



#627
November 27, 2018

Full Report to the Mississippi Legislature

A Review of the Mississippi Department of
Child Protection Services for Fiscal Years
2017 and 2018

PEER: The Mississippi Legislature's Oversight Agency

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

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The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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The Mississippi Legislature

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November 27, 2018

Honorable Phil Bryant, Governor
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On November 27, 2018, the PEER Committee authorized release of the report titled *A Review of the Mississippi Department of Child Protection Services for Fiscal Years 2017 and 2018*.

A handwritten signature in cursive script that reads "Videt Carmichael".

Senator Videt Carmichael, Chair

This report does not recommend increased funding or additional staff.

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A Review of the Mississippi Department of Child Protection Services for Fiscal Years 2017 and 2018

CONCLUSION: MDCPS receives slightly over half of its revenues from state general funds and the majority of its remaining funds from federal sources. The department expends a majority of its funds on caseworker salaries and foster care. While MDCPS is not in compliance with the caseload standards and compliance mandates set forth in the *Olivia Y.* settlement agreement, the standards should be updated to reflect current child welfare practice and the compliance mandates should be replaced. MDCPS's caseworker turnover rates were below the national average of 30% but above Annie E. Casey's suggested rate of 12% or less.

Background:

The *Olivia Y.* lawsuit, filed on March 30, 2004, has influenced the way child protection services are delivered in the State of Mississippi. Plaintiffs in the lawsuit alleged that Mississippi's child welfare system failed to adequately protect and care for the state's abused and neglected children. On January 4, 2008, Mississippi settled the lawsuit by entering into a court-monitored settlement agreement to reform its child welfare system.

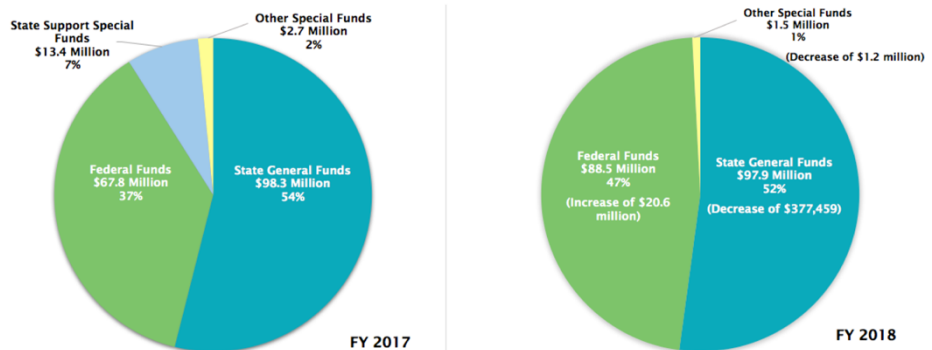
In response to a remedial order in the *Olivia Y.* lawsuit, the Mississippi Legislature passed SB 2179 during its 2016 Regular Session to create the Mississippi Department of Child Protection Services. The Governor signed the act, codified as MISS. CODE ANN. Section 43-26-1 (1972), into effect on May 13, 2016. As the result of unanticipated issues related to MDCPS's access to federal funds as a separate agency from the Department of Human Services, as well as identified efficiencies through administrative services that could be provided by MDHS staff, the Legislature amended the act during the 2018 Regular Session, to maintain MDCPS as a subagency independent of, though housed within MDHS. The Commissioner of MDCPS maintains operational control of MDCPS except for administrative services provided to the department by MDHS staff.

MDCPS provides intake, child protection investigation, foster care, adoption, licensure, and in-home services to families and children at the local level through 84 county offices (Bolivar and Chickasaw each have two county offices) overseen by 14 Regional Directors. As of May 31, 2018, MDCPS had a total of 1,603 employees.

MISS. CODE Section 43-26-1 (7) (1972) requires PEER to review the programs of the Mississippi Department of Child Protection Services on an annual basis, beginning with FY 2017.

Sources and Uses of Funding

Due to recurring MDCPS revenue shortfalls in FY 2018, PEER has concerns regarding the accuracy of the department's funding data. According to MDCPS staff, total funding for MDCPS increased by \$5.5 million, from \$182.4 million in FY 2017 to \$187.9 million in FY 2018. As shown below, in FY 2018 federal funds increased by \$20.6 million and state support special funds declined from \$13.4 million to zero.



Recommendations:

- The State Auditor should conduct a forensic audit of MDCPS's revenues and expenditures for FY 2018 and FY 2019 to determine why revenue shortfalls occurred, how they can be prevented in the future, and how the accuracy of MDCPS revenue and expenditure data can be improved.
- The Legislature should consider adding language in MDHS's appropriation bill to require MDCPS to submit revenue and expenditure data on a monthly basis to LBO and PEER.
- MDCPS should estimate and identify expenditures and FTEs by accountability program.
- MDCPS should consider PEER's recommended budget programs and work with LBO and DFA to determine which budget programs to add to MDCPS's budget by FY 2021.

Caseload Analysis

MDCPS is not in compliance with the weighted caseload standards, supervisory standard, or percentage-compliant mandates set forth in the *Olivia Y.* Settlement Agreement.

Mandate	Level of Compliance
90% of MDCPS caseworkers to have caseloads which do not exceed the caseload standards	57%
85% of MDCPS supervisors should supervise no more than five caseworkers	76%

MDCPS's current caseload standards which were adopted over 12 years ago do not reflect current child welfare practice. The percentage-compliant mandate does not show the average caseload of a caseworker or the range of cases handled by caseworkers. Further, it is possible to meet the percentage-compliant mandate for 90% of the caseworkers by overloading the 10% of workers who can be out of compliance. A percentage-compliant mandate encourages inefficient and unequal distribution of labor.

Progress toward achieving reasonable workloads for all MDCPS caseworker staff and supervisors would be better measured by tracking average workloads and deviations from the average, instead of using a percentage-compliant mandate. MDCPS could achieve a more balanced workload among its caseworkers and supervisors by redistributing positions.

Recommendations:

- MDCPS should conduct a new workload study.
- MDCPS should confer with the Court Monitor and attorneys representing the plaintiffs in the *Olivia Y.* lawsuit to discuss replacing the percentage-compliant mandate.

Analysis of Turnover Rates for Caseworkers

MDCPS's annual turnover rate for caseworkers declined from **29%** in FY 2017 to **21%** in FY 2018. While the reported national average annual turnover rate for child welfare workers is 30%, the Annie E. Casey Foundation suggests that an optimal turnover rate is 12% or less. Using the Foundation's methodology, PEER estimated that MDCPS caseworker turnover costs could range from \$1.7 million (30% of exiting employee's annual salary) to \$11.9 million (200% of exiting employee's annual salary).

Due to a self-reported revenue shortfall, MDCPS eliminated their tuition reimbursement and Master's in Social Work (MSW) programs, as well as offering educational benchmarks and awarding increases in the career ladder for caseworkers. Additionally, MDCPS has limited hiring to essential personnel and the filling of critical positions as they become vacant.

Only **18%** of MDCPS's caseworkers and **87%** of caseworker supervisors are licensed social workers.

Due to an inability to recruit and retain licensed social workers in the state, the number of social workers in the agency will likely decline even further.

Recommendations:

- MDCPS should maintain a current list of all licensed social workers in the agency.
- MDCPS should consult with the State Personnel Board to determine the minimum qualifications for caseworker supervisor positions, and then recommend to the Legislature the amendment of statute to reflect the new qualifications.
- MDCPS should calculate turnover by county and/or region.

Analysis of Selected Outcome Measures

Outcome Measure	FY 2017	FY 2018
Percentage of children whose case plan goal was adoption who were adopted	9%	12%
Mean days in foster care	478	605
Mean days in foster care to adoption	1,208	1,244
Number of children in agency custody	5,696	5,600
Average time (days) in temporary housing among children exiting to foster care	1,044	795
Number of child fatalities	40	Not yet available
Mean response time in hours to allegations of child maltreatment	49	Not yet available
Total child maltreatment victims	10,429	Not yet available

Due to data quality issues and no outcome measures for MDCPS in the appropriation bills in FY 2017 and FY 2018, PEER focused on five benchmarks contained in *Building a Better Mississippi: The Statewide Strategic Plan for Performance and Budgetary Success* and three other outcome measures relevant to child protection services for which data were available (see chart to the left).

Recommendation:

- MDCPS should develop and implement written procedures for code documentation, file retention, and data entry processes to improve the quality of its data.



A Review of the Mississippi Department of Child Protection Services for Fiscal Years 2017 and 2018

Introduction

Authority

During its 2018 Regular Session, the Mississippi Legislature passed Senate Bill 2675 to amend MISS. CODE ANN. Section 43-26-1 (1972). Among its provisions, this legislation maintained the Department of Child Protection Services as a subagency independent of, though housed within, the Mississippi Department of Human Services and added subsection 7 to require the PEER Committee to review annually the programs of the Mississippi Department of Child Protection Services, beginning with fiscal year 2017 and each year thereafter.

PEER conducted this review pursuant to the authority granted by MISS. CODE ANN. Sections 5-3-57 et seq. (1972) and acted in accordance with MISS. CODE ANN. Sections 5-3-51 et seq. (1972).

Scope and Purpose

MISS. CODE ANN. Section 43-26-1(7) (1972) requires the PEER Committee to review:

- sources and uses of department funding;
- caseloads for social workers for each county or another appropriate geographic area;
- turnover rates of social worker staff by county or other geographic area;
- the effectiveness of any program of the department for which appropriated outcome measures have been established; and
- any other matters that the PEER Committee considers to be pertinent to the performance of agency programs.

PEER reviewed data of the Mississippi Department of Child Protection Services for state fiscal years 2017 and 2018 (July 1, 2016, through June 30, 2018) because data for both fiscal years were available at the time of this first mandated review of the department.

Method

In conducting this review, PEER reviewed:

- applicable state and federal laws and regulations;
- *Olivia Y.* lawsuit documents, including recent pleadings regarding enforcement of the 2nd Modified Mississippi Settlement Agreement and Reform Plan (hereinafter referred to as the 2nd MSA) and the court monitor reports;
- administrative and financial records of the Mississippi Department of Child Protection Services, including the:
 - organizational charts and job descriptions,
 - projection of FY 2018 expenditure detail as of February 2018,
 - annual reports and other ad hoc reports,
 - contracts, and
 - data related to caseworker workloads and turnover;
- employee data for the Mississippi Department of Child Protection Services provided by the Mississippi State Personnel Board;
- research on child welfare worker caseloads and turnover from the Annie E. Casey Foundation, the U.S. Department of Health and Human Services, other state child welfare agencies, and the American Public Human Services Association;
- appropriation bills and budget requests for the Mississippi Department of Human Services and the Mississippi Department of Child Protection Services for fiscal years 2017, 2018, 2019, and 2020 (the FY 2019 and FY 2020 budget requests contain actual expenditure data for FY 2017 and FY 2018); and
- data provided by the Mississippi Automated Child Welfare Information System (MACWIS).

PEER also:

- analyzed performance data submitted to the U.S. Department of Health and Human Services' Children's Bureau for the National Child Abuse and Neglect Data System and the Adoption and Foster Care Analysis and Reporting System; and
- interviewed the private outside counsel for the department in the *Olivia Y.* lawsuit and staff of the Mississippi Department of Child Protection Services, the Mississippi State Personnel Board, and the Mississippi Department of Human Services.

Background

The Mississippi Department of Child Protection Services is the entity responsible for the development, execution, and provision of Mississippi's child welfare services and for ensuring the safety, permanency, and well-being of the state's families and children.

This chapter includes:

- a discussion of child protection services in Mississippi, including a description of the Mississippi Department of Child Protection Services' organizational structure, staffing history, and training requirements.

Child Protection Services in Mississippi

In response to a remedial order in the Olivia Y. lawsuit, the Mississippi Legislature passed Senate Bill 2179 during its 2016 Regular Session to create the Mississippi Department of Child Protection Services. During its 2018 Regular Session the Legislature amended MISS. CODE ANN. Section 43-26-1(3) (1972) to maintain the Department of Child Protection Services as a subagency independent of, though housed within, the Mississippi Department of Human Services.

From 1986 to 2016, the Mississippi Department of Human Services' (MDHS) Division of Family and Children's Services (DFCS) was responsible for child protection programs and services in the state. The Legislature's decision to maintain the Mississippi Department of Child Protection Services (MDCPS) as an agency independent of MDHS must be discussed in light of the influence the *Olivia Y.* lawsuit, filed March 30, 2004, has had on the delivery of child protection services in the state. See Appendix A, page 59, for a brief history of the *Olivia Y.* lawsuit.

Plaintiffs in the *Olivia Y.* lawsuit alleged that Mississippi's child welfare system failed to adequately protect and care for the state's abused and neglected children. On January 4, 2008, the state of Mississippi settled the lawsuit by entering into a court-monitored settlement agreement to reform its child welfare system. Mississippi is currently working under the third version of its settlement agreement, titled the "2nd MSA," which became effective on January 1, 2018.

Since entering into the first settlement agreement in January of 2008, the court monitor in the *Olivia Y.* lawsuit reported deficiencies in MDHS's management; worker competency; data quality, collection, and recordkeeping; and training provided to caseworkers. The court monitor also noted that MDHS caseworkers were assigned excessive caseloads.

On December 22, 2015, the court approved an Interim Remedial Order in the *Olivia Y.* lawsuit to require Mississippi to implement a phased-in approach to separating DFCS from MDHS by July 1, 2018. In response to the remedial order, the Mississippi Legislature passed Senate Bill 2179 during its 2016 Regular Session to form the Mississippi Department of Child Protection Services. The Governor signed the act, codified as MISS. CODE ANN. Section 43-26-1 (1972), into effect on May 13, 2016. The act required a phased-in approach to transitioning control of child protection services from MDHS to the new agency, commencing upon passage of the act.

In MDHS's FY 2017 appropriation bill, MDCPS was authorized 1,953 positions (PINs), an increase of 347 PINs, to decrease workloads for caseworkers, build a better resourced Field Operations team within the county offices as required by *Olivia Y.*, and assist in the efforts of the transition. All DFCS employees and responsibilities were transferred to MDCPS, reporting directly to the Commissioner of the newly created agency.

As the result of unanticipated issues related to MDCPS access to federal funds as an agency completely separate from MDHS, as well as identified efficiencies through administrative services that could be provided by MDHS staff, during its 2018 Regular Session the Legislature amended MISS. CODE ANN. Section 43-26-1(3) (1972) to maintain the Department of Child Protection Services as a subagency independent of, though housed within, the Mississippi Department of Human Services.

Organizational Structure

Pursuant to MISS. CODE ANN. Section 43-26-1(2) (1972), the Governor, with the advice and consent of the Senate, is responsible for appointing a Commissioner of the Mississippi Department of Child Protection Services. The Commissioner of MDCPS is required to have a bachelor's degree from an accredited institution of higher learning and 10 years of experience in management, public administration, finance, or accounting or a master's or doctoral degree from an accredited institution of higher learning and five years' experience in management, public administration, finance, law, or accounting.

The first Commissioner of MDCPS was appointed by the Governor in December 2015 and served the agency until September 15, 2017. The current Commissioner was appointed to the position on August 8, 2017, and began serving the agency on September 18, 2017.

Since April 13, 2018, MDCPS has maintained operational separation from MDHS. The Commissioner of MDCPS has complete control of the following MDCPS functions: field operations, information technology, contracting, procurement, human resources, and budgeting. MDHS staff provide the following administrative services for MDCPS: accounts payable, accounts receivable, grants management, claims, cost allocation, general accounting, payroll, purchasing, property management, travel reimbursements, and random moment sampling.

MDCPS provides intake, child protection investigation, foster care, adoption, licensure, and in-home services to families and children at the local level through 84 county offices (Bolivar and Chickasaw each have two county offices) overseen by 14 Regional Directors. Of the 84 county offices, 53 of the offices share office space with staff of the Mississippi Department of Human Services. MDCPS expended approximately \$1.4 million on county office space in FY 2018.

MDCPS Regional Directors are responsible for the operations of county offices within their regions. Each Regional Director has one or more Regional Area Social Work Supervisors (RSWS) who assist with day-to-day operations. The RSWSs supervise Area Social Work Supervisors who provide the day-to-day management for

MDCPS's frontline caseworkers. A similar structure exists for the department's adoption and licensure units. Each region provides services that include programs designed to strengthen families, reduce the risk of child abuse and neglect, support and preserve families, and provide for placement resources and services for children in agency custody. Prevention and preservation services are provided through contractual agreements with private child welfare agencies. MDCPS state office staff are responsible for supporting the regions and the overall agency through administration, information technology, and field support, including continuous quality improvement, performance-based contracting, and data reporting.

Pursuant to the *Olivia Y.* lawsuit, MDCPS divided its Field Operations division within child welfare into eastern and western regions and hired two Deputy Directors of Field Operations to have primary responsibility for their respective regions.¹ As of May 31, 2018, Regional Directors in the Field Operations division report directly to one of the two Deputy Directors. This level of supervision was added to ensure adequate management, oversight, and support of the regional directors.

MDCPS has experienced several structural changes since its creation as an agency. The *Olivia Y.* lawsuit required MDCPS to build capacity and improve organizational efficiency by restructuring the agency and increasing and improving its recruitment and retention efforts. In FY 2017, MDCPS had four Deputy Commissioners responsible for Administration, Child Welfare, Finance, and Information Technology. In FY 2018, MDCPS eliminated the Deputy Commissioner of Finance position due to the transfer of administrative positions to MDHS. Staff responsible for finance, including budgeting and state and county funds management, now report to a Chief Financial Officer, who reports to the MDCPS Deputy Commissioner of Administration. Additionally, the new Commissioner created a Chief Legal Counsel position as the Director of Contracting, Procurement, and Federal Reporting and Compliance. This position operates independently of the Deputy Commissioners to ensure that all staff attorneys report to the same director.

Staffing

As of May 31, 2018, MDCPS had a total of 1,603 employees, including 267 state office staff (17% of total staff), and 1,336 staff (83% of total staff) working in the 84 county offices within the 14 regions. Appendix B on page 60 provides the number of MDCPS employees by region as of May 31, 2018. The number of employees in each region varies by the number of children and families being served. As of May 31, 2018, MDCPS had 341 vacant positions, 160 of which were caseworker positions. As of December 20, 2017—in order to reduce expenditures—MDCPS limited hiring to essential personnel and the filling of critical positions as they become vacant. MDCPS plans to continue its limited hiring policy through FY 2019.

