation plan setting forth the steps that must be taken during Implementation Period 4 in order to meet Implementation Period 4’s interim benchmarks and make the progress necessary to achieve overall compliance with the Modified Settlement Agreement. The parties have negotiated and signed the Final Period 4 Implementation Plan, which supplements the parties’ Initial Period 4 Implementation Plan (Dkt. No. 590), and which has this day been submitted electronically to the Court as Exhibit 1 attached hereto, and which is now incorporated into the Modified Settlement Agreement pursuant to Section I.E.

Respectfully submitted, this the 8th day of January, 2014.

/s/ Julia L. Davis

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CERTIFICATE OF SERVICE

I, Julia L. Davis, do hereby certify that on January 8, 2014, I electronically filed a true and correct copy of the foregoing document with the Clerk of court using the ECF system which sent notification of such to counsel as follows:

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SO CERTIFIED, this 8th day of January, 2014.

/s/ Julia L. Davis
Julia L. Davis (MBN 47310 *pro hac vice*)

EXHIBIT 1

Modified Mississippi Settlement Agreement And Reform Plan

FINAL PERIOD 4 IMPLEMENTATION PLAN

This is the Final Period 4 Implementation Plan (the “Final Plan”) required by Section I.D of the Modified Mississippi Settlement Agreement and Reform Plan (the “Modified Settlement Agreement” or “MSA”) (Dkt. No. 571) and the Initial Period 4 Implementation Plan (the “Initial Plan”) (Dkt. No. 590-1). Period 4 shall run for a 12-month period beginning on July 7, 2013. Defendants shall substantially comply with both the Initial Plan and the Final Plan requirements by the end of Period 4, or as specified therein.

The Parties acknowledge that, as applicable, the ongoing obligations of the Period 3 Implementation Plan (Dkt. No. 571, App. B) remain in effect.¹

I. Reform Planning and Implementation

- A. Pursuant to Section I.A of the Initial Plan, the Final Plan supplements the obligations set forth in the Initial Plan, which remain in effect.
- B. Pursuant to Section I.E of the MSA, the Parties, working with the Monitor, shall begin to negotiate the Period Five Implementation Plan by April 7, 2014.

II. Administration and Management Implementation Steps

A. Human Resources Management

- 1. By January 15, 2014, Defendants, in consultation with the Monitor, shall undertake a process for correcting the caseworker mixed caseload data reports submitted to the Monitor for caseloads as of November 1 and November 30, 2013 and any subsequent monthly caseworker mixed caseload data reports with regard to supervisory caseload assignments.
- 2. By January 24, 2014, Defendants shall produce to the Monitor supplemental information to correct the caseworker mixed caseload data reports submitted to the Monitor for caseloads as of November 1 and November 30, 2013 with regard to supervisory caseload assignments.
- 3. Defendants shall produce to the Monitor and Plaintiffs caseworker mixed caseload data reports once each week for a period of three months beginning the week of February 1, 2014. Following production of these first three months of data, Defendants, in consultation with Plaintiffs and the Monitor, will determine whether the caseworker mixed caseload data report shall be produced on a weekly, bi-weekly, or monthly basis.
- 4. In an effort to address the recruitment of area social worker supervisors (“ASWS”), Defendants shall undertake the following efforts during Implementation Period 4:

¹ These obligations include those set forth in the following sections of the Period 3 Implementation Plan: I.A.1.a-c; I.A.2.a and c.4-6; I.A.3.a.2 and a.4; I.B.1; I.B.2; I.B.3; I.B.6; I.B.19; I.C; I.D.3; I.F.1; II.B.2; II.B.3; II.B.4; II.B.5.a and 5.d-f; II.C.2; II.C.4; II.D; II.E; II.F.1; II.G.1; and II.H.2.

