

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

PROJECT SCHEDULE FOR DEFENDANTS' PRODUCTION
OF DATA REPORTS REQUIRED BY APPENDIX C OF
THE MODIFIED SETTLEMENT AGREEMENT

Pursuant to the May 9, 2013 Order, the goal of this project schedule is to ensure that Defendants produce complete, accurate and validated data reports on a monthly basis and at such other intervals as are required by the Modified Settlement Agreement and Reform Plan approved by the Court on July 6, 2012 ("MSA"). In order to achieve this goal, Defendants shall:

I. Establish and maintain by January 15, 2014, an independent SQL database that is capable, on an ongoing basis, of uploading and storing data that conform to all of the data reporting specifications in Appendix C to the MSA.¹ These data shall include:

A. All data collected in the Mississippi Automated Child Welfare Information

¹ It is understood that some data elements may be unavailable and may need to be collected through the review of case records by the Court Monitor [hereinafter Monitor] in conjunction with Defendants or through other processes.

System (“MACWIS”) and all data collected through the foster care review (“FCR”) process that are necessary to produce the reports required by Appendix C; and

- B. All data necessary to produce the reports required by Appendix C that are currently unavailable through the data sources identified above in §I.A.

II. Establish and implement by August 1, 2013, the data cleansing and validation plan described in §VI.D.2. below to ensure, on an ongoing basis, the completeness and accuracy of all data maintained in the independent SQL database.

III. Effective immediately, Defendants shall retain the Center for the Support of Families (“CSF”) to serve as the program manager to coordinate the activities associated with establishing and implementing both the independent database and the data cleansing and validation system described above, respectively in §§I. and II.

IV. Effective immediately, Defendants shall retain BCS Systems, Inc. (“BCS”) to establish and implement the independent SQL database described above in §I and to conduct data cleansing pursuant to the system described above in §II.

V. Notwithstanding the engagements of CSF and BCS, Defendants shall ensure that the activities described in this project schedule are completed as required, through the engagement of CSF and/or BCS or otherwise, as expeditiously as reasonably possible and in any event by no later than the deadlines set forth herein.

VI. As described more specifically below in §§VI.A.-D., Defendants shall:

1) develop and finalize report specifications; 2) complete gap analyses and implement alternate data collection and reporting methods for data elements required by the Appendix C reports that are unavailable in MACWIS and/or through the FCR process;

3) establish and maintain an independent SQL database; 4) develop and implement specified initiatives and plans to improve data quality; and, 5) produce complete, accurate and validated data reports at required intervals.

A. Development of Report Specifications

1. By November 15, 2013, consistent with the report production schedule set forth in Attachment One, Defendants shall finalize the specifications for all reports required by Appendix C.

2. The specifications for each report shall be developed by the Defendants pursuant to a staggered schedule. The schedule shall ensure that Plaintiffs and the Monitor are afforded five business days to review and comment on the draft specifications, and it shall:

- a. allow for the incremental development of the specifications consistent with the deadlines reflected in Attachment One; and
- b. reflect a prioritized order for development of the specifications that is consistent with Attachment Two.

3. Defendants shall develop the specifications for each report in consultation with the Plaintiffs and the Monitor. Consistent with the schedule required by §VI.A.2., Defendants shall submit to Plaintiffs and the Monitor a written list of the proposed specifications for each report. Prior to finalizing the specifications for a report, Defendants shall consider any written comments that are submitted by Plaintiffs and/or the Monitor within the review and comment period specified in §VI.A.2., above. Defendants shall submit to Plaintiffs and the Monitor the final written version of the specifications for each report within three business days of their finalization. These submissions shall be consistent with the schedule required by §VI.A.2., above.

B. Gap Analysis and Alternate Data Collection and Reporting Methods

1. By 30 days following finalization of the specifications for each report required by Appendix C, Defendants shall prepare a written gap analysis, including, if indicated, the plan described in §VI.B.3., below, and submit it to Plaintiffs and the Monitor for review.