According to PEER analysis of data provided by MDCPS, as of May 31, 2018, MDCPS employed 909 caseworkers (approximately 57%

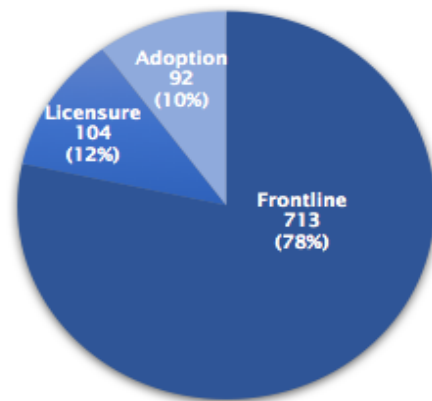
¹On June 1, 2018, MDCPS added a third Deputy Director of Field Operations for the Southern Region.

of its total workforce). Exhibit 1 presents the total number of caseworkers by type of work, i.e., frontline, adoption, and licensure. As shown in Exhibit 1, 713 of MDCPS's caseworkers (78%) are frontline workers. Frontline caseworkers provide case management services to children and families, including:

- placing and supervising children requiring foster home placement;
- addressing legal issues, such as child abuse and neglect, assisting with court hearings, and providing testimony to inform custody arrangements;
- documenting activities and time spent with clients in the case file and case management systems;
- interviewing clients to determine what services are required to meet their needs; and
- developing and reviewing service plans in consultation with clients and community partners.

One hundred and four (12%) of MDCPS's caseworkers provide licensure services, i.e., recruitment, retention, training, and licensure of resource parents (foster care). Ninety-two (10%) of MDCPS's caseworkers provide adoption services to families who adopt children in state care.

Exhibit 1: Caseworkers by Type of Work, as of May 31, 2018



SOURCE: PEER analysis of MDCPS employee data.

Caseworker and Caseworker Supervisor Training Requirements

MDCPS's Training and Professional Development division is required by the *Olivia Y.* lawsuit to have sufficient staffing, funding, and resources to ensure that comprehensive child welfare training is provided to enable all caseworkers, supervisors, and other agency employees to comply with mandates of the law, agency policy, and reasonable professional standards. Public Catalyst, the court appointed monitor in the *Olivia Y.* lawsuit, certified that MDCPS was in compliance with this standard as of December 31, 2017. Training for staff was provided through a partnership with the University of Mississippi and professional development staff within MDCPS until February 28, 2018, when the agency terminated the contract. The contract with the university exceeded \$2.5 million for FY 2018. According to the agency, pre-service training could be provided by MDCPS professional development staff at a significantly lower cost.

All newly hired caseworkers and supervisors are required to receive 270 hours of pre-service training prior to assuming responsibility for cases. Pre-service training consists of eight weeks of alternating classroom instruction and on-the-job field training. On-the-job field training allows new employees, working with a team that includes a training partner, direct supervisor, and a training coordinator, to practice what has been taught during classroom instruction. A new employee being rehired with MDCPS within five years of leaving the agency is not required to complete pre-service training before assuming a caseload.

After each week of instructional training, caseworker trainees are given a competency-based test to certify the skills they have learned during the week. Pursuant to MISS. CODE ANN. Sections 43-1-55(1)(b) et seq. (1972), any person who does not receive a passing score on the certification test shall not be employed or maintain employment as a family protection worker for the department. According to MDCPS staff and policy and procedures for the agency, the department gives trainees two opportunities to pass the test. MDCPS terminates any trainee who fails the test twice. In addition to pre-service training, caseworkers are required by MDCPS policy to obtain a minimum of 40 hours of ongoing job-related training each year. Within 90 days of hire or promotion, all caseworker supervisors are required to receive 40 hours of pre-service instructional supervisory training before they can supervise staff, and they are also required to receive a minimum of 24 hours of ongoing, in-service training each year.

According to MDCPS, in FY 2017 and FY 2018, a combined total of 618 new employees completed pre-service training. Fourteen new employees separated from the agency before attending any training, and 17 separated from the agency before completing training. In the two years included in the review, seven employees did not pass certification and were terminated from the agency.

Sources and Uses of Funding

State general funds and federal funds make up more than 90% of the department's revenues. Mississippi Department of Child Protection Services' expenditures totaled \$182.4 million in FY 2017 and \$187.9 million in FY 2018. Personal services, which include salaries, wages, fringe benefits, and travel, accounted for 46% of the department's expenditures in FY 2017 and 47% in FY 2018. In FY 2018 the largest accountability program expenditures were for Field Operations-Caseworkers (21%) and Foster Care Maintenance Payments (15%).

This chapter includes discussions of the Mississippi Department of Child Protection Services' sources and uses of funding. PEER has concerns regarding the accuracy of the funding data provided for fiscal years 2017 and 2018 due to recurring revenue shortfalls in FY 2018 and the fact that the Department does not have a business area within the state's accounting system—MAGIC—for tracking its revenues and expenditures separate and apart from the Mississippi Department of Human Services. During the Legislature's 2018 Regular Session, MDCPS apprised the Senate and House appropriations committees of a revenue shortfall for the remaining months of FY 2018. After considering information from a variety of sources, the Legislature made changes to laws regarding the organization of MDCPS and addressed the funding requirements of child protection services activities by appropriating additional funds from the General Fund for FY 2018. Despite the Legislature's efforts, MDCPS reported a second revenue shortfall in FY 2018 after the close of the Legislature's 2018 Regular Session, which necessitated the department's use of FY 2019 funds to cover FY 2018 expenses. This situation is likely to cause MDCPS to have a funding deficit during FY 2019. On page 57, PEER recommends steps that should be taken to address this situation, prevent its future occurrence, and result in more reliable revenue and expenditure data for the department.

Sources of Funding

State general funds and federal funds make up more than 90% of the department's revenues. In fiscal year 2018, total funding for the Mississippi Department of Child Protection Services increased by \$5.5 million, from \$182.4 million in FY 2017 to \$187.9 million in FY 2018.

State General Funds

During its 2016 Regular Session, the Mississippi Legislature appropriated funds to the newly created Mississippi Department of Child Protection Services within the appropriation bill for the Mississippi Department of Human Services (H.B. 1652). In MDHS's appropriation bill for FY 2017, MDCPS received \$98.3 million in state general funds, which accounted for 54% of total revenues. Total state general funds increased by \$18.9 million in FY 2017.

In FY 2018, MDCPS received \$97.9 million in state general funds, a decrease of less than .5% from FY 2017. State general fund revenues accounted for 52% of total MDCPS revenues in FY 2018.

State Support Special Funds and Other Special Funds

MISS. CODE ANN. Section 27-103-303(3) (1972) authorizes the following uses for the capital expense fund: capital expense needs, repair and renovation of state-owned properties, and specific expenditures authorized by the Legislature. In its 2016 Regular Session the Legislature appropriated \$13.4 million from the capital expense fund for the purpose of defraying the expenses of the Department of Child Protection Services for FY 2017. These funds were used to help MDCPS become an agency independent of MDHS. The Legislature did not appropriate any state support special funds to MDCPS in FY 2018.

MDCPS receives other special funds from the Mississippi Children's Trust Fund, which receives revenues from a surcharge on birth certificates and court assessments against individuals charged with crimes against children. MDCPS received funds from the Children's Trust Fund totaling \$1.1 million in FY 2017 and \$272,352 in FY 2018. In both fiscal years these funds were used for contractual services and subsidies, loans, and grants.

MDCPS also receives additional special funds from counties to fund expenditures for subsidies, loans, and grants. These funds are a combination of funds from local county boards of supervisors, child support, the Social Security Administration, and/or Supplemental Security Income (SSI) benefits. MDCPS received funds totaling \$1.6 million in FY 2017 and \$1.2 million in FY 2018.

Other special funds only made up 2% of total MDCPS revenues in FY 2017 and 1% of total revenues in FY 2018.

Federal Funds

MDCPS received \$67.8 million (37% of total revenues) and \$88.5 million (47% of total revenues) in funds from the federal government in FY 2017 and FY 2018, respectively. Federal revenues increased by \$20.7 million in FY 2018.

Title IV-E of the Social Security Act, which provides funds to MDCPS for foster care, adoption assistance, education and training vouchers, and independent living, accounted for 60% of the department's total federal revenues in FY 2017 and 37% of total federal revenues in FY 2018. MDCPS directly receives Title IV-E funds for qualifying child protection expenditures. Title IV-E allows states to be reimbursed by the federal government for foster care expenditures, including maintenance payments made to provide shelter, food, and clothing to eligible children and for administration, training of child welfare staff and foster parents; recruitment of foster parents; and data collection. Title IV-E funds can also be used for expenses associated with adoption assistance such as placing eligible² children with adoptive families in a timely manner, providing for financial and medical assistance, training

²Children are eligible for adoption assistance if they meet any of the following five criteria: are considered needy; remain in the pre-removal situation; are eligible for Supplemental Security Income (SSI); are the children of minor parents who are receiving Title IV-E foster care maintenance payments; or were eligible for adoption assistance previously but their adoptive parents died or had their parental rights terminated.

employees and adoptive parents, and associated administrative costs incurred by state child welfare agencies.

Funds received from Temporary Assistance for Needy Families (TANF),³ Title IV-A of the Social Security Act, totaled \$6.3 million (9%) in FY 2017 and \$35.3 million (40%) in FY 2018. In Mississippi, TANF funds are provided to the Mississippi Department of Human Services. MDHS is allowed to expend these funds to provide assistance to families to keep children safely in their homes. TANF can also be used for foster care and adoption assistance for children who are not eligible for Title IV-E. According to MDHS staff, they do not transfer these funds to MDCPS; rather, they work with MDCPS to determine and pay MDCPS expenses that qualify for TANF funds.

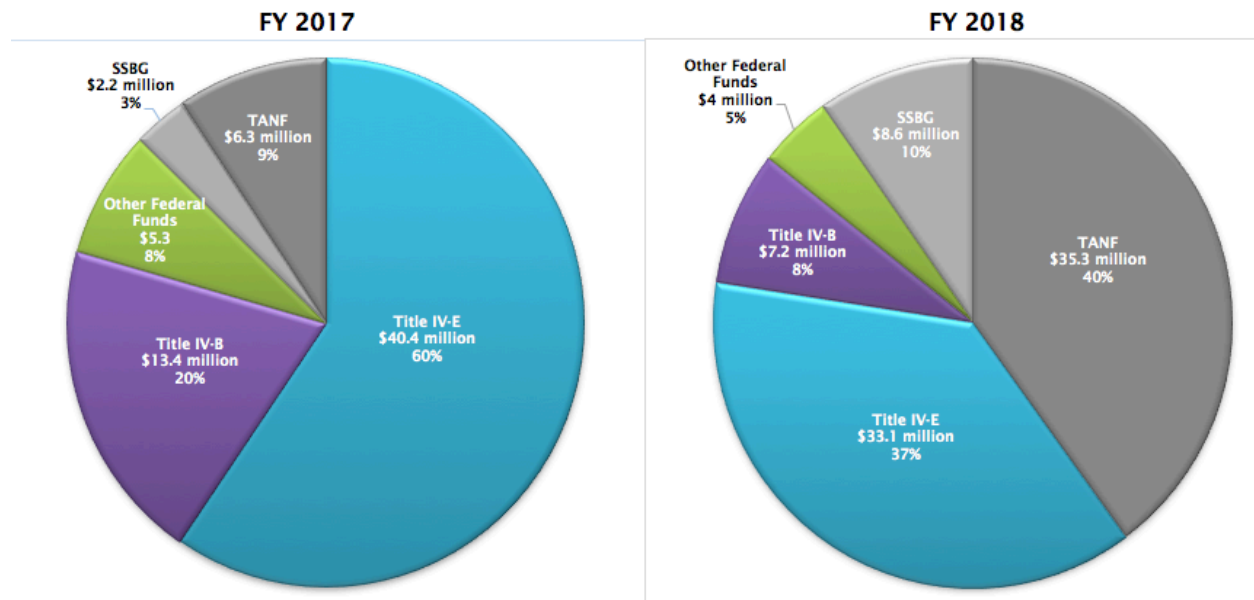
In addition to TANF funds, MDHS receives and expends funds for the Social Services Block Grant (SSBG) on behalf of MDCPS. In FY 2017, SSBG funds totaled \$2.2 million and in FY 2018 increased to \$8.6 million. SSBG funds can be used to pay for many services, including foster care, case management, adoptive services, and prevention of child abuse.

MDCPS received 20% of its federal revenues from Title IV-B in FY 2017. Federal revenues for Title IV-B decreased to only 8% of federal funds received in FY 2018. Title IV-B provides funds to MDCPS for Promoting Safe and Stable Families, the Stephanie Tubbs Jones Child Welfare Services program, and monthly caseworker visits.

Exhibit 2 on page 11 presents a breakout of the federal revenues used to pay MDCPS expenses in FY 2017 and FY 2018. In the exhibit, TANF and SSBG funds are presented in gray because MDCPS does not receive or expend funds provided by those federal funding sources even though they are shown as revenues in MDCPS's budget requests. PEER notes that any Medicaid funds used to cover health-related services for children eligible for Title IV-E were excluded from this review. PEER only included federal funds received by MDHS and MDCPS to support child protection services in the state.

³States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program. The four purposes of TANF are to: provide assistance to needy families so that children can be cared for in their own homes; reduce the dependency of needy parents by promoting job preparation, work and marriage; prevent and reduce the incidence of out-of-wedlock pregnancies; and encourage the formation and maintenance of two-parent families.

Exhibit 2: Federal Funds Used to Pay MDCPS Expenses for FY 2017 and FY 2018



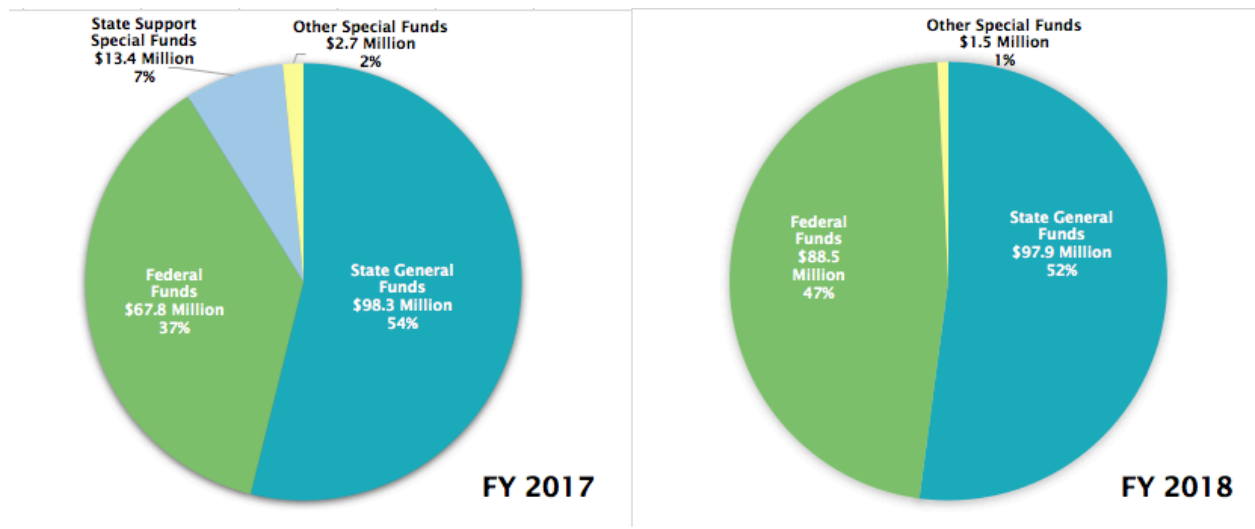
Other federal funds include the following: Adoption and Legal Guardianship Incentive Payments; Child Abuse Prevention and Treatment Act (CAPTA); Children’s Justice Act; Community-based Child Abuse Prevention (CBCAP) Program; Refugee Cash and Medical Program; and Refugee Social Services Program.

SOURCE: PEER analysis of federal funds provided to MDCPS in FY 2018.

Comparison of MDCPS Funding in FY 2017 to FY 2018

In FY 2017 state general funds and federal funds accounted for 91% of total revenues for MDCPS. In FY 2018, due to a 30% increase in total federal funds and no state support special funds appropriated to MDCPS, state general funds and federal funds made up 99% of MDCPS revenues. As discussed previously, MDCPS did not receive as many TANF funds from MDHS in FY 2017. Exhibit 3 on page 12 presents the increase or decrease in MDCPS revenues, by funding source from FY 2017 to FY 2018. Additionally, refer to Exhibit 4, page 12, for pie charts showing the department’s revenue by funding source for FY 2017 and FY 2018.

Exhibit 3: MDCPS Revenues, by Funding Source, for FY 2017 and FY 2018



SOURCE: PEER analysis of legislative budget requests for FY 2019 and FY 2020.

Exhibit 4: Increase or Decrease in Revenues, by Funding Source, from FY 2017 to FY 2018

Sources of Funding	Increase or Decrease
State General Funds	↓ \$377,459
Federal Funds	↑ \$20.6 million
State Support Special Funds	↓ \$13.4 million
Other Special Funds	↓ \$1.2 million
Total	↑ \$5.5 million

SOURCE: PEER analysis of legislative budget requests for FY 2019 and FY 2020.

Uses of Funds

MDCPS expenditures were approximately \$182.4 million in FY 2017 and \$187.9 million in FY 2018. By major object, MDCPS's largest expenditure was on personal services for both years. In FY 2018, by accountability program, MDCPS's largest expenditure was on field operations-caseworkers.

MDCPS currently has only one budget program, Family and Children's Services. PEER reviewed MDCPS expenditures for FY 2017 and FY 2018 by major object, i.e., personal services (salaries, wages, fringe benefits, and travel); contractual services; commodities; capital outlay (equipment, vehicles, and wireless communication devices); and subsidies, loans, and grants. In FY 2018, PEER also reviewed MDCPS expenditures by accountability programs.

FY 2017 and FY 2018 MDCPS Expenditures, by Major Object

In FY 2017, MDCPS expenditures were approximately \$182.4 million. Forty-six percent of MDCPS's FY 2017 expenditures were for personal services, i.e., salaries, wages, fringe benefits, and travel. Total salaries were \$75.8 million (91% of total personal services expenditures) and total travel expenditures were \$7.5 million (9% of total personal services expenditures). MDCPS salaries increased in FY 2017 by \$12.6 million due to the Legislature appropriating 347 additional PINs to the new agency (discussed on page 4). Travel for the agency is mostly in-state because caseworkers, case aides, and supervisory and management staff are required to travel as part of their work within the court system and with foster care to transport children who are in state custody.

