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June 9, 2017

The Honorable Jorge L. Alonso  
United States District Court, Northern District  
219 South Dearborn, Courtroom 1219  
Chicago, Illinois 60604

Re: B.H. v. Sheldon, No.: 1:88-cv-05599  
B.H. Expert Panel Supplemental Comments on the  
Second Triannual Joint Interim Status Report

Judge Alonso:

DCFS, with Plaintiffs and the Expert Panel, have submitted the Second Triannual Report to the Court regarding the projects and initiatives identified in the Implementation Plan. It covers the time period generally from February through March of 2017. After providing written input and discussing the report's contents with the parties, we decided to submit separate comments to the Court outlining some of our particular concerns and planned areas of focus in the upcoming months. We have discussed our concerns and plans with the parties.

As noted in the Second Triannual Report, we continue to see progress in the execution of several initiatives under the Implementation Plan. We are concerned, however, that the ongoing state budget problems, the pending expiration of key contractual agreements, and especially the potential loss of key leadership staff with the resignation of George Sheldon might derail the positive change we've seen thus far. We are grateful for the close collaborative relationship we've been able to forge with key DCFS staff, but remain frustrated with learning about pertinent initiatives and issues too late or only after major decisions have been made.

The parties and Expert Panel continue to have regular bi-weekly phone conferences and frequent additional face-to-face and phone conferences to address specific issues and concerns. DCFS project managers, the Expert Panel, and the parties also have regular weekly teleconference calls regarding the status of BH projects. Monthly reports for each project are provided to the Expert Panel and parties. These regular phone conferences and other face-to-face meetings assist in the identification of projects that are proceeding according to the Implementation Plan and instances where progress has been impeded or initiatives have gone off course in the estimation of either the Expert Panel or Plaintiffs' counsel. The Experts have conducted bi-weekly tutorials with project managers to help them prepare monthly and 4-month status reports. In some cases, the Experts have conducted special data analyses to improve project managers' understanding of the problems and enhance their ability to monitor progress. We expect our productive working relationship to continue as DCFS grapples with the impact of the upcoming leadership change and with the implementation challenges associated with putting in place and sustaining the services class members need.

Despite progress toward the Department's reform goals since February, 2017, we, as well as the Plaintiffs, have voiced our concerns about significant barriers to effective implementation, especially as DCFS moves into the next phase of work required under the Implementation Plan. We agree with the concerns set out in Plaintiffs' Additional Report to the Court (filed contemporaneously with the Second Triannual Report) and share their view that the Department continues to undertake significant initiatives without ensuring that those initiatives fit with the revised core practice model that the Department has adopted. This problem already has led to confusion and delay and threatens to derail the Department's efforts if left uncorrected.

### **Expert Panel to Increase Monitoring Activities**

The Expert Panel is concerned that, even without the upcoming DCFS leadership change, the next phase of implementation of some of the initiatives is imperiled due to their complexity and interdepartmental scope. The Expert Panel believes there is a need for deliberate focus on the connection and integration among the BH initiatives and all other DCFS and interdepartmental functions and practices.

In the Expert Panel's view, some longstanding DCFS functions and practices are not consistent with, and at times run counter to, the tenets of the newly developed DCFS Core Practice Model. This lack of congruence and integration among all departmental functions and practices continues to have an impact on the pace of implementation and on the extent to which actual implementation is consistent with the Core Practice Model as well as with the plans and designs for the various initiatives. The Expert Panel sees evidence that these challenges are likely to continue absent deliberate focus on resolving them or at least mitigating their impact. Therefore, at this critical juncture, the Expert Panel will increase its level of participation and direct monitoring of DCFS' implementation efforts to ensure that the BH initiatives proceed without unwarranted administrative or structural obstacles, are consistent with the Core Practice Model, and are effective in meeting the needs of class members.