2. The gap analysis shall identify all data elements required to satisfy the report specifications and indicate whether data responsive to each element are: a) collected in MACWIS; b) collected through the automated FCR instrument; c) collected through a method other than MACWIS or the FCR instrument; or d) currently unavailable through a.-c., above.

3. In the event the gap analysis for a specific report indicates that data responsive to any specification falls within the parameters of §VI.B.2.d., above, the gap analysis shall specify a plan, including methodology and proposed timeline, for collecting the unavailable data. Any such plan shall be subject to approval by the Monitor.² The Defendants shall ensure that any required system changes to MACWIS necessary to capture data responsive to an Appendix C report specification be completed on an expedited basis, but in any event no later than 60 days from submission of the gap analysis.

² The Monitor's approval of the plans specified herein shall be based upon her assessment of the reasonableness of Defendants' proposals. In conducting these assessments, the Monitor shall consider any comments submitted by the Plaintiffs.

C. Independent SQL Database

1. By January 15, 2014, Defendants shall develop, establish, implement and maintain an independent SQL database that is capable, on an ongoing basis, of uploading and storing all categories of data described in §I., above.

2. In order to ensure the basic and ongoing operation of the independent SQL database, Defendants shall meet the minimum requirements set forth in Attachment Three.

D. Quality of Data

In order to ensure on an ongoing basis that all data related to the specifications for the reports required by Appendix C are complete, accurate and validated, Defendants shall meet the following requirements:

1. By June 30, 2013, Defendants shall submit a written plan to Plaintiffs and the Monitor to improve, on an expedited basis, the hardware (including high-availability server capacity) and network infrastructure (including high-availability routers and switches) that support MACWIS. The plan shall define the actions necessary to correct limitations in user access to MACWIS, including the connectivity issues that have been addressed in the Monitor's reports. Defendants shall implement the plan on an expedited basis and in any event by no later than August 1, 2013. The plan shall be subject to approval by the Monitor.

2. By June 30, 2013, Defendants shall submit a written plan to Plaintiffs and the Monitor for the initial and ongoing scrubbing of the data transferred to the SQL database from MACWIS or otherwise entered into the database. The plan, which shall be

implemented pursuant to §II, above, shall address data completeness, accuracy and report validity as well as corrective action.³ The plan shall specify the following:

- a. The automated and manual methods that shall be used to cleanse the data initially upon transfer into the SQL database and thereafter on an ongoing basis.
- b. The methodology, including timelines and accuracy standards, for validating the data reports generated from the database.
- c. A separate methodology and timeline for validating the workload and caseload reports required by Appendix C, including desk audits and related processes.

The plan shall be subject to approval by the Monitor.

3. By September 1, 2013, Defendants shall submit a written plan to Plaintiffs and the Monitor for addressing the findings derived from the initial and ongoing data scrubbing and validation activities addressed above in §VI.D.2. The plan shall include implementation timelines as appropriate. As indicated, the plan shall include user training initiatives and shall define actions necessary to impose MACWIS data entry parameter control features to reduce data entry errors. The plan shall be subject to approval by the Monitor.

E. Data Reporting

Defendants shall submit accurate and validated data reports to Plaintiffs and the Monitor at the intervals mandated by the MSA, pursuant to the requirements of Appendix C and the schedule attached hereto as Attachment One.

³ For example, the plan shall consider and define the corrective action for cases related to children in custody that are open, but not open in MACWIS, and cases related to children in custody that are open in MACWIS but should be closed; blank data fields in MACWIS; and, data entries in MACWIS that do not conform to data field parameters.

VII. Monitoring

The Monitor shall evaluate Defendants' progress implementing the requirements set forth herein and report to the Court and the parties as appropriate. In any event, the Monitor shall report promptly any significant deviations from the performance required herein to the parties and to the Court.⁴

VIII. Other Data Reports Required by the MSA

In light of the fact that the data reports that are the subject of this order do not include all of the data reports required by the MSA, Defendants shall be prepared to inform the Court at the next scheduled status hearing of their plans for producing complete, accurate and validated data reports related to any MSA requirements that are not the subject of this Order.