Thirty-one percent of MDCPS's FY 2017 expenditures were for subsidies, loans, and grants. Approximately 87% of these expenditures were for foster care, e.g., costs to fund resource homes, emergency shelters, therapeutic group homes, and regular group homes. Contractual services made up 21% of MDCPS's expenditures in FY 2017. A majority of contractual service expenditures were for the care of children in department custody and those considered at risk for custody, e.g., foster care board payments to foster families for children in MDCPS custody and payments to congregate care providers⁴ that service children in MDCPS custody.

In FY 2018, MDCPS expenditures totaled \$187.9 million. By major object, MDCPS's largest expenditures were on personal services (\$88 million/46.9%); followed by subsidies, loans, and grants (\$56.2 million/29.95%); and contractual services (\$42.4 million/22.6%). In FY 2018, personal services accounted for more than 45% of total MDCPS expenditures. Exhibit 5, page 14, presents the difference in MDCPS expenditures for FY 2017 compared to FY 2018, by major object. Personal services had the largest increase, \$4.7 million. Within this major object, salaries increased by approximately \$3.6 million and travel increased by

⁴Congregate care, as defined by the U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, is "a licensed or approved setting that provides 24-hour care for children in a group home (7 to 12 children) or an institution (12 or more children)."

approximately \$1.1 million. The increase in salaries was due, in part, to the salary realignment of caseworker positions approved by the Mississippi State Personnel Board on December 14, 2017. The total annual increase for realigned positions was approximately \$1.4 million.

Exhibit 5: Total MDCPS Expenditures for FY 2017 and FY 2018, by Major Object

Major Object	Total Expenditures FY 2017	Total Expenditures FY 2018	Increase or Decrease in FY 2018
Personal Services (i.e., salaries, wages, fringe benefits, travel)	\$83,400,612 (46%)	\$88,143,846 (46.9%)	↑ \$4.7 million
Contractual	\$39,245,485 (21%)	\$42,424,759 (22.6%)	↑ \$3.1 million
Commodities	\$2,428,243 (1%)	\$1,027,115 (.5%)	↓ \$1.4 million
Capital Outlay	\$1,645,857 (1%)	\$92,401 (.05%)	↓ \$1.5 million
Subsidies, Loans, and Grants	\$55,716,694 (31%)	\$56,295,689 (29.95%)	↑ \$579,995
Total	\$ 182,436,891	\$ 187,983,810	↑ \$5.5 million

SOURCE: Legislative Budget Office.

In addition to salary and travel increases, MDCPS contractual expenditures increased by \$3.1 million in FY 2018. Expenditures in this category included contracts for training, finance, information technology, emergency shelters and therapeutic resource homes, and the conversion of the Mississippi Automated Child Welfare Information System (MACWIS) to the Comprehensive Child Welfare Information System (CCWIS). In FY 2018, MDCPS had contracts with the following seven entities that were close to or over \$1 million:

1. University of Mississippi to provide training to MDCPS staff, including pre-service training for caseworkers and caseworker supervisors (\$2.5 million) (terminated on February 28, 2018);
2. ProCom Consulting, LLC to assist with MDCPS's transition from MDHS (\$1.9 million) (terminated on February 4, 2018);
3. Public Catalyst, the court appointed monitor in the *Olivia Y.* lawsuit (\$1.5 million);
4. Baker Donelson Bearman Caldwell and Berkowitz, private outside counsel for the Department in the *Olivia Y.* lawsuit (\$1.2 million);

5. Mirage Software, Inc. DBA Bourntec Solutions, Inc. for two consultants to provide services related to the conversion of MACWIS to CCWIS (\$999,600);
6. Southern Christian Services for Children and Youth, Inc. for Comprehensive Therapeutic Care Group Home Services to children placed in state custody (\$995,921); and
7. United Method Ministry with Children and Families, Inc. for Comprehensive Therapeutic Care Group Home Services to children placed in state custody (\$930,891.44).

MDCPS terminated its contract with the University of Mississippi on February 28, 2018, to reduce MDCPS expenditures by providing the training with in-house staff. The agency also terminated its contract with ProCom Consulting, LLC on February 4, 2018. According to the contract termination letter, transition services were no longer needed. Also according to MDCPS staff, the agency delayed development of CCWIS until additional funds to support the project become available. The *Olivia Y.* lawsuit requires MDCPS to complete implementation of the new system by June 2021.

FY 2018 Estimated Expenditures by Accountability Program

MISS. CODE ANN. Section 27-103-159 (1972) requires the development of an inventory of state programs and activities for use in the budgeting process, beginning with four pilot agencies:⁵ the departments of Corrections, Health, Education, and Transportation. Programs identified in the inventory are referred to as “accountability programs” and are defined as any set of activities designed to achieve specific outcome(s).

The collection and reporting of performance and expenditure data at the more detailed accountability program level allows legislators and agency staff to obtain a better understanding of what agencies are accomplishing with public funds. In agencies that have gone through the process of identifying their accountability programs, there has often been an accompanying change in their budget programs to present a clearer picture of the agency’s major activities. Legislative staff make the information collected pursuant to this effort available on an online tool, the Measuring Mississippi Data Analysis Tool.⁶ This tool allows the user to view an agency’s accountability program inventory by budget program as well as the following information for each accountability program: a program description, and, by fiscal year, expenditures, full-time equivalents (FTEs), and performance data. The tool allows the user to sort the information and view selected data graphically.

PEER created an accountability program inventory for MDCPS by interviewing their staff and reviewing the department’s employee data, organizational chart, projection of FY 2018 expenditure detail as of February 2018, agency contracts, and internal documents. As of May 31, 2018, PEER identified 69 MDCPS

⁵In addition to the four pilot agencies, legislative staff identified accountability programs, expenditures, and FTE information for the Division of Medicaid and the Department of Revenue.

⁶<https://aplocation.shinyapps.io/PerformanceWebapp/>.

accountability programs for FY 2018. Appendix C on page 61 contains a complete list of accountability programs, descriptions of each program, and estimated expenditures. As a step in the inventory, PEER requested that MDCPS provide estimated FTEs and expenditures for each accountability program in the inventory identified by PEER. MDCPS stated that because they had not tracked FTEs by accountability program for the fiscal years under review they would not be able to provide estimated FTE information to PEER. PEER was able to use the detailed FY 2018 expenditure information and employee data that MDCPS provided to arrive at the estimated expenditures for each accountability program presented in this report. PEER notes that the department's February projection of FY 2018 expenditures exceeded its actual FY 2018 expenditures by \$5.4 million. MDCPS stated that it would begin estimating expenditures and FTEs by accountability program beginning in FY 2019.

The collection and reporting of complete MDCPS accountability program inventory data would provide the Legislature, court monitor, other stakeholders, and agency leadership with a better understanding of programs and services being provided to children and families in the state, as well programs and services provided by administrative and support staff. Agency leadership could also use the inventory to support claims that MDCPS is taking steps to improve the agency's effectiveness. For example, agency staff reported being able to reduce expenses by terminating contracts with the University of Mississippi to provide pre-service training and with 200 Million Flowers, an adoption agency in Mississippi, to provide the Rescue 100 program to train and certify resource families. According to the agency, it moved these services in-house to be provided by MDCPS employees. Pre-service training and Rescue 100 are both programs in the accountability program inventory. If the agency had provided FY 2017 and FY 2018 expenditures by accountability program, the Legislature would be able to see the cost savings the agency claimed. Additionally, agency leadership has reported a move toward prevention and preservation services. In FY 2018 the agency began offering the In-Circle Family Support Services Program in all 82 counties statewide through contractual agreements with Canopy Children's Solutions and Youth Villages. The primary goal of the program is to remove the risk of harm to the child rather than removing the child from the home. The In-Circle program is also an accountability program that would have expenditures, FTEs, and performance measures. Utilizing the inventory and performance data, MDCPS would be able to support its claim that the agency is reducing the number of children in foster care by committing resources to prevention and preservation services designed to keep children with their families.

As presented in Exhibit 6, page 17, the MDCPS accountability program with the highest FY 2018 estimated expenditures (\$41.4 million; 21% of total) was Field Operations-Caseworkers. This accountability program includes salary expenditures for more than 900 caseworkers. The next highest estimated expenditures were for foster care maintenance payments (reimbursements paid to foster parents for providing care to children), which totaled \$28.9 million (15%). Accountability programs listed in Exhibit 6, page 17, made up 74% of MDCPS's estimated expenditures for FY 2018.

Exhibit 6: Accountability Programs Accounting for 74% of MDCPS’s Estimated Expenditures for FY 2018

Accountability Program	Estimated Expenditures	Percentage of Total Estimated Expenditures
Field Operations – Caseworkers	\$41,421,054.74	21%
Foster Care Maintenance Payments	\$28,935,562.00	15%
Field Operations – Casework Supervisors	\$14,714,305.13	8%
Adoption Subsidy Payments	\$14,000,000.00	7%
IT – Network, Hardware, Auxiliary Support	\$12,340,867.72	6%
Therapeutic Foster Care	\$11,031,784.00	6%
In-State Travel	\$6,172,216.00	3%
In-Circle Intensive In-Home Services	\$5,592,487.06	3%
General Agency Support Costs	\$5,318,214.42	3%
Field Operations – Support	\$4,228,580.44	2%
Total	\$143,755,071.51	74%

SOURCE: PEER analysis of MDCPS projection of FY 2018 expenditure detail as of February 2018 and MDCPS employee data submitted by MDCPS and the Mississippi State Personnel Board.

Potential MDCPS Budget Programs

MDCPS currently has only one budget program, Family and Children’s Services. Creating additional MDCPS budget programs would provide more detailed information about how the agency is expending the funds it receives. PEER used the accountability program inventory to identify seven possible budget programs the agency could add to provide the Legislature with more detailed information in future fiscal years:

- *General Administration:* General Administration provides executive and administrative support to all areas of Child Protection Services, including human resources, accounting and finance, facility costs, training and professional development, information technology (excludes CCWIS conversion), etc. This budget program would not include any administrative support staff located within the 84 county offices.

PEER identified 25 accountability programs within general administration. Estimated FY 2018 expenditures for the proposed budget program totaled \$43.8 million, 23% of the agency’s total estimated expenditures.

- *Comprehensive Child Welfare Information System (CCWIS) Conversion:*⁷ CCWIS conversion includes the costs, e.g., agency personnel, contracted consultants, and non-personnel costs to convert from MACWIS to CCWIS as required by the *Olivia Y.* lawsuit. The CCWIS project team includes project managers, system managers, business analysts. The CCWIS conversion includes design, development, and implementation phases to maintain the system once implementation is completed.

In FY 2018 the proposed CCWIS Conversion budget program included two accountability programs with estimated expenditures of \$3.2 million, 2% of the agency's total estimated expenditures.

- *Field Operations and Support (Child Welfare and Safety):* Field Operation and Support (Child Welfare and Safety) includes programs and services provided by MDCPS staff in the 84 county offices within the 14 regions, including caseworkers, supervisors, and field support staff.

In FY 2018, the proposed Field Operations and Support (Child Welfare and Safety) budget program had 18 accountability programs, which accounted for \$71.2 million, 37% of the agency's total estimated expenditures.

- *Emergency Shelters, Group Homes, Foster Care, Independent Living, and Adoption:* The proposed Emergency Shelters, Group Homes, Foster Care, Independent Living, and Adoption budget program includes all costs to provide the following services:
 - emergency shelters for children needing a short-term placement;
 - group homes located at Pine Vale, Inc., SunnyBrook, and Berean Children's Home;
 - therapeutic foster care for children from birth to 21 years of age who are determined to have at least moderate emotional, behavioral, medical, or development problems;
 - independent living programs for youth in care who are at least 14 years of age or less than 21 years old;
 - educational and training vouchers program for foster care services;
 - training and certification process for resource families;
 - foster care maintenance payments;
 - adoption subsidy payments;
 - family preservation and family reunification services;
 - and other supportive services for children in care.

In FY 2018, MDCPS had 23 accountability programs in this budget program with estimated expenditures of \$72.7 million, 38% of total MDCP expenditures.

⁷MDCPS is required to convert its child welfare information system to CCWIS by June 30, 2021. However, MDCPS has currently placed the project on hold due to agency reported financial constraints.

- Centralized Intake for Child Protective Services:* The Centralized Intake for Child Protective Services is a 24-hour hotline that receives, electronically records, and documents all reports of child abuse and neglect statewide. The agency currently contracts this service out through Social Work P.R.N. The Centralized Intake for Child Protective Services accounted for \$2.2 million (1%) of MDCPS's estimated FY 2018 expenditures.
- Intervention Programs Supported by High-Quality Research:* This proposed budget program would include expenditures for any intervention programs or practices supported by high-quality research.⁸
- Intervention Programs Not Supported by High-Quality Research:* This proposed budget program would include expenditures for any intervention programs or practices with no known high-quality research supporting the program or practice, or programs and practices shown by high-quality research to be ineffective or have a negative effect.

⁸Legislative staff defines “high-quality research” as any research study meeting either the definition of evidence-based program included in MISS. CODE ANN. Section 27-103-159(1)(a) (1972) or level 3, 4, or 5 of the Maryland Scientific Methods Scale (SMS).

Caseload Analysis

MDCPS could achieve a more balanced workload among its caseworkers and caseworker supervisors by redistributing positions. Progress toward achieving reasonable workloads for all MDCPS caseworker staff and supervisors would be better measured by tracking average workloads and deviations from the average.

This chapter includes:

- caseload standards and compliance mandates set forth in the 2nd MSA;
- concerns with the weighted caseload standards for caseworkers and percentage-compliant mandates;
- workload analysis and associated data problems; and
- workload analysis based on the preferred measure identified by PEER.

Although MISS. CODE ANN. Section 43-26-1(7)(b) (1972) requires a review of “caseloads for social workers for each county or another appropriate geographic area,” PEER expanded its review to include all MDCPS workers handling cases after determining that only 18% of the department’s caseworkers are licensed social workers (as discussed on page 35).

Caseload Standards and Compliance Mandates Set Forth in the 2nd MSA

Based on a 2005 study of the time needed to complete cases by type, the Olivia Y. court monitor developed standards of the maximum number of cases, by type, that a caseworker can reasonably handle. The court monitor also mandated that 90% of caseworkers and 85% of caseworker supervisors must be in compliance with these standards.

The Establishment of Caseload Standards for MDCPS Caseworkers

A caseload, as defined by the Children’s Bureau of the U.S. Department of Health and Human Services’ Administration for Children & Families, is the number of cases assigned to an individual worker in a given time period. Each of the following can count as a MDCPS child welfare case: an investigation, a child, a family, or a home. Caseload may be measured for an individual worker or all workers in a specified area (e.g., county, region).

Throughout the *Olivia Y.* lawsuit, the plaintiffs expressed concern over the high caseloads of caseworkers providing child protection services in Mississippi. As part of the state’s response to the *Olivia Y.* lawsuit, in 2005 the Mississippi Office of the Attorney General contracted with the Child Welfare League of America (CWLA) to conduct a “systems review” of the Mississippi Department of Human Services’ (MDHS) Division of Family and Children’s Services (DFCS). Noting that the workload of frontline⁹ staff was among the most critical concerns identified in its review, CWLA placed a heavy focus on analyzing caseworker workload and making staffing recommendations.

⁹Frontline workers handle child protection investigations, foster care, and in-home cases.

Due to constraints imposed by conducting its review in the immediate aftermath of Hurricane Katrina, CWLA used a structured estimation methodology rather than an actual time study as its basis for determining the number of cases that might constitute a reasonable workload for a single caseworker in a month. The first step in CWLA's estimation methodology was to identify the core case-related job functions of DFCS caseworkers as well as of all activities and subactivities associated with each job function. CWLA then assembled a workgroup of DFCS representatives to arrive at the most accurate estimations of time required to complete all functions and activities if done according to agency policy and practice, and of the time that an individual caseworker has available each month to perform case-related activities. CWLA based its time estimates on the mid-range of individual estimates provided by members of the study group. CWLA's review noted that "any workload analysis must be regularly updated if an agency is to ensure that its capacity for effective service delivery is maintained."

In 2015, the court ordered Mississippi to retain Public Catalyst to conduct an organizational analysis of DFCS with regard to its provision of child welfare and foster care services. As part of its analysis, Public Catalyst was required to develop maximum reasonable caseload standards for DFCS caseworkers. In developing these standards, Public Catalyst relied on the CWLA's final report, which was issued in 2006.

Public Catalyst recommended converting CWLA's 2006 estimated time per month per case data into a case weight for each of eight types of child protection cases (e.g., child protection investigation, adoption). Based on this weighted case methodology by case type, the court monitor worked with MDCPS to establish the maximum number of investigations, children, families, and homes a caseworker can reasonably handle, as shown in Exhibit 7 on page 22.

The weighted caseload for an individual caseworker is calculated by multiplying the number of cases that the worker is assigned by the weight associated with each case type and adding the results together for workers assigned more than one type of case. An individual full-time worker's weighted caseload should be no greater than 1, which is the estimated average capacity for an individual caseworker.

Exhibit 7: Caseload Standards for Child Protection Caseworkers

Type of Case	Standard number of cases, per caseworker, of:				Weight Per Case (100% Capacity)
	Investigations	Children	Families	Homes	
Child Protection (investigations level 2 and 3)	14				0.0714
Ongoing Foster Care (placement responsibility and service)		14			0.0714
Ongoing Foster Care (Placement County of Responsibility ¹⁰)					0.0357
Ongoing Foster Care (Placement County of Service ¹¹)					0.0357
In-Home Cases (Protection Responsibility and Service, Prevention Responsibility and Service and Interstate Compact on the Placement of Children (ICPC) - incoming)			17		0.0588
In-Home Cases (Protection or Prevention County of Service)					0.0294
In-Home Cases (Protection or Prevention County of Responsibility)					0.0294
Adoptions (Adoption County of Service)		15			0.0667
New Application Licensing (Resource Inquiry, ICPC Application, and Foster Home Study)				15	0.0667
Renewal Licensing (Foster Home Supervision and Foster Home Renewal)				36	0.0278

SOURCE: the 2nd MSA.

¹⁰The County of Responsibility (COR) is the county having legal custody of a child in foster care and assumes the leadership role for planning for the child in custody, monitoring the implementation of the plans, initiating the decision-making processes, and keeping the county or agency of service informed regarding plans for the child.

¹¹County of Service is the county that has the responsibility of supervising the placement of a child whose custody is held by another county.

The Establishment of the Compliance Mandate for MDCPS Caseworkers

Section 1.3.a of the 2nd MSA states “90% of MDCPS caseworkers will have caseloads which do not exceed the caseload standards” presented in Exhibit 7, page 22. Recognizing that it would take time for MDCPS to achieve the 90% compliance mandate contained in the 2nd MSA (only 31% of MDCPS caseworkers had caseloads that met the standards when set in September of FY 2017), the courts set interim compliance targets for caseworkers in order to meet the 90% mandate by December 31, 2017, presented in Exhibit 8.