The functions and responsibilities of the Expert Panel include providing assistance to the parties and the Court in evaluating the Implementation Plan, and evaluating DCFS' progress in making the reforms necessary for effective implementation of its initiatives. Going forward, when it deems necessary, the Expert Panel will make formal recommendations to the parties and the Court about actions it believes DCFS needs to take to achieve the outcomes set forth in the Implementation Plan. We have developed a productive relationship with the parties, and expect

that to continue, even as we step up our monitoring activities. We believe any disagreements about our recommendations can be resolved collaboratively among the parties, but, if not, the parties will not hesitate to request the Court to resolve any such disagreements.

As the Expert Panel increases its monitoring activities, such activities will result in more independent analysis and assessment of DCFS implementation efforts (which, of course, we will share with the parties). As a consequence, the Expert Panel will provide supplemental and separate reports to the Court in the future containing any independent findings and recommendations, as we deem necessary.

Finally, in order to fulfill our responsibilities at this nascent stage of implementation, we need additional consultation and staff support. Following submission and approval by the Court of the Second Triannual Status Report, we will work with the parties to agree on how our consultation and staff support needs will be met.

### **Significant and Complex Implementation Challenges**

The Expert Panel has voiced concerns about several significant implementation challenges that are likely to have an impact on DCFS' ability to proceed as planned with its initiatives. Some of these challenges were unanticipated, but for most, DCFS saw them coming or should have anticipated them and taken steps to inform and address them with the Expert Panel and the Plaintiffs well in advance of the moment when they became serious enough to jeopardize the implementation and delivery of services to class members. We provide here some examples of these challenges.

**Information Systems and Management** - One example of an overarching challenge has been DCFS' lack of ready capacity to modify and/or develop technology and information systems that fulfill essential management, reporting, and monitoring functions for internal and external

stakeholders. As set forth in the Implementation Plan, “while internal positions are being established and filled,” DCFS has contracted with outside vendors, such as Mindshare. The contract with Mindshare began in September 2015 and is in place through January 2018. DCFS has disclosed that it may not be in a position to continue, after its current contracts expire (one as early as the end of June, 2017 and the other in January 2018), the development and maintenance of “dashboards” and other information technology and data analysis functions that all parties agree are essential for managing and monitoring BH initiatives and outcomes. Then, as recently as June 6, 2017, DCFS informed Plaintiffs and us for the first time that it is in the process of developing a replacement for the Mindshare platform using POWERBI and MS SQL server engines in-house.

Neither we nor the Plaintiffs have had a chance to evaluate how this planned shift from Mindshare will impact the Department’s operations or implementation efforts. In light of this most recent information, we plan to obtain independent IT consultation to advise us how best to move forward with BH implementation monitoring if the Department proceeds with securing or developing an alternative to Mindshare. Our concern, which we believe the parties share, is that regardless of a specific product or platform, the Department must be able to perform certain essential information management functions to include, among others:

(i) Development of a platform that allows the Department to draw essential data from multiple data sources (e.g., SACWIS, CYCIS, CANS, Medicaid, and project-specific databases) in which information regarding children in care is stored;

(ii) Development of “dashboards” that allow one to pull select, pre-identified data points needed to monitor the metrics for child well-being, permanency and safety, and to evaluate the efficacy of the various program initiatives DCFS has undertaken as part of the Implementation

Plan. Significant progress has been made in developing the Mindshare platform, developing and validating the various “dashboards” DCFS needs, but that essential work is by no means complete.

Other essential information management functions that could be in jeopardy include:

(i) Mobile applications for timely input of investigation, background checking, and licensing data;

(ii) Help with the development of and requirements for measuring child well-being as part of the overarching outcome measures;

(iii) Assistance with the development of a means to automate the extraction and reformatting of computerized education records for youth in care from the Illinois State Board of Education, so that those records can be added to SACWIS;

(iv) Development of security protocols that must be in place before private providers caring for DCFS youth will be able to access the Mindshare platform – a development essential to implementation of the Department’s new Core Practice Model; and

(v) The Department’s ability to begin the feasibility study for the anticipated CCWIS conversion from SACWIS by July 2017 may be imperiled, which poses the threat that the Department could lose \$1,400,000 in federal funds that would pay for that study. If this occurs, the process of converting to an upgraded CCWIS system may well be delayed by as much as 18 months to two years.