SO ORDERED, this the 24th day of June, 2013.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE TOM S. LEE

⁴ According to the Monitor, the Defendants state that the report specifications, gap analysis, data cleansing and validation, and data reporting activities that are the subject of this project schedule will be completed on a staggered, incremental basis. The Monitor's information technology consultants have expressed substantial concerns about this approach, and thus any significant deviation from the requirements set forth herein shall be reported promptly by the Monitor to the parties and the Court.

ATTACHMENT ONE¹

Date Validated Reports Due to Plaintiffs and the Court Monitor	Specific Reports to Be Produced to Plaintiffs and the Court Monitor According to Prioritization Order in Attachment Two
September 1, 2013	Produce first set of 10 reports
October 1, 2013	Produce second set of 10 reports
November 1, 2013	Produce third set of 9 reports
December 1, 2013	Produce fourth set of 10 reports
January 1, 2014	Produce fifth set of 10 reports
January 15, 2014	Produce final 4 reports

¹ Defendants shall produce 53 of the 57 reports listed in Appendix C according to the above-specified timeline. Four reports listed in Appendix C are not included herein because one report was included by mistake in Appendix C, two reports listed in Appendix C are duplicative of other reports listed in Appendix C, and two reports listed in Appendix C have been combined into one report for data reporting purposes.

ATTACHMENT TWO¹

Data Report	MACWIS Report Number, Manual Report, or FCR	Ranking	Report Number
FIRST SET of 10 REPORTS			
During trial home visit period, child's caseworker or a Family Preservation caseworker meets with child in the home at least twice a month. (MSA III.B.8.b)	MWLS54A	Original Critical 8	1
Investigations of reports of maltreatment of children in DFCS custody must be initiated within 24 hours. (MSA II.B.1.e.2)	MWZ1271	Original Critical 8	2
Investigations of reports of maltreatment of children in DFCS custody must be completed within 30 calendar days, including supervisory approval. (MSA II.B.1.e.2)	MWZ1271	Original Critical 8	
Children remaining in the same out-of-home placement following an investigation into a report of maltreatment are visited by a DFCS caseworker twice a month for 3 months. (MSA II.B.1.e.3)	MWLS55SA	Original Critical 8	3
For children with goal of reunification, the assigned DFCS caseworker will meet with the child's bio parents at least once a month to assess service delivery and achievement. (MSA II.B.5.b) (MSA III.B.3.d.2)	MWZWCR3	Original Critical 8	4

¹ Defendants shall produce 53 of the 57 reports listed in Appendix C according to the above-specified timeline. Four reports listed in Appendix C are not included herein because one report was included by mistake in Appendix C, two reports listed in Appendix C are duplicative of other reports listed in Appendix C, and two reports listed in Appendix C have been combined into one report for data reporting purposes.

A DFCS caseworker will visit the home of non therapeutic resource parents, who have at least 1 foster child residing in the home, at least once a month (MSA II.B.5.c)	MWZPLMC	Original Critical 8	5
A DFCS caseworker will visit the home of therapeutic resource parents, who have at least 1 foster child residing in the home, at least once a month (MSA II.B.5.c.)	MWZPLMB	Original Critical 8	6
The rate of abuse/maltreatment in care in the last year (MSA II.C.2)	MWBRD06	Original Critical 8	7
Assigned DFCS caseworker (COR or COS) will meet with child in person and, where age appropriate, alone at least twice a month to assess child's safety and wellbeing. At least 1 visit during the month will take place in the child's placement. (MSA II.B.5.a)	MWZWC5D	Original Critical 8	8
Caseworkers do not carry a caseload exceeding 2x the caseload requirements. (MSA II.A.2.a.1)	Manual Report	1	9
Supervisors, responsible for supervising caseworkers, shall be responsible for supervising no more than 5 caseworkers. (MSA II.A.2.a.6)	Manual Report	2	10
SECOND SET of 10 REPORTS			
Caseworkers shall carry a caseload that doesn't exceed Plan requirements. (MSA II. A.2.a.1)	Manual Report	3	11
New caseworkers/supervisors complete their training requirements before assuming their responsibilities. (MSA II.A.2.c.2 3)	Manual Report	4	12
Children in care fewer than 12 months from time of latest removal from home shall have had 2 or fewer placements. (MSA II.C.1)	MWZPLM5S	5	13
Children discharged and reunified in the last year shall have been reunified within 12 months of latest removal. (MSA III.C.1)	MWBRD05	6	14