Exhibit 8: Interim Targeted Compliance Percentages and Target Dates to Achieve Full Compliance with the 90% Mandate by December 31, 2017

Target Dates	Targeted Percentage of Caseworkers in Compliance with Weighted Caseload Standards
Baseline: September 2016	31% (actual)
July 31, 2017	50%
October 31, 2017	70%
December 31, 2017	90% (mandate in the 2nd MSA)

SOURCE: Public Catalyst.

The Establishment of a Workload Standard and Compliance Mandate for MDCPS Caseworker Supervisors

Section 1.3.b of the 2nd MSA sets forth both the workload standard and compliance mandate for MDCPS caseworker supervisors as follows: “85% of MDCPS supervisors shall be responsible for no more than five (5) caseworkers.” The supervisory standard was derived from the Council on Accreditation’s (COA) recommendation that in child and family services agencies, frontline supervisory ratios should not exceed 1:5.

Concerns with Weighted Caseload Standards

MDCPS’s current caseload standards, which were adopted over 12 years ago, do not reflect current child welfare practice. Further, there is inadequate documentation of how the standards currently in use were established.

The determination of whether or not MDCPS caseworkers are carrying excessive caseloads hinges upon the reliability of the time on task calculations that CWLA developed in 2005-2006 to arrive at maximum reasonable caseloads.

The methodology used by CWLA to estimate the time needed to work a case in accordance with agency policies and procedures was limited by the constraints of working in the immediate

aftermath of Hurricane Katrina. CWLA acknowledged three important points in its 2006 final report:

- only some of the individual estimates were empirical;
- the resulting time standards represent a midpoint of the individual estimates; and
- the estimates do not necessarily reflect the time necessary to perform according to best practices.

Several aspects of this process deserve examination. First, with only nine estimates, the process for arriving at a “mid-range or average” is very important, as is the origin of each of the individual estimates. Neither process nor origin is presented in any detail in the CWLA’s final report.

In particular, while focus groups can result in valuable insight, they are no substitute for rigorous empirical data. It is obvious from the caseload data analyzed by PEER, presented in Exhibits 12-14, pages 29-30, that the weighted caseload carried by individual workers varies tremendously. This strongly suggests that some people are capable of handling more case weight than others, and thus that the standard currently serves at least in part to penalize the department (in terms of its contribution to the department not meeting the 90% compliance mandate) for the presence of efficient workers. It may simultaneously be the case that many workers are overloaded. Further, it is intrinsically appropriate that a caseworker take the amount of time necessary to perform a task in accordance with best practices and the needs and interests of the client.

Case weights should be carefully compared to facts on the ground, in a fully documented, reproducible process. Attention should be paid, not simply to the typical time to perform a task, but to the range of times necessary to perform a task in accordance with best practices. Individual case weights should be assessed, not as to whether they fall above or below a line, but as to where they fall within that range of best practice.

None of this is to suggest that the current standards are inappropriate, considered as a typical time per task. It is to suggest that the process for creating the weighted caseload standards requires greater transparency and clear empirical reference; that the distribution of case weights should be considered rather than only their midpoints; and that time per task must be considered in the light of clearly operationalized, publicly acceptable standards of task success. In its earlier review, CWLA noted that any workload analysis must be regularly updated if an agency is to ensure that its capacity for effective service delivery is maintained. It has been more than 12 years since CWLA collected the data used to establish the current case weights. According to MDCPS staff, child welfare practices have significantly changed since the 2006 CWLA report.

Concerns with Percentage-Compliant Mandates

Percent-above-benchmark standards, like the 90% mandate for caseworkers, hides information about the trait being measured. A percentage-compliant mandate can distort, obscure, and reverse trends over time. When incorporated into public policy, such standards lead to distorted incentives. In this context, the mandate obscures important information about workload and service provision and encourages inefficient and unequal distribution of labor.

The theory behind establishing percentage-compliant mandates is that overloaded workers are less able to deliver quality service. While it is important to know the number and percentage of workers with excessive weighted caseloads and excessive number of caseworkers supervised, it is also important to know the extent to which they vary, in either direction, from the reasonable maximum standard.

Some problems with a fixed percentage-compliant mandate are illustrated in the following example for caseworkers:

In a given year, if 89% of caseworkers have a weighted caseload of 0.9 and 11% have a weighted caseload of 1.1, MDCPS is out of compliance with the 90% mandate. If, in the next year, 90% of caseworkers have a weighted caseload of 1.0 and 10% have a weighted caseload of 1.2, MDCPS is in compliance with the 90% mandate for that year. In this example, the agency is noncompliant in year 1 and compliant in year 2.

In this example, measurement solely by the 90% mandate fails to capture that there is an overall increase in workload of 10% from year 1 to year 2; the mandate is effectively measuring only 1% of the workers and ignoring 99%. Under a percentage-compliant mandate, any movement that doesn't cross the percentage-compliant border is ignored.

Furthermore, the percentage-compliant mandate creates perverse incentives because it neither sets an upper limit on workload (either caseload or number of caseworkers supervised) for out-of-compliance workers, nor sets a lower bound for in-compliance workers. To illustrate the point, the department could achieve compliance with the percentage-compliant mandate by loading all work onto a small percentage of the workforce.

The distorted incentive structure of the percentage-compliant mandate is particularly important given the large amount of inequality in caseload distribution at all levels, as discussed on page 30. Some workers, counties, and regions are persistently overloaded, and others are persistently underloaded. See technical Appendix E on page 77 for further discussion of these concerns.

A preferable compliance standard would be based on measures of both central tendency and dispersion of workload. It is important to know that the size of the typical workload is close to a manageable level, as well as to know that the extreme workloads are not too far from the typical value. In the analysis on pages 29–30, PEER measured mean workload and 75th and 25th percentiles as a simple way of approaching the problem.

Analysis of MDCPS Workload and Associated Data Problems

As of May 2018, 43% of MDCPS workers had weighted caseloads in excess of the standards set by the court pursuant to the Olivia Y. lawsuit. Also, as of May 2018, 24% of MDCPS caseworker supervisors supervised caseworkers in excess of the standard set by the court pursuant to the Olivia Y. lawsuit.

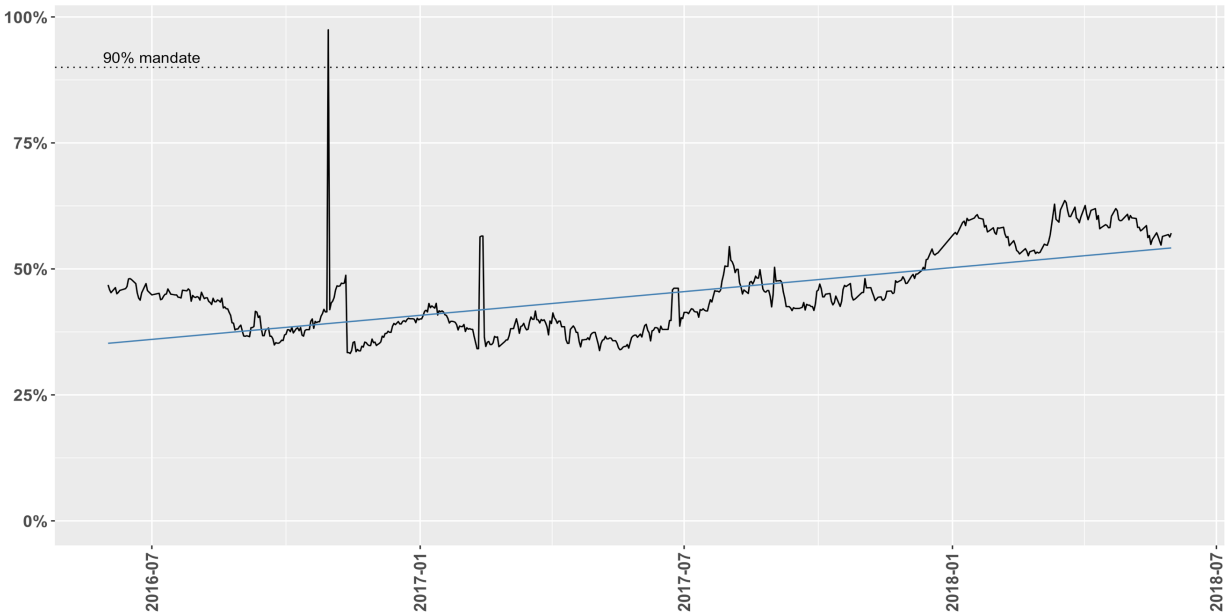
Before discussing the department's compliance with standards, it is important to note that PEER identified numerous problems with the FY 2017–2018 worker data that it received from MDCPS. Problems with caseload data included missing and duplicated caseload data and inconsistencies in the data needed to identify unique workers and thereby establish worker caseloads. These problems are more fully discussed in Technical Appendix D on page 73. In the supervisor data set, PEER identified approximately 1% duplication and a lack of unique identifiers over time. However, there are fewer obvious problems with the supervisor data set when compared to frontline, adoption, and licensure data. Despite the observed data-related problems, PEER believes the impact on the overall conclusions regarding caseloads is small enough to justify the following analysis.

Compliance with Caseworker Standards

As of May 2018, 43% of MDCPS workers had weighted caseloads in excess of the standards set by the court pursuant to the *Olivia Y.* lawsuit.

Exhibits 9 and 10 on page 27 present analysis of MDCPS's compliance with the 90% mandate over time for frontline, adoption, and licensure caseworkers. Exhibit 9 demonstrates that MDCPS has never met the 90% compliance mandate for frontline workers (except for a single day, which is likely an error). Exhibit 10 indicates that the same is true for adoption and licensure caseworkers. In both cases, the trend line is moving in the appropriate direction, although it is important to note that this is a retrospective rather than a projective assessment; that is to say, over the two fiscal years under consideration, progress has been made in the appropriate direction, but that fact does not in itself imply that this progress will continue.

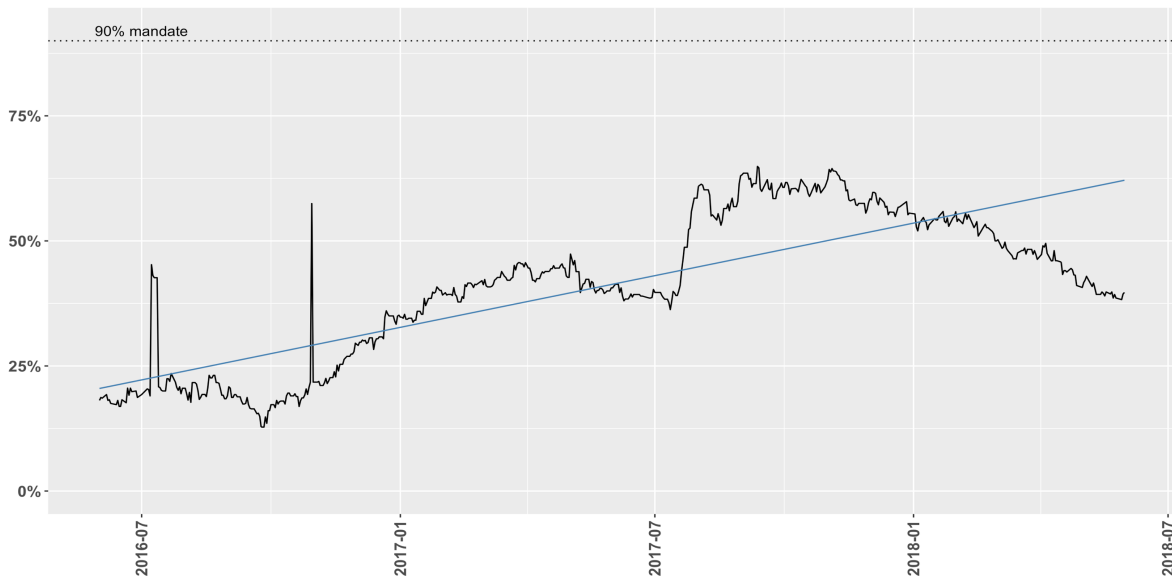
Exhibit 9: Compliance with the 90% Weighted Caseload Mandate for Frontline Workers



Note: The black line is actual data and the blue line is the trend line¹².

SOURCE: PEER analysis of MDCPS caseload data.

Exhibit 10: Compliance with the 90% Weighted Caseload Mandate for Adoption and Licensure Workers



Note: The black line is actual data and the blue line is the trend.

SOURCE: PEER analysis of MDCPS caseload data.

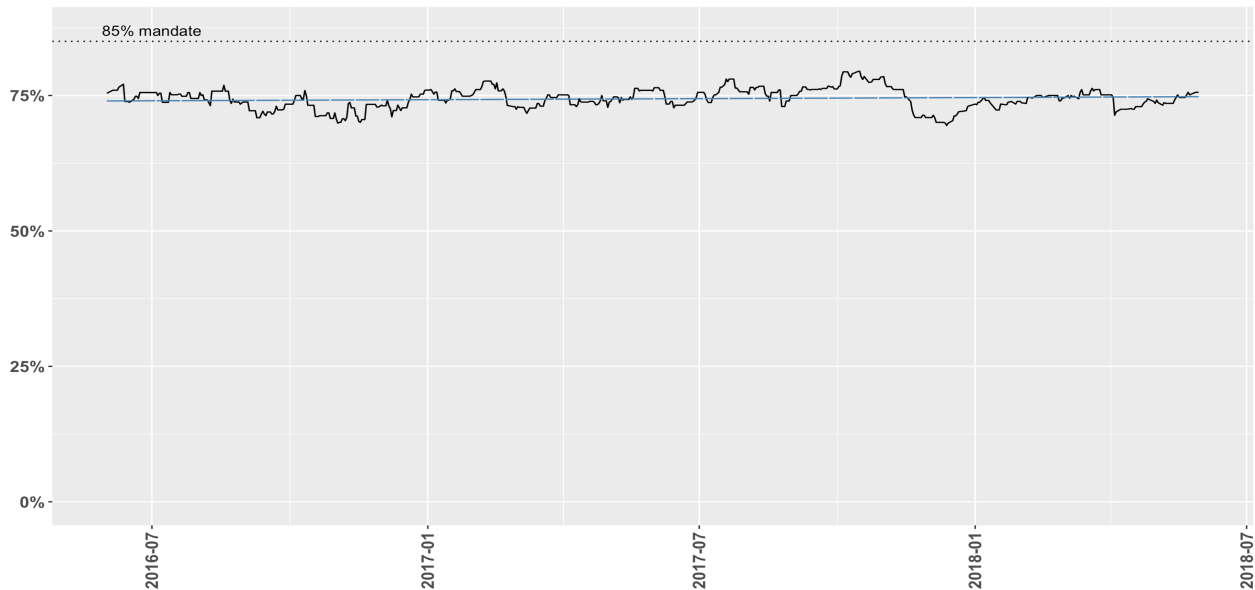
¹² The slope of the trend line is the average rate of change in the measure over time.

Analysis of Compliance with Caseworker Supervisor Standard

As of May 2018, 24% of MDCPS caseworker supervisors supervised caseworkers in excess of the standard set by the court pursuant to the *Olivia Y.* lawsuit.

As illustrated in Exhibit 11, in the two years reviewed by PEER, MDCPS never met the 85% supervisory mandate. As of May 31, 2018, only 76% of caseworker supervisors were in compliance with the standard set forth in the 2nd MSA, i.e., no more than five workers per supervisor. The percentage-compliant remained at roughly this level for the period reviewed.

Exhibit 11: Compliance with the 85% Supervisory Ratio Mandate for Caseworker Supervisors



Note: The black line is actual data and the blue line is the trend.

SOURCE: PEER analysis of MDCPS caseload data.

Workload Analysis Based on the Preferred Measure Identified by PEER

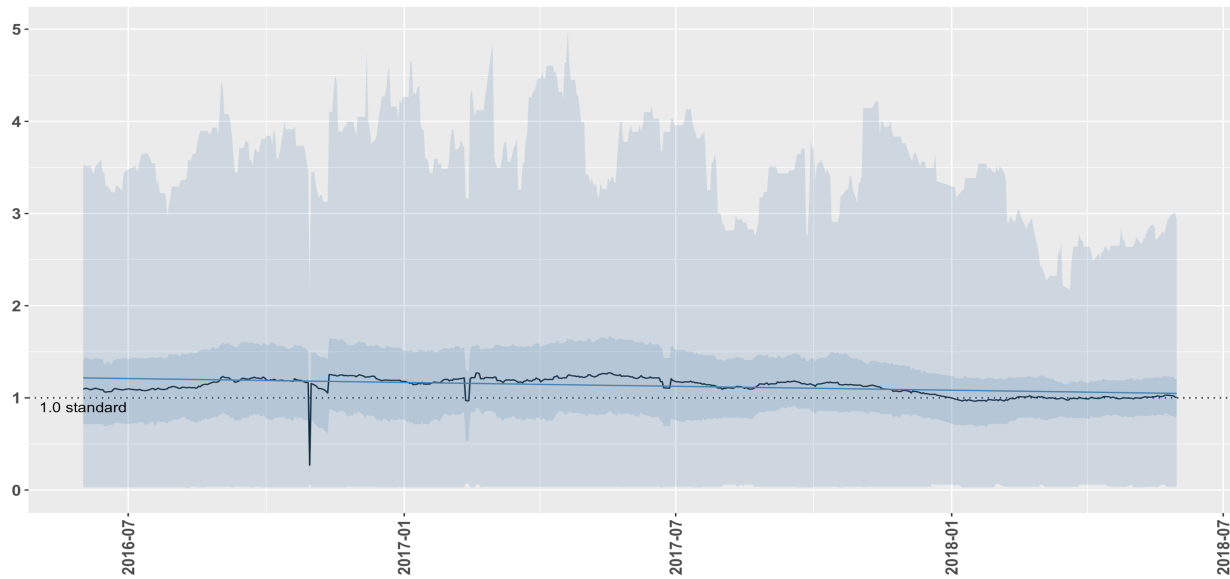
Analysis of the mean workload for caseworkers and caseworker supervisors over the two-year period under review, indicated that mean caseload trended downward for caseworkers and slightly upward for caseworker supervisors. Caseload was highly unequal among all employee types during the years under examination.

Exhibits 12-14, on pages 29-30, take a different approach to analyzing the workload data. These exhibits plot the mean workload, rather than percentage compliant; they also plot bands of color representing the total range (light blue) and interquartile range (dark blue) of the data. In other words, the top of the light blue area on the graph represents the maximum workload for any individual at a given point in time; the top of the dark blue area represents the 75th percentile. Similarly, the bottom of the dark

blue area represents the 25th percentile, and the bottom of the light blue area represents the minimum workload for any individual at a given point.