**Department of Health and Family Services Managed Care RFP** - Another example of a significant implementation challenge is the Illinois Department of Health and Family Services’ (“HFS”) issuance of a request for proposals for a mandatory managed care program that would provide medical care, mental health care, and other “covered services” for all children in DCFS’ care (the BH class members). DCFS was involved in the development of the RFP, but did not

inform the Expert Panel or the Plaintiffs of the RFP's key elements or seek our input regarding the potential impact on services and service management for BH class members prior to the finalization of the RFP.

The RFP and model MCO contract contemplate the use of "care coordinators," who are *employed by the MCO*, and who have critical responsibilities in identifying and coordinating service delivery to youth in care. However, the assignment of lead service planning responsibility to MCO "care coordinators," as described and interpreted in the RFP by the Expert Panel, directly conflicts with the assignment of responsibilities to "permanency workers" under the Core Practice Model DCFS has adopted and is beginning to implement in the Immersion Sites. DCFS has insisted that permanency workers, not MCO Care Coordinators, will have the primary responsibility for ensuring that appropriate plans are developed and implemented through Child and Family Teams. Further, if a problem emerges about the role and authority of MCO Care Coordinators, it can be addressed in the "negotiation phase" of the MCO contract once an MCO entity has been selected, and that HFS is not under any obligation to execute a contract with an MCO entity if it does not meet DCFS' requirements. The Department has stated that control over deciding what services a youth in care needs will not be ceded to the MCO. But at the same time, the Department has stated that it *cannot confirm* that it has the power to ensure that the final contract (if any) that HFS may choose to adopt for youth in care will fit with DCFS' practice model. Until a bidder is selected (by June 30, 2017), DCFS has said they are prohibited from answering the Expert Panel and Plaintiffs' questions about the rationale or content of the RFP due to procurement restrictions. While the Expert Panel understands that the RFP bidding and selection process is tightly controlled to ensure fairness, it is quite concerned that the questions it raised for several months were not addressed, and perhaps not anticipated, as part of the

development of the RFP prior to its issuance. Of even greater concern to the Expert Panel is that DCFS did not inform or engage the Expert Panel or Plaintiffs, well before the RFP was finalized, in discussions and consideration about the potential impact that a restructured behavioral health system could have on youth in DCFS custody.

**Community-Based Service Contracts and Determination of Residential Service Capacity Needs** - The Expert Panel continues to observe a pervasive departmental problem executing timely contracts with existing and new providers that secure, maintain, and individualize the whole range of needed services for families and children with challenging emotional and behavioral needs. One example involves the service contracts for the agencies participating in the TFC pilot. Service contracts are in place through Fiscal Year 2017 and are in process of being distributed and executed for Fiscal Year 2018. The Expert Panel is concerned about the current lengthy contract negotiation and rate setting process underway for this particular service have delayed finalizing contracts and reimbursing agencies for their contract expenses.

DCFS' long-standing need for appropriate residential services is well-documented. The Plaintiffs' separate filing describes both ongoing and recently identified problems with the array of residential services required to address specialized needs of youth, as well as problems with the overall capacity of needed residential services for DCFS youth. The Expert Panel agrees with the concerns described in the Plaintiffs' separate filing.

The Expert Panel is in the process of requesting information from DCFS about a variety of areas related to residential services, including its current and anticipated residential capacity for FY2018 (e.g., residential facilities, specialized foster care) and contract amounts and expenditures. In the immediate short-term, we will work closely with DCFS and the Plaintiffs to assess and make



recommendations to ensure that DCFS has an overall design and plan for providing for the full array of residential services DCFS youth need.

We appreciate your role and involvement with this important work to address the needs of BH class members and are available to answer any questions you may have and to receive further guidance from you in fulfillment of our duties to the Parties and the Court.

Sincerely,



Mark F. Testa, PhD

Sandra Reeves Spears and John B. Turner Distinguished Professor



Marci White, MSW