Children discharged in last year on finalization of adoption shall have had the adoption finalized within 24 mo. of latest removal from home. (MSA III.C.2)	MWBRD10	7	15
Children in custody, ages 14-20, shall be provided with independent living services as set forth in their service plans. (MSA III.B.7.b)	MWBRD16	8	16
Child's permanency plan will be developed within 30 calendar days of initial placement and documented in the child's case record. (MSA III.B.3.a.1-2)	MWLS312D	9	17
Number of Licensed Foster Family Homes.	MWZRESL	10	18
Number of Pending Foster Family Homes.	MWZRESPD	11	19
Number of Children in Foster Care by Placement Type.	MWZ0510	12	20
THIRD SET of 9 REPORTS			
Children are not placed in a foster care setting that has not been licensed or approved as meeting DFCS licensure standards unless placed pursuant to relative licensing process. (MSA II.B.2.a)	MWLS319D (originally MWZ0151)	13	21
Children entering foster care shall receive a health screening evaluation from a qualified medical practitioner within 72 hours of placement. (MSA II.B.3.a)	MWLS315	14	22
Within 30 calendar days of placement in foster care, children shall receive a comprehensive health assessment. (MSA II.B.3.b)	MWLS315	14	
A child's permanency plan will be reviewed in a court or administrative case review at least every 6 months. (MSA III.B.3.c.1)	MWZTACR	15	23

DFCS will take reasonable steps to ensure a court review is held for children in custody within 12 months of initial placement and annually thereafter. (MSA III.B.3.c.2)	MWZTPHR	16	24
Children who've spent more than 17 of the previous 22 months in foster care without a TPR petition filed or exception documented shall have a petition filed or exception noted. (MSA III.B.3.e.1)	MWZ014D1 and MWZ014D2	17	25
Children reaching the point at which they have spent 17 of previous 22 months in foster care during the period shall have TPR petition filed or exception documented by the last day of the 17th month (MSA III.B.3.e.1)	MWZ017D (originally stated - MACWIS Report Number TBD)	17	
Children in custody are provided with contacts with their parents/siblings not in same placement within 24 hours of placement (exceptions may apply). (MSA III.B.5.b)	MWLS318 (originally stated - MACWIS Report Number TBD)	18	26
Siblings who enter placement at/near the same time are placed together (with exceptions). (MSA II.B.2.h)	MWLS316	19	27
No child shall remain in an emergency/temp facility for more than 45 calendar days (exceptions may apply). (MSA II.B.2.k)	MWLS50D	20	28

No child under 10 will be placed in a congregate care setting unless the child has exceptional needs that can't be met in a relative or foster family home (other conditions may apply.) (MSA II.B.2.m)	MWLS52HS	21	29
FOURTH SET of 10 REPORTS			
Sibling groups, in which there is at least one sibling under age 10, will not be placed in congregate care settings for more than 45 days. (MSA II.B.2.m)	MWLS53HS	22	30
No child will be placed in more than 1 emergency/temp facility within 1 episode of foster care (exceptions may apply). (MSA II.B.2.o)	MWLS51D/S	23	31
Children shall be placed within their own county or within 50 miles of the home from which they were removed (with exceptions). (MSA II.B.2.g)	MWLS314	24	32
Service plans shall be reviewed and updated quarterly at a team meeting and within 30 days of a placement change. (MSA III.B.2.b)	PAD-20m1m2	25	33
For children with goals of reunification, DFCS will engage in concurrent planning within the 1st 6 months of custody (MSA III.B.3.b.1)	PAD-22	26	34
Youth in custody transitioning to independence shall have available: an adequate living arrangement; a source of income; health care; IL stipends; education/training vouchers. (MSA III.B.7.c)	PAD-23m1m2m3m4	27	35
Appropriate permanency goals include: no goal of permanent foster care; durable legal custody only after other goals are ruled out; and conditions for APPLA. (MSA III.B.3.a.3 5)	PAD-21	28	36