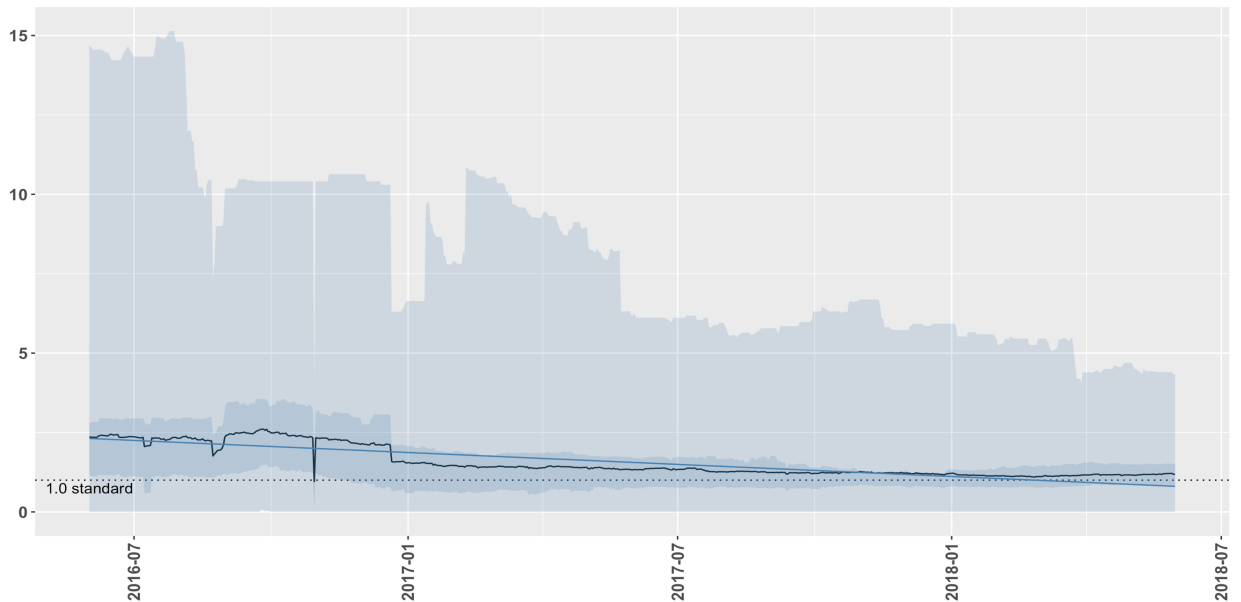
Exhibits 12 and 13 indicate that mean caseload trended downward for both frontline and adoption and licensure caseworkers, during the years under examination.

Exhibit 12: Mean Weighted Caseload for Frontline Workers



SOURCE: PEER analysis of MDCPS caseload data.

Exhibit 13: Mean Weighted Caseload for Adoption and Licensure Workers

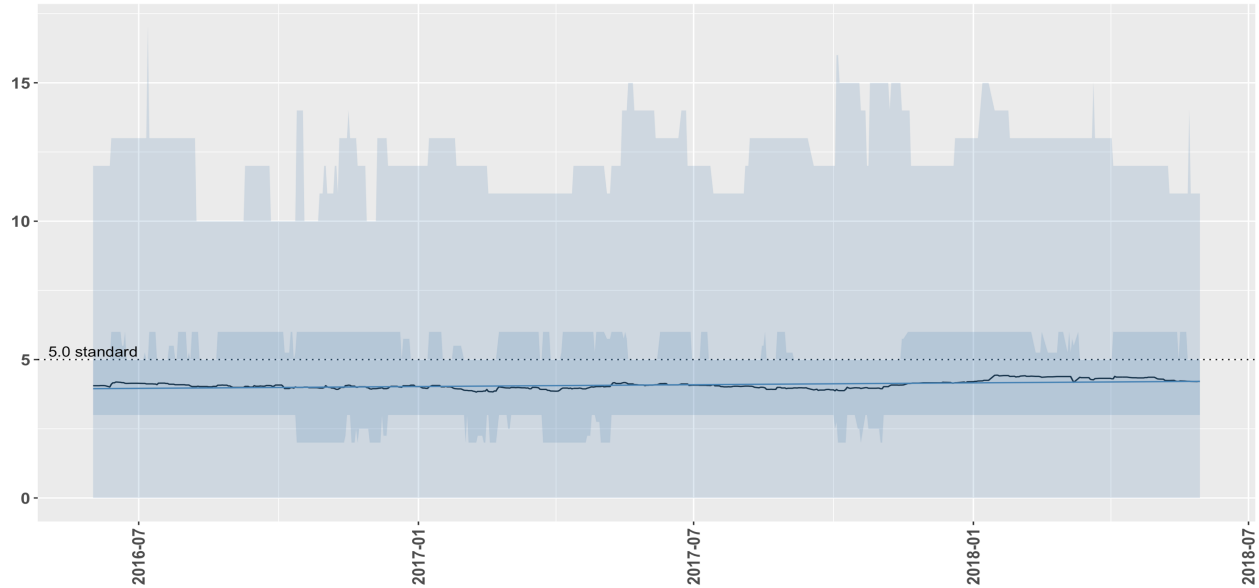


SOURCE: PEER analysis of MDCPS caseload data.

Exhibit 14 shows that the mean number of workers supervised increased slightly upward from 4.06 on June 1, 2016 to 4.21 on

May 30, 2018, but remained below the 5.0 standard (the trend is slightly increasing over time).

Exhibit 14: Mean Number of Caseworkers Supervised by Caseworker Supervisors



SOURCE: PEER analysis of MDCPS caseload data.

Furthermore, despite compliance figures below the percentage-compliant mandates, all three exhibits demonstrate that historical mean workloads have never been very far from the standard. For caseworker supervisors there is no day during the period under examination in which the mean number of workers per supervisor has not been below the five-worker standard.

The colored bands measuring dispersion show how these facts are reconciled; mean workload and percentage compliant with the mandate are low at the same time because the data are highly dispersed. In other words, while the mean hovers near the standard—the “average member of the population” has a workload somewhere near the suggested range—there are simultaneously some members of the population with comparatively high workloads, and some members of the population with comparatively low workloads.

There is a great degree of inequality, and thus inefficiency, in the overall distribution of workload, and this is true among frontline workers, adoption and licensure workers, and the number of caseworkers assigned to supervisors. This is true at all available dates in the two years under examination, although efficiency does improve over time during those years. It is also true at all levels of aggregation; there is inequality among workers, counties, and regions.

Exhibit 15, page 33, demonstrates this inequality in frontline workers’ weighted caseload by county for FY 2017. Exhibit 16, page 34, does the same for FY 2018. These maps demonstrate that there is inequality in weighted caseload not only across

workers, but also across counties. Some of the inequality is so extreme as to cast some doubt on either the acceptability of the caseload standards as previously discussed or the ability of the caseworkers in question to perform satisfactory work, or both. As mentioned earlier, an average-weighted caseload of “2”—i.e., twice the standard caseload—is not uncommon, raising the question of whether all of these individuals are giving substandard service or whether, as discussed in the previous section, the range of what is considered an acceptable caseload should be widened. According to the data provided to PEER by MDCPS, some adoption workers have borne weighted caseloads of 15, equivalent to 225 cases.

Inequality in per-unit workload is persistent across time at all levels, with some individuals maintaining an average caseload more than double the standard for more than 600 recorded days, and other individuals maintaining less than 60% of the standard over that time.

If caseload were highly unpredictable, this situation might be unavoidable. But most counties’ weighted caseloads are highly stable on a day-to-day basis. In fact, the median interquartile range of total caseload by county is less than one for the observed period, which means that for many counties, the number of workers necessary to handle the 25th percentile caseload without significant under loading is the same as the number of workers necessary to handle the 75th percentile caseload without significant overloading.

For frontline workers, there is no day in the period under consideration in which it is not mathematically possible, by redistributing cases, to achieve compliance with the 90% mandate, with a weighted caseload for the remainder smaller than the maximum already borne by some members of the population.

For supervisors, there is no day in the period under consideration in which it is not mathematically possible to achieve 100% compliance under the same conditions. Analysis was not conducted for adoption workers, because the data were not presented with sufficient granularity to allow for redistribution of caseloads. See discussion in Appendix D pages 73–76.

The data for the two years under consideration suggest that the problem is not (entirely) overloading of caseworkers across the board, but uneven distribution of casework across the available workforce. Of course, caseworkers cannot always be moved around the state without consequences. But jobs can be moved, and the seeming stability of demand across most counties supports a two-pronged strategy: redistribution of caseworker positions so they more closely match expected caseload, so as to reduce both overloading and underloading of caseworkers and allowing caseworkers to move across county boundaries in order to better distribute caseload. Practical constraints, such as the inability to force workers to move, make this a long-term versus short-term solution.

According to MDCPS staff, since February 6, 2018, MDCPS leadership has conducted weekly hiring meetings at which all personnel transactions are discussed and approved. At these meetings, each transaction is evaluated based on caseload need. When positions have been vacated in a county with excess staff,

the position is not filled in that county. Rather, the position is moved to a county of caseload need and filled there. The same analysis is applied to staff seeking transfers from one county to another: The transfer must be justified by caseload need to be approved. MDCPS also has approached staff in overstaffed counties seeking volunteers willing to move to understaffed counties.

Although MDCPS claims that it has implemented cross-county assignment of caseworkers in overstaffed counties, the only documentation provided to support this claim was a screenshot of one worker's reported assignment to cases in five counties. PEER requested this information for all caseworkers; however, MDCPS was unable to provide it.

It is noted that even if MDCPS is assigning more workers to multiple counties than it was able to provide documentation for, the problems with inequality and inefficiency in caseload distribution discussed on page 30 still stand.

Analysis of Annual Turnover Rates for Caseworkers

The Mississippi Department of Child Protection Services' annual turnover rate for caseworkers declined from 29% in FY 2017 to 21% in FY 2018. While the reported national average annual turnover rate for child welfare workers is 30%, the Annie E. Casey Foundation suggests an optimal turnover rate of 12% or less.

This chapter includes discussions of the following:

- licensure requirements for MDCPS caseworkers and caseworker supervisors;
- caseworker turnover rate calculation;
- annual turnover rates for child protection workers in Mississippi;
- estimated cost of caseworker turnover; and
- causes of caseworker turnover and strategies to improve retention.

While MISS. CODE ANN. Section 43-26-1(7)(c) (1972) requires a review of “turnover rates of social worker staff by county or other geographic area,” PEER expanded its review to include all MDCPS workers handling cases after determining that only 18% of the department’s caseworkers are licensed social workers, as discussed in the following section.

Licensure Requirements for MDCPS Caseworkers and Caseworker Supervisors

As of May 31, 2018, only 18% of MDCPS caseworkers and 87% of MDCPS caseworker supervisors were licensed social workers.

Caseworker Licensure Requirements

As of May 31, 2018, only 18% of MDCPS caseworkers were licensed social workers. According to an analysis of the child protective services workforce in Texas, licensed social workers are better able to handle child protection job duties, particularly when violence and neglect are involved because of the additional training and skills learned in bachelor’s and master’s social work programs. The 2nd MSA requires MDCPS caseworkers to have a bachelor’s degree in social work or a “related human services degree,” approved by the court monitor, Public Catalyst (see Exhibit 17 on page 36). According to MDCPS, all applicants must have at least 30 hours of coursework relevant to performing the job of a caseworker.

Historically, entry-level MDCPS caseworkers have not been required by Mississippi State Personnel Board qualifications to be licensed social workers but were required to have a bachelor’s in social work or related human services degree. Senior and advanced-level MDCPS caseworkers were required to at least be a licensed social worker in the state of Mississippi. However, under the new job titles and qualifications for MDCPS caseworkers approved by MSPB on July 19, 2018, senior and advanced-level caseworkers are no longer required to be licensed social workers. This change suggests

that the percentage of MDCPS caseworkers who are licensed social workers will likely decline even further.

Because MDCPS does not maintain licensure information on caseworkers in positions that do not require licensure under MSPB job qualifications, PEER searched the Mississippi State Board of Examiners for Social Workers and Marriage and Family Therapists' online database to determine which entry-level MDCPS employees hold a current social worker license. Because the only unique identifier in this database is the name of the person who is licensed, there could be error in this method. Name is not always the best unique identifier, e.g., people can have the same name, middle initials are not always used, and surnames can change.

Exhibit 17: “Related Human Services Degrees” Approved by Public Catalyst

Child and Family Studies
Child Development
Early Childhood and Family
Family Studies
Marriage and Family Therapy
Counseling
Psychology
Sociology
Nursing
Criminal Justice
Disciplinary Studies
Political Science
Education
Elementary Education
Education and Human Services
Guidance Education
Interdisciplinary Studies
General Studies

SOURCE: Public Catalyst.

Caseworker Supervisor Licensure Requirements

MISS. CODE ANN. Sections 43-1-55(3) et seq. (1972) require caseworkers to be supervised by a licensed social worker. The Mississippi State Personnel Board also requires supervisors to be licensed social workers. As of May 31, 2018, 87% of caseworker supervisors were licensed social workers.

Because of the following language in the 2nd MSA, MDCPS began using the Operational Management Analyst Principal position, which does not require a social worker license, as a caseworker supervisory position:

“caseworker supervisors, at minimum, are required to have a bachelor’s degree in social work or a related human services degree, approved by Public Catalyst [exhibit 17 on page 36], with three years of experience working with children and families, preferably in foster care.”

Per Mississippi State Personnel Board requirements, this position requires, at minimum, graduation from a standard four-year high school or equivalent (GED or high school equivalency diploma) and nine years of experience related to the described duties. Because this is a lesser qualification standard than that required by state law, it has the potential to diminish the quality of MDCPS’s caseworker supervisory workforce. However, according to MDCPS, the agency does not hire applicants into this position who do not possess a college degree. Also, these supervisors have support from Regional Area Social Work Supervisors, most of whom have degrees in social work and are licensed.

As of May 31, 2018, MDCPS had 18 supervisors serving in the Operational Management Analyst Principal position. PEER analysis determined that there were five supervisors in this position who, on average, supervised more than five caseworkers. One supervisor in this position supervised an average of nine caseworkers. Supervising more than five caseworkers violates the standard set forth in the 2nd MSA. See discussion on page 23.

Caseworker Turnover Rate Calculation

Turnover is the rate at which employees leave positions in an agency. The rate is calculated by determining the sum of job losses (in which a position, or “PIN,” changes from occupied to vacant) and job changes (in which a PIN moves from being occupied by one person to being occupied by a different person) in a given period, and dividing by the total number of PINs in the same period.

Definition of Turnover Rate

Turnover is defined as the rate at which employees leave positions in an agency. Agencies can review turnover rates to determine employee stability within the entire agency, specific counties, regions, and certain positions. The turnover rate can be calculated by including both preventable and non-preventable turnover or distinguishing between the two. Non-preventable turnover includes retirement, death, marriage/parenting, returning to school, or spousal job move. Intra-agency transfers, e.g., promotions, demotions, or lateral transfers, are not counted as preventable turnover, although any employee movement can cause workforce disruption within an agency.

Calculating Turnover Rate

MDCPS includes all position changes in its turnover calculation and does not distinguish between preventable and non-preventable turnover. MDCPS calculates turnover rate by dividing the total number of separations by the average number of filled PINs during the year. MDCPS does not calculate turnover by county or region.

For purposes of this review, PEER requested MDCPS employee data from the Mississippi State Personnel Board for the period of July 1, 2016, to June 30, 2018, in order to calculate turnover rates for state fiscal years 2017 and 2018. PEER calculated turnover by determining the sum of job losses (in which a PIN changes from occupied to vacant) and job changes (in which a PIN changes from being occupied by one person to being occupied by a different person) in a given period, and dividing by the total number of PINs in the same period.

Annual Turnover Rates for Child Protection Workers

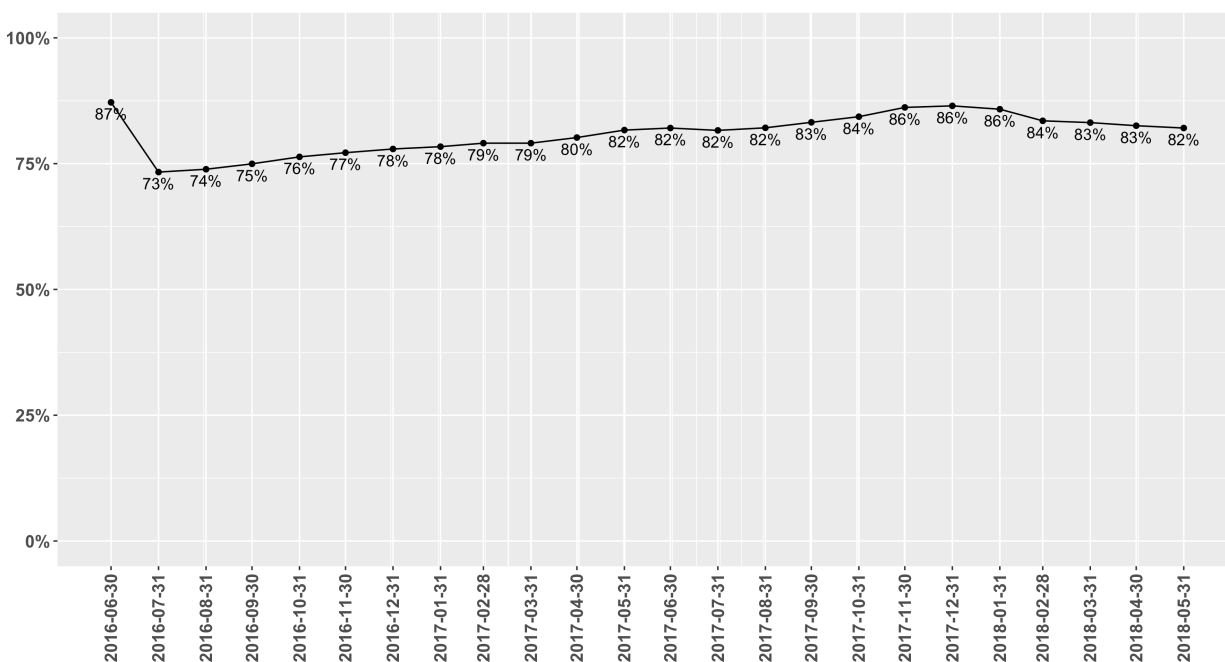
MDCPS's turnover rate for all positions was 28% in FY 2017 and declined to 18% in FY 2018. The majority of MDCPS turnover is in caseworker positions. The caseworker turnover rate was 29% in FY 2017 and 21% in FY 2018. The annual turnover rate for child welfare agencies in the United States ranges from 20% to 40%, with a national average of 30%.

