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Modified Settlement Agreement

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Summary of New Settlement Agreement

New Jersey's Department of Children and Families (DCF) is pleased to have reached a new, modified agreement in the lawsuit filed by Children's Right. This new agreement better supports child welfare reform by:

- focusing on the fundamentals by prioritizing key first steps, including reductions in caseloads, workforce development, and management by data;
- incorporating the best thinking of New Jersey stakeholders and frontline workers and supervisors, which inspired changes in adoption practice, resource family development, services, and placements;
- supporting a collaborative relationship with a single Monitor of the settlement agreement, allowing the State increased flexibility to make improvements and adjustments when needed; and
- establishing accountability on outcomes for children and families, rather than on a crushing checklist of more than two hundred legally enforceable tasks.

In the context of this litigation, the creation of the new cabinet level Department of Children and Families, which elevates child welfare issues to the highest level of government, and the building of a new executive team, were important signals of how serious Governor Corzine is about child welfare reform.

These concrete commitments by the Governor and DCF Commissioner convinced Children's Rights to take a step back from litigation and allow the State the time and flexibility necessary to construct a sound foundation for long-lasting reform.

The New Agreement

The new modified agreement is divided into two phases. The first phase, which runs from July 2006 and through December 2008, focuses on the fundamentals, including continued improvements in the development of data and institutional investigations. The second phase, which began on January 2009, looks for return on the investments in Phase I and focuses on outcomes. Phase I references ten key areas of practice, including:

Development of a New Case Practice Model: design a new case practice model that allows the State to synthesize best practices and test different approaches to better serve children and families.

Fundamental Training: prioritize training for new frontline staff, new supervisors, and investigators, while phasing in the development of in-service training for existing staff, beginning with concurrent planning, which supports improved permanency practices, and training in new data and management tools, such as Safe Measures and NJ Spirit.

Critical Services, including Healthcare: improve delivery of critical services that help keep families together, reunite families that are separated, address the well-being of children in out of home care, and help foster families and adoptive families provide for our children. Key stakeholders and staff have identified several structural barriers, highlighting the need to develop new policies and practices to improve service delivery, and the importance of making concrete commitments to expand services in critical areas.

Placements: change the focus from eliminating out-of-state placements to placing children close to home and where the child's individual needs are best met. In some cases, this means sound placement practice could result in a placement in Pennsylvania or a facility that provides highly specialized services not currently available in New Jersey. As with critical services, this priority action responds to feedback from well-informed stakeholders.

Caseloads: continue new State investments in staff in order to achieve caseloads that are manageable and support good practice. Recent and extensive analysis of our staffing records, data and management will allow us to target future staffing and placement to address staffing shortfalls and caseload issues by local DYFS office.

Adoption: invest in developing local adoption expertise in every office and create impact teams to address the alarming backlog of children awaiting permanency. This priority will reverse the previous settlement mandate to eliminate specialized adoption practice and, instead, support specialized practice in each local DYFS office.

Recruiting and Licensing Foster and Pre-adoptive Families: links the efforts of resource family recruiters and support staff more closely to licensing in order to transform the welcome recent surge in applications into a wider pool of available families for our children.

Management by Data: implement and support Governor Corzine's broader initiative of "government under glass" by collecting and making public critical child welfare indicators.

Phase II begins in January 2009 and is divided into three parts:

- Outcome indicators: Targets safety, permanency, and stable and appropriate placements for children.
- Performance indicators: Targets achieving reasonable caseload standards; executing timely investigations; supporting a sufficient pool of resource families; ensuring visitation for children with parents, siblings, and caseworkers; and maintaining high quality in healthcare, adoption, and overall case practice.
- Advanced practice: Targets development of improved practices in contracting, quality improvement, and needs assessment, while requiring maintenance of high levels of practice in the areas of resource families and workforce development.

The measurement of the performance and outcome indicators will begin in June 2009 with the first Phase II report from the Monitor expected in early 2010. If the State achieves its targets and sustains achievement, the lawsuit can be dismissed at any time after 2010.

Finally, the agreement also streamlines the dispute resolution process and reconstructs the monitoring role to make it more collaborative and less constrictive.

Beyond the Agreement

This agreement represents the realization that reform must begin with the fundamentals, that the house needs a foundation, long before you can build the rest of the structure, put on the roof and declare the house – and the reform – accomplished. This agreement is not an end and further represents only part of what must be a larger plan to deliver on the promise of safety, well-being, and permanency for New Jersey's children.

The leadership team at DCF wants to thank all of our staff and the many, many stakeholders who helped us diagnose the issues, formulate a turnaround plan for enduring reform and build a vision and commitment for keeping children safe and families strong in New Jersey.



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