Modified Mississippi Settlement Agreement And Reform Plan

- a) Defendants shall undertake recruitment efforts through the Master of Social Work (“MSW”) programs at the following universities: Jackson State University, Mississippi Valley State University, Union University, University of Alabama, Louisiana State University, Tulane University, University of Arkansas-Little Rock, University of Mississippi, and University of Southern Mississippi.
 - i. The recruitment efforts will be overseen by a region-based recruitment team which will consist of either a Regional Director, Regional ASWS, and an ASWS, or a Regional Director, ASWS and a caseworker.
 - ii. Each recruitment team will be required to make one visit in the spring semester of 2014 to the MSW program at their assigned university and visit with students at various levels of MSW attainment. The recruitment team will present opportunities for employment at the Mississippi Division of Family and Children Services (“DFCS”) and also provide the students with an information packet on DFCS employment opportunities and benefits that will be prepared by the DFCS Director of Workforce Development.
 - iii. The recruitment team will also be required to visit and present to at least one class of undergraduate social work (“BSW”) students at their assigned university in the spring semester of 2014 to discuss opportunities for employment at DFCS, the offering of the MSW education as part of the DFCS benefits package, and internship opportunities at DFCS.
- b) Defendants shall undertake recruitment efforts through the undergraduate social work (“BSW”) programs at the following universities: Alcorn State University, Rust College, University of Mississippi-Southaven and Tupelo campuses, Delta State University, Belhaven University, Mississippi College, and Mississippi State University-Starkville and Meridian campuses.
 - i. The recruitment efforts will be overseen by a region-based recruitment team which will consist of either a Regional Director, Regional ASWS, and an ASWS, or a Regional Director, ASWS and a caseworker.
 - ii. The recruitment team will be required to visit and present to at least one class of undergraduate social work students at their assigned universities in the spring semester of 2014 to discuss opportunities for employment at DFCS, the offering of the MSW education as part of the DFCS benefits package, and internship opportunities at DFCS.

Modified Mississippi Settlement Agreement And Reform Plan

- c) The assignments for the region-based recruitment teams discussed in II.A.4.a.-b. above are as follows:

Region 1 North	Union University in Jackson, TN (MSW) Rust College (BSW) University of Mississippi-Southaven (BSW)
Region 1 South	University of Mississippi-Oxford, MS (MSW) University of Mississippi-Tupelo (BSW)
Region 2 East	MS Valley State University (MSW)
Region 2 West	University of Arkansas, Little Rock (MSW) Delta State University (BSW)
Region 3 North	Belhaven University (BSW) Mississippi College (BSW)
Region 3 South	Jackson State University (MSW)
Region 4 North	University of Alabama (MSW) Mississippi State University-Starkville (BSW)
Region 4 South	Mississippi State University, Meridian (BSW)
Region 5 East	University of Southern Mississippi (MSW) Alcorn State University (BSW)
Region 5 West	Louisiana State University (MSW)
Region 6	University of Southern MS (MSW)
Region 7 East	University of Alabama- Mobile (MSW)
Region 7 West	Tulane University (MSW)

- d) By March 1, 2014, Defendants shall request that the Mississippi State Personnel Board revise and approve requirements for the position of ASWS to require two years of experience. Nothing in this provision alters the supervisor qualifications as set forth in MSA Section II.A.2.b.
- e) Defendants shall conduct a training session on the licensure examination at no cost to caseworkers once every other month during Period 4, with the first training commencing February 2014.

Modified Mississippi Settlement Agreement And Reform Plan

- f) By January 31, 2014, Defendants shall advertise salary increases for ASWS in the Carve-Out Counties (Hancock, Harrison, Hinds, and Jackson counties).
- g) By February 1, 2014, Defendants shall provide to the Monitor and Plaintiffs information about comparable salaries for supervisors at other state child welfare agencies in the Southeast United States and similar Mississippi social service agencies reviewed by Defendants.

B. Continuous Quality Improvement

1. Defendants shall maintain a minimum of at least two reviewers in the Safety Review Unit to review maltreatment in care investigations.
2. By March 1, 2014, Defendants shall provide to Plaintiffs and the Monitor a CQI corrective action tracking process. This process will outline how recommendations and corrective actions identified through the CQI Foster Care Review (“FCR”), Evaluation and Monitoring Unit (“EMU”), and Safety Review Unit (“SRU”) review processes are distributed to and addressed by Regional Directors with supervisors and caseworkers through the HEAT system and how those corrective actions are prioritized, tracked, and followed-up on by CQI staff (the “CQI Corrective Action Tracking Process”). Defendants shall provide monthly reporting to the Monitor documenting Defendants’ obligation to ensure timely implementation of corrective actions required by the CQI Corrective Action Tracking Process.
3. Defendants shall take steps to improve the quality of the data to be collected to meet data reporting requirements of the MSA through the FCR process, through the following means:
 - a) By March 30, 2014, Defendants shall provide training to FCR reviewers on the areas needing attention as identified in Defendants’ Monthly Data Quality Reports, produced pursuant to the Project Schedule for Defendants’ Production of Data Reports Required by Appendix C of the Modified Settlement Agreement, dated June 24, 2013 (Dkt. No. 589) (the “June Order”) and will revise the FCR PAD Reference Guide to address issues that were identified by the Monitor and Plaintiffs during the report specification development process. Defendants shall consult with the Monitor regarding those revisions to the FCR PAD Reference Guide.
 - b) By April 30, 2014, Defendants shall provide guidance to the FCR supervisors on monitoring the reviews conducted by their reviewers.
 - c) By April 30, 2014, Defendants shall revise the PAD instrument to include specific questions if appropriate to the PAD instrument and FCR process in order to reduce the total number of MSA requirements that will require a case record review for reporting.