Annual Turnover Rates for all MDCPS Positions

The annual turnover rate for all positions at MDCPS in FY 2017 was 28%. In FY 2018 the agency turnover rate declined to 18%. PEER notes that the higher turnover rate in FY 2017 could be due to the agency's transition to become a separate agency from the Mississippi Department of Human Services, including its receipt of an additional 347 PINs from the Legislature at the beginning of FY 2017 (see discussion on page 4).

As illustrated in Exhibit 18, page 39, the percentage of MDCPS-filled PINs decreased from 87% on June 30, 2016, to 73% on July 1, 2016, the beginning of FY 2017. Since the beginning of FY 2017, the agency has continued to fill vacant PINs, increasing the percentage of available PINs filled to 82% at the end of May 2018.

Exhibit 18: Percentage of Available MDCPS PINs Filled June 30, 2016 to May 31, 2018



SOURCE: Staff analysis of MDCPS employee data provided by the Mississippi State Personnel Board.

Annual Turnover Rate for MDCPS Caseworkers Compared to the National Rate in State Child Welfare Agencies

According to PEER analysis of MDCPS data provided by MSPB, the majority of MDCPS turnover occurs in caseworker positions. Of the 352 employees who separated from the agency in FY 2017, 70% were caseworkers. Of the 282 employees who separated from the agency in FY 2018, 68% were caseworkers. In the two-year period reviewed by PEER, 182 caseworkers were hired but separated from the agency within two years. Of those leaving in the two-year period, 80 separated within one year.

According to the 2017 Annie E. Casey Foundation¹³ report *How does turnover affect outcomes and what can be done to address retention?*, high turnover in child welfare agencies, specifically for caseworkers and caseworker supervisors, not only affects the agency but directly affects the children and families who are being served by the child welfare system. Research indicates that developing and maintaining a well-trained, highly skilled workforce to successfully deliver quality services and supports is key to achieving positive outcomes for vulnerable children, youth, and families.

The turnover rate for caseworkers was 29% in FY 2017 and 21% in FY 2018. According to the Annie E. Casey Foundation, annual turnover rates in state child welfare agencies during fiscal years

¹³The Annie E. Casey Foundation is a private philanthropy organization based in Baltimore and working across the country to make grants that help federal agencies, states, counties, cities, and neighborhoods create more innovative, cost-effective responses to the issues that negatively affect children.

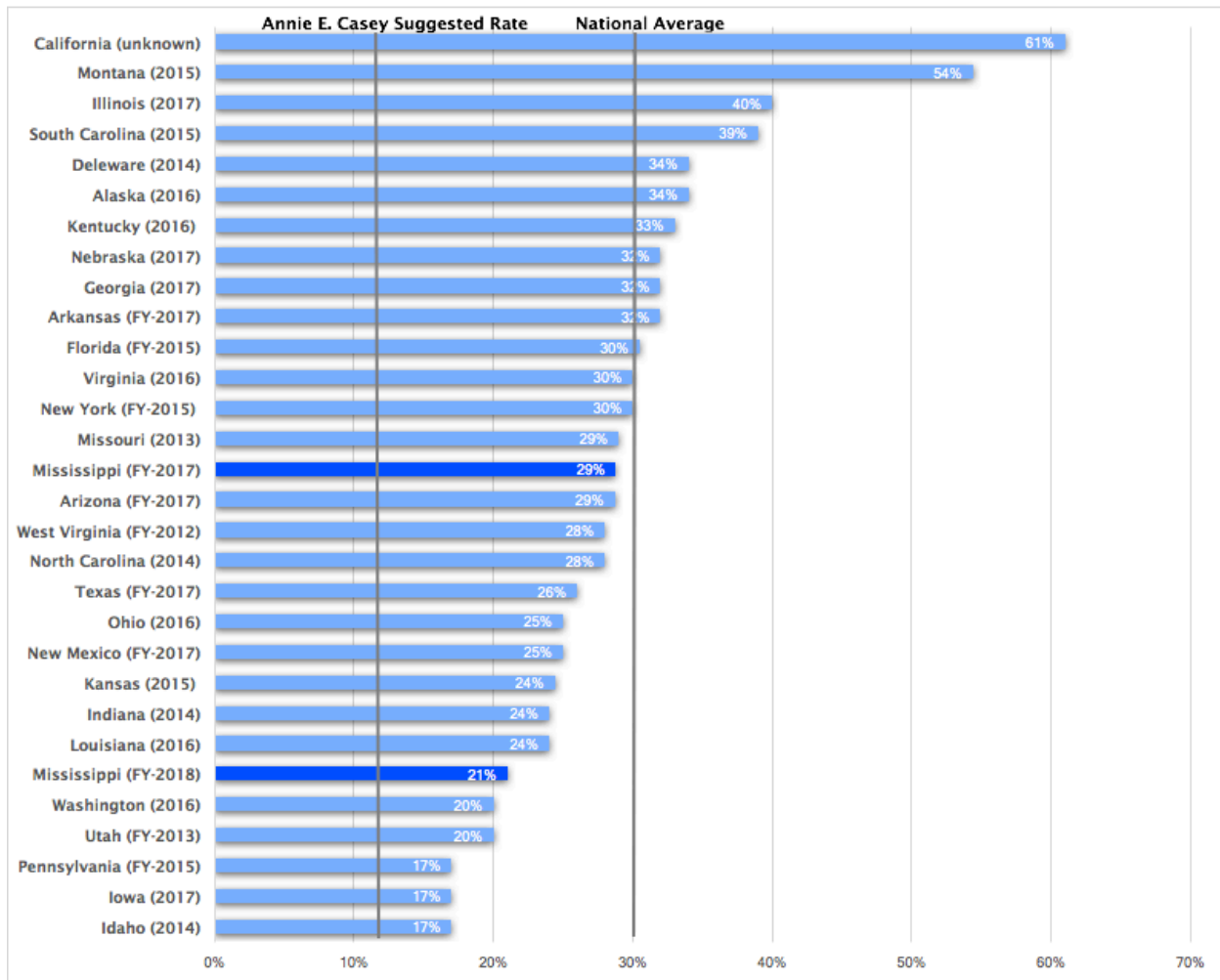
2013 through 2017 have ranged between 20% to 40% with a national average of 30%. However, the Foundation suggests that these agencies should try to maintain their annual turnover rates at or below 10% to 12%.¹⁴

Exhibit 19, page 41, presents the annual turnover rates reported by the Annie E. Casey Foundation in 28 state child welfare agencies, and the caseworker turnover rate calculated by PEER for MDCPS in FY 2017 and FY 2018. All of the states included in the exhibit experienced turnover greater than the 12% recommended by the Foundation. It should be noted that PEER excluded New Jersey with its reported 2015 turnover rate of 7% from the exhibit because the state excluded internal promotions and position changes from its turnover rate calculation while other states included them.

Although MDCPS's turnover rates for both FY 2017 and FY 2018 were higher than the rate recommended by the Foundation, they were less than the national average.

¹⁴According to Annie E. Casey, annual turnover rates below 10% to 12% are considered optimal or healthy. Some agency turnover can be healthy, if it weeds out low performers, e.g., problem staff and/or those not willing to improve.

Exhibit 19: Reported Annual Turnover Rate in State Child Welfare Agencies* in the United States



*PEER notes that not all child welfare agencies define or capture turnover the same way. The data provided in the chart is for various years and in some cases, includes turnover for the entire child welfare agency. The turnover rates for Mississippi presented in the chart represent caseworker turnover.

SOURCE: Annie E. Casey Foundation.

Exhibit 20, pages 42-43, lists turnover rate and average number of workers each year by Mississippi county.

Exhibit 20: FY 2017 and FY 2018 Caseworker Turnover Rates and Average Number of Caseworkers, by County and Region

Region/County	FY 2017		FY 2018	
	Annual Turnover	Average Number of Caseworkers	Annual Turnover	Average Number of Caseworkers
I-N	18%	72	20%	77
Alcorn	15%	27	16%	19
Benton	0%	2	0%	2
Marshall	19%	11	11%	18
Prentiss	22%	9	26%	12
Tippah	21%	14	40%	15
Tishomingo	23%	9	9%	11
I-S	31%	106	18%	106
Itawamba	28%	11	24%	12
Lafayette	30%	10	19%	10
Lee	35%	34	17%	35
Monroe	40%	18	21%	14
Pontotoc	11%	19	5%	19
Union	40%	15	25%	16
II-E	34%	71	16%	74
DeSoto	22%	36	17%	35
Grenada	26%	12	0%	11
Panola	20%	5	63%	6
Quitman	144%	2	0%	3
Tallahatchie	46%	4	0%	4
Tate	86%	5	20%	5
Tunica	55%	2	0%	3
Yalobusha	32%	6	16%	6
II-W	36%	88	17%	84
Bolivar	0%	10	31%	10
Carroll	0%	4	25%	4
Coahoma	49%	8	22%	9
Holmes	17%	6	39%	8
Humphreys	17%	6	21%	5
Issaquena	0%	1	0%	1
Leflore	52%	6	0%	5
Montgomery	33%	6	0%	5
Sharkey	0%	1	N/A	N/A
Sunflower	26%	8	0%	8
Washington	44%	44	18%	39
III-N	35%	74	18%	73
Madison	31%	10	29%	10
Rankin	35%	55	17%	52
Yazoo	42%	9	9%	11
III-S	31%	99	19%	88
Hinds	31%	99	19%	88
IV-N	35%	63	17%	70
Attala	28%	7	25%	8
Calhoun	22%	5	22%	5
Chickasaw	16%	6	16%	6
Choctaw	86%	1	44%	2
Clay	21%	9	0%	8

Region/County	FY 2017		FY 2018	
	Annual Turnover	Average Number of Caseworkers	Annual Turnover	Average Number of Caseworkers
Lowndes	39%	18	30%	23
Noxubee	0%	2	0%	3
Oktibbeha	66%	9	0%	11
Webster	29%	4	31%	3
Winston	25%	8	0%	6
IV-S	35%	77	19%	79
Clarke	0%	7	34%	6
Jasper	20%	5	0%	4
Jones	33%	18	10%	19
Kemper	55%	2	0%	1
Lauderdale	18%	22	35%	23
Leake	63%	3	39%	3
Neshoba	25%	8	0%	10
Newton	0%	3	21%	5
Scott	69%	9	20%	10
Wayne	87%	6	20%	5
V-E	23%	71	21%	68
Copiah	20%	10	20%	10
Covington	0%	4	28%	4
Jefferson Davis	0%	7	15%	7
Lawrence	0%	3	0%	3
Lincoln	23%	13	27%	11
Marion	37%	22	27%	23
Simpson	27%	11	12%	9
Smith	0%	2	0%	2
V-W	35%	67	23%	69
Adams	12%	17	6%	17
Amite	60%	3	28%	4
Claiborne	36%	3	0%	2
Franklin	0%	2	0%	2
Jefferson	0%	3	0%	3
Pike	59%	17	35%	17
Walthall	0%	7	0%	8
Warren	45%	13	54%	15
Wilkinson	100%	2	0%	2
VI	34%	79	35%	70
Forrest	28%	56	32%	43
Lamar	67%	9	56%	14
Perry	123%	3	56%	4
Stone	10%	10	11%	9
VII-C	15%	129	18%	124
Harrison	15%	129	18%	124
VII-E	18%	68	24%	67
George	20%	5	31%	6
Greene	41%	2	0%	3
Jackson	17%	60	24%	58
VII-W	39%	72	29%	71
Hancock	39%	51	30%	46
Pearl River	38%	21	28%	25

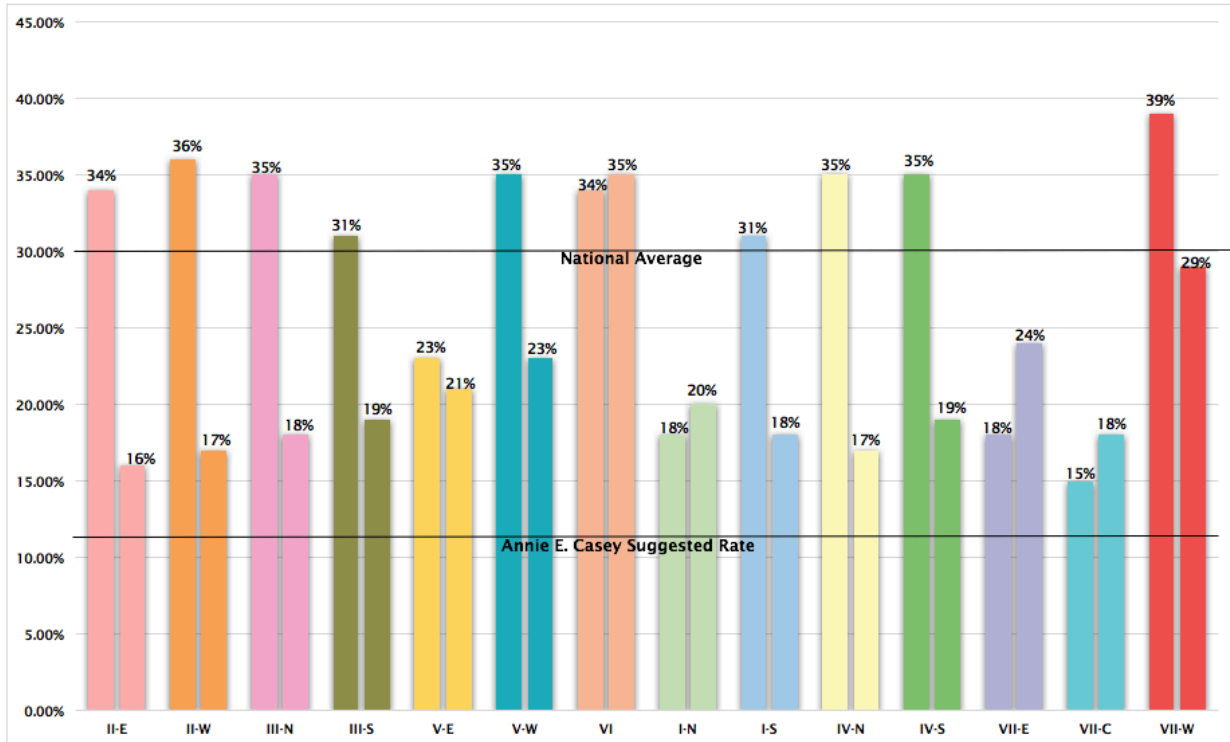
SOURCE: MDCPS employee data provided by MSPB.

Turnover Rates for MDCPS Caseworkers, by Region

In FY 2017, 10 of MDCPS's 14 regions had an annual caseworker turnover rate higher than the national average of 30%. In FY 2018, only one region, Region VI, had an annual caseworker turnover rate higher than the national average. Exhibit 21 illustrates the annual caseworker turnover rate for FY 2017 and FY 2018 by region. Region VII-West, which includes Pearl River and Hancock counties had the highest caseworker turnover rate of 39% in FY 2017. Region VI, which includes Lamar, Forrest, Perry, and Stone counties, had the highest caseworker turnover rate of 35% in FY 2018.

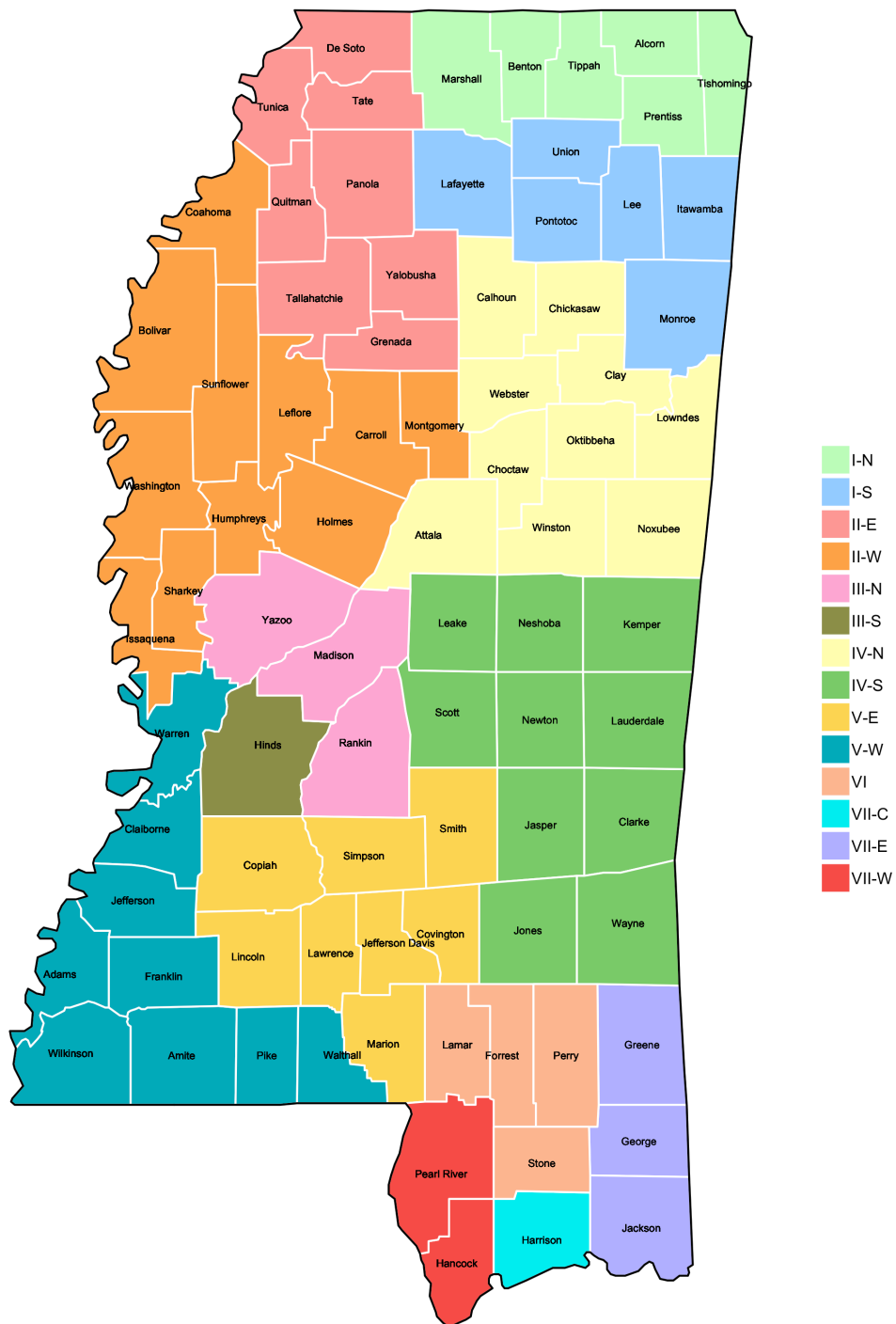
Exhibit 21: Annual Caseworker Turnover Rate by Region for FY 2017 and FY 2018 Compared to the National Average and Annie E. Casey Foundation's Suggested Rate

The first column for every region is FY 2017 and the second column is FY 2018. The color code matches the color code for each region on the map in Exhibit 22 on page 45. To see which counties are in each region please refer to the map.