Children requiring thera. and/or rehab. foster care services (because of diagnosis of significant medical, developmental, emotional or behavioral problems) have been provided a treatment plan and services in accordance with the plan. (MSA II.B.4.a)	PAD-17m1m2m3	29	37
Children, birth 3 years, will be provided a developmental assessment by a qualified professional and each child older than age 3 shall be provided with a developmental assessment if factors indicate such an assessment is warranted. (MSA II.B.3.g)	PAD-26m1m2m3	30	38
Children, 4 years and older, shall be provided a mental health assessment by a qualified professional within 30 calendar days of foster care placement. (MSA II.B.3.f)	PAD-25	31	39
FIFTH SET of 10 REPORTS			
Children, age 3 and older, shall be provided a dental exam within 90 calendar days of foster care placement and every 6 months thereafter. (MSA II.B.3.e)	PAD-27m1m3	32	40
Children reaching age 3 in care shall be provided a dental exam within 90 days of his/her 3rd birthday and every 6 months thereafter. (MSA II.B.3.e)	PAD-27m2m3	33	41
Foster children shall be provided with needed follow-up developmental services. (MSA II.B.3.g)	PAD-14	34	42
Foster children will receive recommended mental health services pursuant to his/her assessment. (MSA II.B.3.f)	PAD-13	35	43

Children in custody will receive periodic medical exams and all medically necessary follow up services/treatment throughout the time they are in State custody. (MSA II.B.3.d)	PAD-24	36	44
Children shall have a family assessment completed within 30 calendar days of the child's entrance into custody which is documented in the child's case record. (MSA III.B.1.a)	PAD-12	37	45
DFCS caseworkers will screen children for general/special educational needs within 30 calendar days of his/her entry into foster care. (MSA III.B.6.a)	PAD-15	38	46
Children with special needs shall be matched with placement resources that can meet their therapeutic and medical needs. (MSA II.B.2.e)	PAD-8m1m2m3	39	47
Children are placed in the least restrictive setting that meets his/her individual needs as determined by a review of all intake, screening, assessment and prior placement information on the child available at the time of placement. (MSA II.B.2.f)	PAD-9	40	48
Within 30 days of a child's entrance into foster care, the caseworker will convene a team meeting with specified parties to develop service plans. (MSA III.B.2.a)	PAD-19	41	49
FINAL SET of 4 REPORTS			
In cases where the whereabouts of one/both parents is unknown, DFCS will immediately institute a diligent search for the parents which shall be documented in the child's case record. (MSA III.B.1.b)	To Be Determined	42	50

DFCS shall take reasonable steps to ensure that school-age foster children are registered for and attending accredited schools within 3 business days of initial placement or other placement changes (including shelters or other temp placements unless delayed by Youth Court). (MSA III.B.6.b)	PAD-16m1m2	43	51
DFCS will take all reasonable steps to avoid disruption of appropriate placements and ensure placement stability; if worker has knowledge of disruption possibility, s/he must convene FTM immediately. (MSA II.B.2.j)	PAD-11	44	52
No later than time of placement, DFCS will provide resource parents/facility staff with foster child's current available medical, dental, educational and psychological information (including certain specific info). (MSA II.B.2.i)	PAD-10	45	53

ATTACHMENT THREE

At a minimum, defendants shall ensure that the following performance standards remain in effect with regard to the SQL Database:

- I. SQL Database back-up on a nightly basis.
- II. SQL Database refresh on a monthly basis. Effective no later than October 1, 2013, SQL Database shall refresh on a nightly basis.
- III. Return time to operations: four to eight hours.
- IV. Return point of operations: last successful database backup, but not more than 48 hours.
- V. Maximum clock time to produce reports: no report should require more than 15 minutes to produce.
- VI. Infrastructure necessary to maintain the SQL Database:
 - A. A full complement of duplicative hardware in physical proximity
 - B. On-line cloud service as a high availability back up
 - C. An experienced data base administrator assigned eight hours at initial set up with up to one hour availability daily thereafter