Modified Mississippi Settlement Agreement And Reform Plan

C. Information Management and Use

1. By March 1, 2014, Defendants shall provide to Plaintiffs and the Monitor a timeline for the development and implementation of its replacement SACWIS system.
2. Defendants shall produce to the Monitor and Plaintiffs accurate and validated reports listed in Appendix 2 of the Initial Plan as set forth in Appendix 3.
 - a) The first production of each report shall contain all reports that were due during Implementation Period 4 (starting with the month of July 2013) through the most recent month.²
 - b) Each monthly report shall contain data about the most recent month with available data, separate from information about any prior months. Reports may also contain information aggregated in other ways.
 - c) Data reports shall be produced in a live excel file or comparable format for ease of use by the Monitor and Plaintiffs.
 - d) Data reports listed in Appendix 3 shall be created and validated following the process outlined for Appendix C Reports in the June Order.

III. Foster Care Service Standards

A. Child Safety

1. By February 15, 2014, Defendants shall provide to Plaintiffs and the Monitor a letter identifying the barriers to Defendants' timely initiation and completion of maltreatment in care investigations as required by MSA Section II.B.1.e.2 (the "MIC Timeliness Letter"). The MIC Timeliness Letter will include specific action steps and a timeline prior to the end of Period 4 for immediately addressing the failure to timely initiate and complete investigations. Once the action steps and timeline are approved by the Monitor, Defendants shall implement the specific action steps and timelines contained therein.
2. Within 30 calendar days of receiving the Monitor's written findings from the maltreatment in care investigation expert assessment, Defendants shall provide to Plaintiffs and the Monitor a letter identifying strategies for reducing the rate of maltreatment in care (the "MIC Reduction Letter"), having considered the information provided in the expert assessment in determining the strategies.

² The parties recognize that certain information required by the MSA cannot currently be captured by existing MACWIS data or FCR PAD reports. The parties agree that this information will be collected through periodic case record reviews conducted in consultation with the Monitor and may not be available retrospectively or on a monthly basis.

Modified Mississippi Settlement Agreement And Reform Plan

Defendants shall begin implementing the strategies within 30 calendar days of completion of the MIC Reduction Letter.

3. By February 1, 2014, Defendants shall hire a supervisor to lead the Special Investigations Unit. This supervisor will report directly to the MDHS-DFCS Deputy Administrator.
4. By the end of Period 4, Defendants shall hire 13 investigators to staff the Special Investigations Unit.

IV. Practice Model Implementation

- A. Defendants shall receive practice model implementation reports from Defendants' consultant Center for Support of Families ("CSF") at least quarterly and produce to Plaintiffs and the Monitor copies of any such practice model implementation reports whenever they are received, but in no event less than quarterly, within 30 calendar days of receipt. Prior to producing the practice model implementation reports to Plaintiffs, Defendants will redact any information that pertains to non-class members.

V. Regional Outcome Requirements

- A. By March 15, 2014, Defendants shall provide to Plaintiffs and the Monitor a letter identifying the barriers to, and action steps and timelines for improvement in, the following areas of Defendants' performance:
 1. Timely Case Planning
 2. Parent and Sibling Contacts While in Custody
 3. Regions VII West and III South
- B. By the end of Period 4, Defendants shall report to the Monitor and Plaintiffs progress made on the action steps identified in the letter described in Section V.A.