SOURCE: Staff analysis of data provided by the Mississippi State Personnel Board.

Exhibit 22: Mississippi Counties by MDCPS Region



SOURCE: MDCPS.

Turnover Rates for Caseworker Supervisors

The turnover rate for caseworker supervisors declined from 29% in FY 2017 to only 4% in FY 2018. According to research,¹⁵ quality supervision for caseworkers is associated with higher levels of organizational support and commitment and job retention.

Estimated Cost of Turnover

The Annie E. Casey Foundation reports that the cost to a child welfare agency every time a caseworker leaves ranges from 30% to 200% of the exiting employee's annual salary. Using the Annie E. Casey Foundation's methodology, PEER estimated that FY 2018 MDCPS caseworker turnover costs could range from \$1.7 million (30% of exiting employee's salary) to \$11.9 million (200% of exiting employee's salary).

Direct and Indirect Costs of Turnover in Child Welfare Agencies

According to the Annie E. Casey Foundation, the cost to a child welfare agency every time a caseworker leaves ranges from 30% to 200% of the exiting employee's annual salary. The range includes direct and indirect costs of turnover.

Direct costs of turnover are the specific measurable expenditures associated with processing the departing employee's separation and the new employee's hiring and training. Indirect costs of turnover include the value of lost productivity, reduced services, and impact on children and families. Indirect costs are more difficult to measure and can also be higher than direct costs. Exhibit 23, page 47, provides examples of direct and indirect costs of turnover.

Using Annie E. Casey Foundation's methodology, the FY 2018 MDCPS turnover rate of 21%, and the average annual salary¹⁶ of MDCPS caseworkers, PEER estimated that MDCPS caseworker turnover costs could range from \$1.7 million (30% of exiting employee's salary) to \$11.9 million (200% of exiting employee's salary). If MDCPS could reduce caseworker turnover by 10%, annual turnover costs would decrease to less than \$1 million, based on the 30% estimate.

¹⁵The United States General Accounting Office's (GAO) March 2003 report entitled, *HHS Could Play a Greater Role in Helping Child Welfare Agencies Recruit and Retain Staff*.

¹⁶The average annual salary for caseworkers in FY 2018 was \$31,423.26.

Exhibit 23: Examples of Direct and Indirect Costs of Employee Turnover

Direct Costs	Indirect Costs
Processing departing employees' paperwork	Productivity differential between the departing employee and the replacement
Pay out of any vacation pay, sick pay	Errors due to inexperience
Unemployment compensation payments	Lowered morale and productivity of other employees
Recruitment activities, including costs of advertising, and job fairs	Financial consequences of slower service resulting in longer placements in out-of-home care
Interviews, reference checks and other background checks	Emotional consequences for children and families due to lack of continuity and delays
Training, including both formal classroom training and on-the-job training provided by supervisors, coworkers, and mentors	

SOURCE: CPS Human Resources Services Turnover Toolkit: A Guide to Understanding and Reducing Employee Turnover.

When a caseworker leaves an agency, other caseworkers, with cases of their own, are given the cases of the departing employee. A report released by the United States General Accounting Office found that turnover limited caseworkers' ability to provide adequate services to children and families and ensure the safety of children in state custody. Children with one consistent caseworker have a better chance of achieving permanency within one year compared to children with multiple caseworkers.

Causes of Caseworker Turnover and Strategies to Improve Retention

The primary causes of turnover in child welfare agencies include low salaries, high caseloads, administrative burdens, inadequate training, inadequate educational background of staff, and inadequate supervision.

In order to address turnover and implement retention efforts, child welfare agencies need to understand why caseworkers leave. Nationwide, the primary causes of caseworker turnover include: low salaries, high caseloads, inadequate training, inadequate educational background, administrative burdens, and inadequate supervision. According to the Annie E. Casey Foundation, these causes lead to stress, emotional exhaustion, lack of organizational commitment, and job dissatisfaction, which are factors that significantly impact a caseworker's decision to leave. PEER notes that these are only some of the causes of turnover and the reasons caseworkers leave can and will vary by agency, county, region, and state. Exhibit 24, page 48, provides further detail on each primary cause of turnover and examples of strategies states have implemented to improve retention.

Exhibit 24: Causes of Turnover with Examples of Strategies Other States Have Implemented to Address Each Cause

Cause of Turnover	Description	Strategies to Improve Retention (similar strategies being implemented by MDCPS are highlighted)
Low Salaries	Research indicates that caseworkers often quit to work in fields that pay higher salaries and offer safer and more predictable work, such as education.	<ul style="list-style-type: none"> • Offer career ladders [Beginning in FY 2019 MDCPS worked with MSPB to create a career ladder for caseworker positions. But, according to the agency, in an effort to reduce expenditures, it is not awarding increases in the career ladder.]
High Caseloads	High caseloads and workloads have been associated with high turnover due to the impact on caseworkers' levels of stress, emotional exhaustion, and job satisfaction. High caseloads affect key caseworker functions, including timeliness, continuity, and quality of service delivery; family engagement and relationship-building; safety and permanency outcomes for vulnerable children, youth, and families.	<ul style="list-style-type: none"> • Accreditation and/or implementing COA standards related to maximum caseload size See page 26 for analysis of MDCPS compliance with caseload standards. • Caseload distribution (refer to discussion on page 32) • Equipping staff with smartphones and tablet devices (requirement of Olivia Y.) • Peer mentoring, crisis helpline, and onsite crisis response
Administrative Burdens	Administrative responsibilities, including paperwork and court appearances, can take 50% to 80% of a caseworker's time, diminishing the ability to provide adequate services to children and families. Caseworkers often leave due to the stress of administrative responsibilities.	<ul style="list-style-type: none"> • Hire administrative staff to support casework functions (requirement of Olivia Y.)
Inadequate Training	In the GAO review, insufficient time to participate in training was one the reasons child welfare agencies had difficulty in recruiting and retaining caseworkers and caseworker supervisors. In the four states visited for the review, agency leadership stated that training opportunities were often inadequate and did not provide new staff with the skills they needed to do their jobs.	<ul style="list-style-type: none"> • Phased-in training and orientation over 12 to 18 months • In-the-field training for new staff • Phased-in and gradual case assignment
Inadequate Educational Background	The Council on Accreditation of Child and Family Services recommends that child welfare workers have a minimum bachelor's degree in social work (BSW) and highly recommend workers be educated with an advanced degree in social work or a comparable human service field, preferably a master's in social work (MSW). A Florida study found that workers without education in child welfare were most likely to leave the agency before one year.	<ul style="list-style-type: none"> • Hire staff with master's and bachelor's degrees in social work • University-Agency Educational Partnerships • Incentives, such as tuition reimbursement, to encourage staff to obtain BSW or MSW
Inadequate Supervision	Research indicates that adequate supervision is associated with higher levels of organizational support, organizational commitment, and job retention, and that low levels of supervisor support are linked to turnover. In a survey conducted by the American Public Human Services Association, quality of supervision was one of the top 10 causes of preventable turnover.	<ul style="list-style-type: none"> • Require all supervisors to have an MSW • Create a mentoring program for new hires • Maintain low supervisor-to-staff ratios (national standards recommend 5:1) (While MDCPS has adopted a standard of no more than five workers for each supervisor, as discussed on page 28, 24% of supervisors supervised more than five employees.)

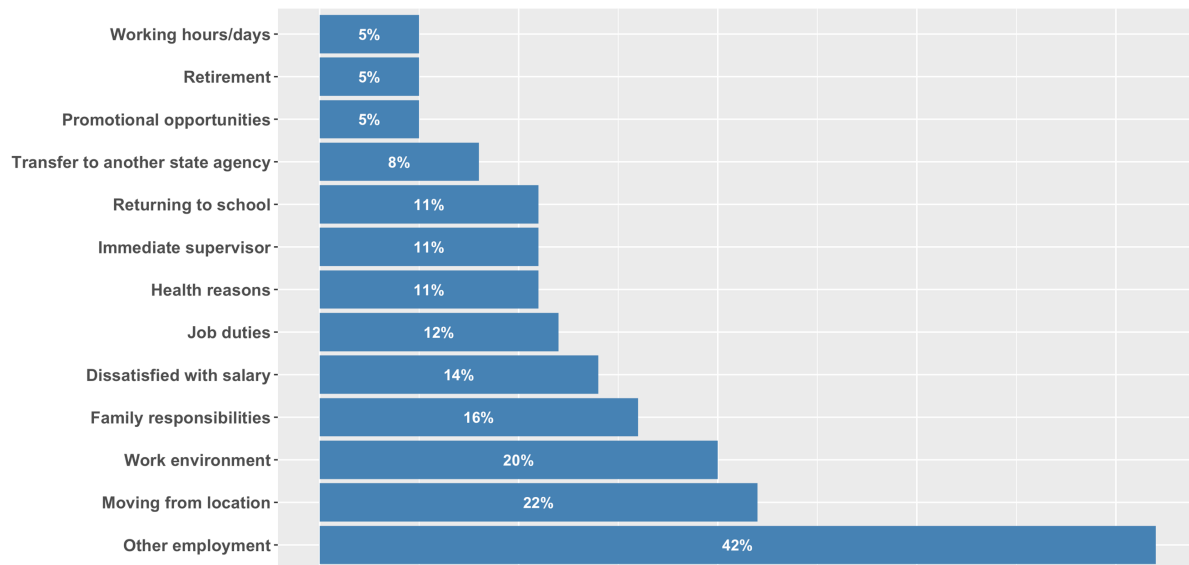
SOURCE: PEER analysis of turnover research.

Causes of Turnover at MDCPS

To understand why an employee departs from the agency, MDCPS began conducting online voluntary employee exit interview surveys beginning in August 2017. Previously the surveys had been in narrative format and, according to MDCPS staff, did not lend themselves to reporting. The online survey includes multiple choice questions regarding training, work duties, supervision and teamwork, salary and benefits, and overall job experience. At the end of the survey, employees can add comments regarding actions MDCPS can take to build a better workplace and any other comments, questions, or concerns.

At the time of this review, 138 departing employees (roughly half of the total number of departing employees) had completed the online survey. Frontline, Field Operations, and Field Support staff made up 85.5% of the survey respondents. More than half of the departing employees had been with MDCPS for two years or less, with 31% leaving within one year. PEER notes that each question is optional, and some respondents skipped questions. Exhibit 25 lists the 13 options an employee can choose as his or her reason for leaving the agency. Employees are allowed to choose multiple reasons and can write in a response. As shown in the exhibit, 42% claimed they were leaving for other employment, but it was unclear whether or not they were leaving for more money, job dissatisfaction, or another reason.

Exhibit 25: Reasons Why Workers Leave the Mississippi Department of Child Protection Services as Reported in Exit Surveys



SOURCE: MDCPS exit surveys.

The exit survey responses did not reveal departing employees' dissatisfaction with training, resources needed for the job, one-on-one support, quality of supervision, or work-related stress. Overall most survey respondents were satisfied with their employment with MDCPS. MDCPS asked departing employees if they thought their salary was appropriate for their position at MDCPS. Out of all 138 responses, 49% responded that the salary was either not so appropriate or not at all appropriate and 37% thought the salary was somewhat appropriate, with the rest expressing satisfaction with their salary.

MDCPS Recruitment and Retention Efforts

On December 14, 2017, the Mississippi State Personnel Board approved MDCPS's request to realign entry-level caseworker salaries for the following positions: Family Protection Worker I, Family Protection Worker II, and Family Protection Specialist. The realignment became effective on January 1, 2018, and included approximately 835 filled caseworker positions for an estimated total annual salary increase of \$1.4 million. The increase for each job class is provided in Exhibit 26. A caseworker employed as a Family Protection Worker I received the highest increase in start salary from \$26,665.30 to \$30,073.10. The Family Protection Specialist received the lowest increase of \$934.38. As of May 31, 2018, there are 544 caseworkers employed as Family Protection Specialists.

Exhibit 26: Realignment of Caseworker Salaries for FY 2018

Position Title	Previous Start Salary	New Start Salary	Total Increase	Number of Caseworkers as of May 31, 2018
Family Protection Worker I	\$26,665.30	\$30,073.10	\$3,407.80	173
Family Protection Specialist	\$29,138.72	\$30,073.10	\$934.38	544
Family Protection Worker II	\$29,139.72	\$32,862.63	\$3,722.91	73

SOURCE: PEER analysis of MDCPS data.

According to the Commissioner of MDCPS, the realignment of salaries helped to address the agency's retention rate and assisted with the recruitment of caseworkers. PEER analysis of MDCPS employee data indicates that 85 caseworkers left the agency from January 1, 2018, to May 31, 2018. In the previous year, during the same time frame, 95 caseworkers left the agency.

MDCPS has taken additional steps to increase caseworker retention. The *Olivia Y.* lawsuit required MDCPS to take the following actions:

- allocate to each regional director adequate administrative staff in the region to support administrative work of the region; and
- provide all caseworkers with smart phones or tablets for field-based investigative work and resource access and provide adequate computers for work in each county office.

As of December 31, 2017, Public Catalyst had submitted quarterly reports to the court certifying that MDCPS had met the above requirements.

In past years MDCPS offered a tuition reimbursement program and an MSW program to assist in the recruitment and retention of staff. For the MSW program, the agency partnered with state public universities, e.g., the University of Southern Mississippi, to offer MSW courses in a compressed number of days. Staff were given the opportunity to receive a Master's in Social Work while maintaining full-time employment with the agency. The tuition reimbursement program reimbursed employees for continuing education. However, according to MDCPS, due to the expense of this program to the agency combined with the fact that the court monitor does not require MDCPS to hire caseworkers with a social work degree, the department discontinued its contract with the University of Southern Mississippi on May 31, 2018. Also, MDCPS is no longer reimbursing tuition for employees who continue education.

According to an analysis of the child protection services workforce in Texas, conducted by the Texas Association for the Protection of Children, social workers are more prepared and better trained to handle child welfare work. In addition, caseworkers with an MSW are often employed with child welfare agencies longer than workers with a BSW because they are more likely to advance to administrative, supervisory, or managerial positions and have longer tenure.

Among MDCPS workers employed as of May 31, 2018, the average tenure for positions requiring a worker to be a licensed social worker was 3.6 years. The average tenure for workers without a license in social work was 2.9 years. PEER found that of the 41 supervisors who had been with the agency for at least five years, all but one was a licensed social worker. PEER also found that 254 caseworkers (28%) had been with the agency for less than one year.

In addition to discontinuing the tuition reimbursement program and the MSW program, MDCPS is no longer implementing the following recruitment and retention efforts:

- awarding recruitment flexibility in hard to recruit counties;
- offering educational benchmarks to staff who have obtained additional education and skills;
- awarding increases in the career ladder for caseworkers; and
- increasing salaries.

Additionally, MDCPS is not seeking accreditation from the Council of Accreditation for Children and Families (COA). Accreditation was a requirement in the *Olivia Y.* lawsuit for many years, but the

MDHS Division of Family and Children Services was never able to meet all of the standards required by the COA. Once the Mississippi Department of Child Protection Services was created, the accreditation requirement was removed from the Settlement Agreement. PEER notes that some of the COA standards were incorporated into the new Settlement Agreement, e.g., the staff to supervisor ratio of five to one. MDCPS staff did not think the agency would seek accreditation from the COA anytime soon. The main focus of the agency is to try to accomplish the requirements set forth in the new *Olivia Y.* Settlement Agreement, which became effective on January 1, 2018, with current state and federal funding. Eliminating recruitment and retention efforts could have a negative impact on the agency's performance in achieving child welfare outcomes.

Analysis of Selected Outcome Measures

This chapter includes discussions of the following:

- sources of performance data for MDCPS;
- issues with performance data; and
- trends in selected outcome measures.

Sources of MDCPS Performance Data

The FY 2017 and FY 2018 appropriation bills for MDHS and MDCPS did not contain outcome or other performance measures for child protection programs.

According to staff of MDCPS and the Legislative Budget Office, there are no outcome measures in MDCPS's appropriation bills due to the many performance reporting requirements of the 2nd MSA and the large number of performance measures reported to the federal government for the National Child Abuse and Neglect Data System (NCANDS)¹⁷ and the Adoption and Foster Care Analysis and Reporting System (AFCARS).¹⁸ Additionally, there are six measures of child protective services included in *Building a Better Mississippi: The Statewide Strategic Plan for Performance and Budgetary Success*.

Performance Data Issues

As with MDCPS caseload data, there are data-related issues that must be discussed before making inferences about performance from the data sets provided to PEER by MDCPS.

The first caution is that the performance data provided to PEER by MDCPS may not be all available data or the best available data. Initially, MDCPS provided PEER with text files nominally representing all available past MDCPS data submissions to AFCARS and NCANDS. These text files arrived with many different naming conventions, and with many different varieties of accompanying documentation. Some years were not provided; some years' accompanying documentation was provided, but without the submission itself. Some years represented resubmissions of data. Some available data were not provided in this initial submission; some data rendered obsolete by resubmissions were provided without those resubmissions.

PEER analysis showed that summary statistics generated from these original MDCPS data did not match federally reported summary statistics. Upon request, MDCPS provided PEER with

¹⁷NCANDS is a federally sponsored effort that annually collects and analyzes data on child abuse and neglect known to child protective services (CPS) agencies in the United States. The mandate for NCANDS is based on the 1988 amendments to the Child Abuse Prevention and Treatment Act (CAPTA), which directed the Secretary of the U.S. Department of Health and Human Services to create a national data collection and analysis program for state-level child abuse and neglect information. Subsequent amendments to CAPTA have led to new data collection requirements, many of which are incorporated into NCANDS.

¹⁸The collection of adoption and foster care data is mandated by section 479 of the Social Security Act and the requirements for AFCARS are codified in 45 Code of Federal Regulations 1355.40.

versions of NCANDS and AFCARS data downloaded from the federal repository of those data. NCANDS files were modified in both content and format from files originally provided to PEER; AFCARS files were individually identical, though some files not originally provided were provided the second time.