Modified Mississippi Settlement Agreement And Reform Plan

DATED:

January 8, 2014

AGREED TO BY:

/s/Marcia Robinson Lowry

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APPENDIX 3
Final Period 4 Implementation Plan

	Data Report	Report Type	Date Produced to the Monitor and Plaintiffs
1.	Within 30 days of the completion of any investigation of maltreatment of a child in custody DFCS shall review the maltreatment investigation in the manner set forth in the MSA. (MSA II.B.1.d)	Manual	March 1, 2014
2.	Defendants shall ensure that all licensed resource families receive at least the minimum reimbursement rate for a given level of service as established pursuant to the MSA. (MSA II.A.7.a)	Manual and MACWIS	MACWIS report: April 30, 2014; Manual report: May 30, 2014
3.	When a maltreatment investigation involves a resource home, DFCS shall file a copy of the approved final investigative report, and any recommendations and/or corrective actions DFCS has deemed necessary, in the case record of the foster child, in the file of the foster or adoptive parents with a copy of the letter of notification to the foster or adoptive parents, and in the DFCS State Office. DFCS shall also provide those records to the Youth Court Judge with jurisdiction over the child and to the Monitor. (MSA II.B.1.e.4)	Case Record Review	To be determined by March 30, 2014
4.	When a maltreatment investigation involves an agency group home, emergency shelter, private child placing agency resource home, or other facility licensed by DFCS, a copy of the final investigative report shall be filed in the child's case record, in the DFCS State Office licensing file, and sent to the licensed provider facility. DFCS shall provide the report to the Youth Court Judge with jurisdiction over the child and to the Monitor. (MSA II.B.1.e.5)	Case Record Review	To be determined by March 30, 2014
5.	All foster care settings, including relative placements, shall be screened prior to the initial placement of foster children to ensure that children receive safe, sufficient, and appropriate care. Additional screens shall be completed at least once annually thereafter and within two weeks of a reported change in the residents of a resource home. Screens shall include criminal and child welfare background checks of all household members who are at least 14 years old. No foster child shall be placed in a home prior to DFCS receipt of the background check results. (MSA II.B.2.b; MSA II.B.2.p.1)	MACWIS	June 30, 2014
6.	DFCS caseworkers shall compile, maintain, and keep current complete child welfare case records. (MSA III.B.4.a)	Case Record Review	To be determined by March 30, 2014
7.	For all children entering foster care, a visitation plan for the child and his/her family shall be developed as part of the service plan. This visitation plan shall be developed and regularly updated in collaboration with parents, resource parents, and the child. If parental visitation is appropriate based on the above factors, this visitation plan shall include a minimum of two visits per month with the parents (unless a court order in the child's case limits such visits). For all children, regardless of permanency goal, this visitation plan shall include at least one visit per	MACWIS and Case Record Review	MACWIS report: May 30, 2014; Case Record Review: To be determined by March 30, 2014

APPENDIX 3
Final Period 4 Implementation Plan

	month with any siblings not in the same placement (unless a court order in the child's case limits such visits). <i>(MSA III.B.5.a)</i>		
8.	DFCS shall make all reasonable efforts to ensure the continuity of a child's educational experience by keeping the child in a familiar or current school and neighborhood, when this is in the child's best interests and feasible, and by limiting the number of school changes the child experiences. <i>(MSA III.B.6.c)</i>	Case Record Review	To be determined by March 30, 2014
9.	DFCS shall assist youth in obtaining or compiling the following documents and such efforts shall be documented in the child's case record: <ol style="list-style-type: none"> 1. an identification card; 2. a social security or social insurance number; 3. a resume, when work experience can be described; 4. a driver's license, when the ability to drive is a goal; 5. an original copy of the youth's birth certificate; 6. religious documents and information; 7. documentation of immigration, citizenship, or naturalization, when applicable; 8. documentation of tribal eligibility or membership; 9. death certificates when parents are deceased; 10. a life book or a compilation of personal history and photographs, as appropriate; 11. a list of known relatives, with relationships, addresses, telephone numbers, and permissions for contacting involved parties; 12. previous placement information; and 13. educational records, such as a high school diploma or general equivalency diploma, and a list of schools attended, when age-appropriate. <i>(MSA III.B.7.d)</i> 	Case Record Review	To be determined by March 30, 2014
10.	An after-care plan shall be developed that identifies all of the services necessary to ensure that the conditions leading to the child's placement in foster care have been addressed, and that the child's safety and stability will be assured. <i>(MSA III.B.8.a)</i>	Case Record Review	To be determined by March 30, 2014
11.	Before the end of any trial home visit period, there shall be a final family team meeting, which shall include the child's caseworker, the caseworker's supervisor, the child, and the parent or relative assuming custody, to determine the appropriateness of a final discharge. <i>(MSA III.B.8.c)</i>	Case Record Review	To be determined by March 30, 2014