This second set of files appears to agree with federally published summary statistics much more closely than the first. However, the agreement is not perfect. PEER has not exhaustively checked these data; and according to MDCPS staff, some federal summary statistics depend on information not present in these files. As such, PEER is not in a position to assert that the performance information presented herein is correct or coherent with federal data (although it does appear closely if not perfectly coherent where checked).

The second caution is that the available data contain numerous data quality issues. Federal data quality checks on AFCARS and NCANDS data indicate that a notable number of entries in both data sets contain internal problems; for 2017 NCANDS data, there were 3,293 apparent errors flagged by automated data checks. These problems are sometimes relatively trivial, and sometimes important; for instance, March 2003 AFCARS foster care data were missing medical diagnosis information for 74% of all entries. (This appears to be human error; all information that is present indicates some diagnosis, so it seems likely that the data were entered under the assumption that no diagnosis meant no entry needed to be made.)

It is worth noting that these problems are only the ones that can be detected by mechanical means. A computer can tell that a birthdate of January 1, 1858, is out of both plausible and legal range for an individual in foster care; it cannot tell that a child's birthday is January 3 when it was recorded as January 2. But as with caseload data, the undeniable existence of computer-detectable errors entering the system, whether through data entry error or coding problems, raises the possibility of errors not so easily detectable.

Trends in Selected Outcome Measures

Building a Better Mississippi contains six performance measures relevant to the mission of MDCPS. However, data for the percentage of children in foster care legally eligible for adoption who get adopted were not available; thus, PEER could not assess this performance measure.

Building a Better Mississippi contains six performance measures relevant to the mission of MDCPS. PEER did not have the data necessary to report on the following child protective services benchmark contained in the statewide strategic plan: percentage of children in foster care legally eligible for adoption who are adopted.

PEER's inability to accurately report on the percentage of children in foster care legally eligible for adoption who were adopted requires further explanation. The MDCPS data provided to PEER contained a large number of cases in which children were recorded as having exited foster care due to adoption with no record of termination of paternal rights. This is not an impossible

scenario if the state has failed after due diligence to find the father; however, because there is no record of due diligence efforts in the case file, it is impossible to accurately determine the number of children legally eligible for adoption solely from the data in AFCARS. As a result, PEER focused on a different metric: percentage of children whose case plan goal was adoption who were adopted within a reporting period.

For purposes of this analysis, PEER focused on the following five benchmarks (shown in parentheses) from *Building a Better Mississippi*:

- total child maltreatment victims (substantiated incidence of child abuse or neglect);
- number of children in agency custody;
- mean days in foster care (average time a child is in foster care);
- mean days in foster care to adoption (average time between a child in foster care being declared legally eligible for adoption and adoption); and
- average time in temporary housing among children exiting to foster care (average time a child is held in emergency shelters and other temporary housing facilities before being placed in foster care).

PEER also reviewed the following three outcome measures relevant to child protection services for which data were available:

- child fatalities;
- mean response time in hours to allegations of child maltreatment; and
- percentage of children whose case plan goal was adoption who were adopted.

Exhibit 27, page 56, provides averages of these data for FY 2017 and FY 2018, where available. Appendix F on page 80 presents these data historically over varying time periods for which data were available. As shown in Appendix F, child fatalities, total substantiated child maltreatment victims, the percentage of children whose goal was adoption who were actually adopted, and time in temporary housing before foster care have risen during the period for which data were available. Time to respond to allegations of maltreatment, time to adoption, and time spent in foster care have decreased during this period.

It is worth noting that these analyses are purely descriptive; they cannot assess cause, nor can they project future trends. In some cases, subsets of the data may show patterns that are themselves worth investigating; for instance, time to adoption has risen slightly during the years specifically under examination in this report. The blue line presented in each graph is the trend line. Its slope is the average rate of change in the measure over time.

Exhibit 27: Average Value for Selected Outcome Measures for FY 2017 and FY 2018

Outcome Measure	FY 2017	FY 2018
Number of children in agency custody	5,696	5,600
Total child maltreatment victims*	10,429	Not yet available
Mean days in foster care	478	605
Mean days in foster care to adoption	1,208	1,244
Average time (days) in temporary housing among children exiting to foster care	1,044	795
Number of child fatalities*	40	Not yet available
Mean response time in hours to allegations of child maltreatment*	49	Not yet available
Percentage of children whose case plan goal was adoption who were adopted	9%	12%

*These measures are by federal fiscal year, which ends September 30 of each year. Data for these measures were not yet available at the time of this analysis.

SOURCE: PEER analysis of MDCPS data.

Recommendations

1. The Mississippi Office of the State Auditor should conduct a forensic audit of the Mississippi Department of Child Protection Services' revenues and expenditures for FY 2018 and FY 2019 to determine why revenue shortfalls occurred, how they can be prevented in the future, and how the accuracy of MDCPS revenue and expenditure data can be improved. In addition, the executive directors of MDCPS and the Department of Human Services should consult with Department of Finance and Administration staff to determine the best means to account accurately and completely for MDCPS revenues and expenditures since the department is independent of, though housed within, MDHS. One solution that should be considered is the establishment of a separate business area within the state's accounting system.
2. During the 2019 Regular Session, the Senate and House appropriations committees should consider adding language in the Department of Human Services appropriation bill to require the Mississippi Department of Child Protection Services to submit revenue and expenditure data on a monthly basis to the Joint Legislative Budget Office and the Joint Legislative PEER Committee. Such requirement would allow those offices to monitor the department's financial position in order to inform the Legislature in a more timely manner regarding potential deficit situations.
3. In order to enhance its accountability of appropriated funds, the Mississippi Department of Child Protection Services should estimate and identify expenditures and full-time equivalents (FTEs) by accountability program. (Refer to discussion on pages 15-17 and Appendix C on page 61 of this report for a list of possible accountability programs).
4. In FY 2019, pursuant to MISS. CODE ANN. Section 27-103-129 (1972), the Mississippi Department of Child Protection Services should consider PEER's recommended budget programs and work with the Legislative Budget Office and the Department of Finance and Administration to determine which budget programs to add to the MDCPS budget by FY 2021.
5. With regard to caseload and outcome measure data quality and accuracy issues identified by PEER, the Mississippi Department of Child Protection Services should develop and implement written procedures for code documentation, file retention, and data entry processes. The department should review such procedures periodically and ensure that all relevant employees are trained and demonstrate competency regarding such procedures.
6. In order to reduce both overloading and underloading of caseworkers, the Mississippi Department of Child Protection Services should continue to redistribute caseworker positions so that they more closely match expected caseloads. In addition, MDCPS should consider assigning cases to

caseworkers in bordering counties to better distribute caseloads.

7. The Mississippi Department of Child Protection Services should conduct a new workload study based on current caseworkers' time and responsibilities to determine the range of time necessary for a caseworker to perform a task in accordance with best practices. MDCPS should establish new standards based on the results of this study.
8. The Mississippi Department of Child Protection Services should confer with the court monitor and attorneys representing the Plaintiffs in the *Olivia Y.* lawsuit to discuss replacing the percentage-compliant mandates (90% for caseworkers and 85% for caseworker supervisors) with mandates based on statistical difference from central tendency and dispersion of caseloads abiding by best practices (as established in recommendation 7).
9. In order to document the professional competency of its frontline, adoption, and licensure staff, the Mississippi Department of Child Protection Services should maintain a current list of all licensed social workers in the agency.
10. The Mississippi Department of Child Protection Services should consult with the Mississippi State Personnel Board to determine the appropriate minimum qualifications for caseworker supervisor positions including "related human services degrees" approved by the court monitor and associated course work requirements. MDCPS should then recommend to the 2019 Regular Session of the Legislature an amendment to MISS. CODE ANN. Section 43-1-55 (1972) to reflect the new qualifications in view of the fact that the department states there are not enough licensed social workers to fill its caseworker supervisor positions.

Also, the State Personnel Board should conduct a salary survey for the relevant labor market for all caseworker and caseworker supervisor occupational classes utilized by the MDCPS to ensure the salary ranges are aligned to the level of duties and responsibilities assigned to positions in each occupational class. The board should then make recommendations to the 2019 Regular Session of the Legislature on the appropriate salary ranges for each caseworker and caseworker supervisor occupational class.

11. In order to determine problems within counties and regions experiencing high turnover, the Mississippi Department of Child Protection Services should calculate turnover by county and/or region. The department should fully analyze the turnover information to identify factors that influence turnover and to seek appropriate solutions to reduce turnover.

Appendix A: Brief History of the *Olivia Y.* Lawsuit

The *Olivia Y.* lawsuit was filed against the Governor of Mississippi, the Director of the Mississippi Department of Human Services (MDHS), and the Director of the Division of Family and Children's Services (DFCS) on March 30, 2004, alleging that Mississippi's child welfare system failed to adequately protect and care for the state's abused and neglected children. On January 4, 2008, the state of Mississippi settled the lawsuit by entering into a court monitored settlement agreement to reform the child welfare system. The Agreement included standards and outcome measures designed to enhance the safety, permanency, and well-being of children in state custody. It required Mississippi to meet the commitments outlined in the plan within five years of the Court's approval or within the implementation period timelines specified in the plan. Due to the court monitor's repeated reports of Mississippi's inability to meet the standards and outcomes within the five-year timeline, the parties renegotiated the settlement agreement and the court approved the Modified Mississippi Settlement Agreement and Reform Plan (MSA) on July 6, 2012.

On July 23, 2015, in response to the plaintiff's motion for contempt, the Court ordered the state of Mississippi to retain Public Catalyst,¹⁹ an independent consulting group, to complete an organizational analysis of the Division of Family and Children's Services (DFCS). After the organizational analysis was completed, the Court approved an Interim Remedial order on December 22, 2015, requiring DFCS to make organizational changes, including implementing an "in-but-not-of" model that houses DFCS within MDHS, independent of MDHS management and oversight, and no later than July 1, 2018, create an independent child welfare agency.

On December 19, 2016, the Court approved the Stipulated Third Remedial Order (STRO) and the Second Modified Mississippi Settlement Agreement (2nd MSA). The STRO acknowledged a period of capacity building with the assistance of Public Catalyst during calendar year 2017. The 2nd MSA came into effect on January 1, 2018, and supersedes the first two settlement agreements. The new settlement agreement, outlines systemic infrastructure standards, including but not limited to agency leadership, caseworker qualifications, caseload measurements, and data collection and reporting. Additionally, the 2nd MSA sets forth foster care service standards and measures with specific time frames for achieving each measure.

SOURCE: PEER analysis of *Olivia Y.* court documents.

¹⁹Public Catalyst, located in New Jersey, teams up with public, nonprofit, and private agencies that provide child welfare, juvenile justice, and other human services to achieve results by mediation and monitoring, planning and implementing changes, and managing by data.

Appendix B: Number of MDCPS Employees by Region, as of May 31, 2018

Region	Number of Employees
State Office	
State Office	267
Western Division	
Region 2 East: Desoto, Tate, Tunica, Panola, Quitman, Tallahatchie, Yalobusha, Grenada	86
Region 2 West: Coahoma, West and East Bolivar, Sunflower, Washington, Humphries, Issaquena, Sharkey, Leflore, Carroll, Holmes, Montgomery	102
Region 3 North: Yazoo, Madison, Rankin	79
Region 3 South: Hinds	107
Region 5 East: Copiah, Lincoln, Lawrence, Simpson, Jefferson Davis, Covington, Smith, Marion	86
Region 5 West: Warren, Claiborne, Jefferson, Adams, Franklin, Wilkinson, Amite, Pike, Walthall	93
Region 6: Lamar, Forrest, Perry, Stone	82
Subtotal	635
Eastern Division	
Region 1 North: Marshall, Benton, Tippah, Alcorn, Prentiss, Tishomingo	92
Region 1 South: Lafayette, Union, Pontotoc, Lee, Itawamba, Monroe	116
Region 4 North: Calhoun, East and West Chickasaw, Webster, Clay, Choctaw, Oktibbeha, Lowndes, Attala, Winston, Noxubee	98
Region 4 South: Leake, Neshoba, Kemper, Scott, Newton, Lauderdale, Jasper, Clarke, Jones, Wayne	113
Region 7 East: Greene, George, Jackson	70
Region 7 Central: Harrison	137
Region 7 West: Peal River, Hancock	75
Subtotal	701
Total	1,603

SOURCE: PEER analysis of MDCPS Employee Data provided by the Mississippi State Personnel Board and the Mississippi Department of Child Protection Services.

Appendix C: FY 2018 Estimated Expenditures by MDCPS's Accountability Programs and Suggested Budget Programs

Accountability Program	Description	Estimated Expenditures	Percentage of Total Estimated Expenditures
General Administration			
IT - Network, Hardware, Auxiliary Support	Includes hardware/software support; network/software support; communications; help desk; and network security/cell and tablet support and the costs of staff, computer equipment, vendors, and other IT - Network, Hardware, Auxiliary Support costs.	\$12,340,867.72	6%
In-State Travel	Costs of in-state travel for MDCPS.	\$6,172,216.00	3%
General Agency Support Costs	General Agency Support Costs includes but not limited to, office supplies and materials, repair and maintenance services, insurance fees and services, uniforms and apparel, printing supplies, membership dues, postal services, etc.	\$5,318,214.42	3%
Administration - Human Resources	Human Resources staff provides support to all divisions within the agency regarding new hires, promotions, appointments, transfers, demotions, reallocation of positions, reclassification of positions, salary adjustments, benefits, and disciplinary actions. Includes the cost of personnel and non-personnel associated with Human Resources.	\$2,905,394.36	2%
Legal Services	The costs of all legal services contracted out, including the contract with the <i>Olivia Y.</i> court monitor, Public Catalyst.	\$2,558,281.00	1%
Administration - Professional Development and Training	The costs of personnel to deliver training and professional development.	\$2,552,382.17	1%
Pre-service Training for Caseworker Staff	Non-personnel costs of pre-service training for caseworker staff.	\$2,520,641.00	1%
Transition to Independent Agency	Costs to MDCPS to transition from the Mississippi Department of Human Services (MDHS).	\$1,565,000.00	1%
County Reimbursement for Office Space	Reimbursement to county for county office operating expenses and space.	\$1,431,851.00	1%

Administration – County Funds Management	Staff is responsible for oversight of bookkeeping functions maintained in the agency’s 84 county offices throughout the state. Staff provides oversight of a large number of bank accounts which consists of Social Security funds to beneficiaries in the custody of the state for which the agency serves as the representative payee to offset costs to the state for services provided and county funds appropriated to local county offices by their county boards of supervisors.	\$1,066,839.64	1%
Facilities Costs	The costs of facilities, including but not limited to, utilities, building services, janitorial services, etc.	\$847,073.00	.44%
IT – MACWIS	MACWIS is the statewide, case management data system utilized to manage and track children in foster care and children that have been in custody at some point. The system supports the work of approximately 2,000 users within MDCPS. Staff provides statewide support for MACWIS. This program includes costs for personnel for the operation of MACWIS.	\$701,525.34	.36%
Administration – General Accounting and Finance	Accounting and Finance staff are responsible for all budget and grants management activities, the management of recouping overpayment of Foster Care Maintenance Payments to child caring agencies and relative/foster homes, recoupment of reimbursements due to the agency for pursuing Master of Social Work degrees and did not honor their agreement to work for the agency for the period of time specified in their contract, and for resolving discrepancies and initiating the process for payments to emergency shelters, group homes, and therapeutic group/foster homes administered by child care placing agencies.	\$600,920.90	.31%
Administration – Contracts, Procurement, and Federal Reporting	Staff is responsible for handling all agency contracts, leases, memorandums of understandings, and sub-grant agreements. Additionally, staff is responsible for the facilitation and management of the agency’s state plan due to state officials and federal partners.	\$524,292.04	.27%
Professional Development for all MDCPS Staff	Non-personnel costs of professional development for all MDCPS staff and in-service training for caseworkers and supervisors.	\$499,291.00	.26%
Transportation of Clients	Transportation of clients includes, but is not limited to, transportation services to ensure clients can access required community supports such as medical care, mental health treatment, and educational services.	\$450,000.00	.23%
Administration – Eligibility	Eligibility staff is responsible for determining Title IV-E eligibility of children coming into care. The Eligibility Unit also works with the Division of Medicaid to determine Medicaid Eligibility of children coming into care.	\$431,837.60	.22%

Executive Management	Executive Management includes the Commissioner, Chief of Staff, and administrative support to the Commissioner. The functions of the office consist of leadership and oversight responsibilities, directing, coordinating, administering, planning, and performance improvement.	\$426,021.99	.22%
Tuition Reimbursement Program	Educational Assistance is granted when the program of study will increase the skills, knowledge, and abilities needed to perform an employee's current job and develop the employee for higher-level professional positions within the employee's field. Priorities are based on established agency needs.	\$300,000.00	.16%
Administration - Policy	The <i>Olivia Y.</i> lawsuit/policy program is responsible for facilitating and maintaining all agency policies and ensuring the existence and consistency of a current and adequate agency policy. The program ensures policy addresses necessary federal and state mandates along with the safety, permanency, and the well-being of children through the outlining of a strong Family Centered Practice Policy.	\$242,918.27	.13%
IT - Management and Support	The costs of the IT director.	\$135,133.50	.07%
Out-of-State Travel	Costs of out of state travel for MDCPS.	\$125,055.00	.06%
Other MDCPS Travel	All other travel expenditures, including fuel for state owned vehicles and attorney general staff attorney travel to court for MDCPS cases and conferences.	\$102,347.00	.05%
Vital Records for Adoption	The costs of storage for adoption records.	\$3,750.00	0%
MSW Social Work Program	MDCPS partners with state public universities to offer Master of Social Work (MSW) courses in a compressed number of days. This gives caseworkers the opportunity to receive a Master's in Social Work while maintaining full-time employment with the Department. MDCPS pays for the employee's education.	\$0.00	0%
Total General Administration Expenditures by Accountability Program		\$43,821,852.95	23%

CCWIS Conversion			
IT - CCWIS Consultants and Project Costs	Costs of consulting services contracted out to assist in the implementation of CCWIS and other non-personnel costs to MDCPS to implement CCWIS.	\$1,800,770.00	1%
IT - CCWIS Staff	Costs of MDCPS staff to implement CCWIS.	\$1,474,240.79	1%
Total CCWIS Conversion Expenditures by Accountability Program		\$3,275,010.79	2%
Centralized Intake Program for Child Protective Services			
Centralized Intake Program	Cost of the contract with Social Work P.R.N. to provide the required services for Mississippi Centralized Intake, which includes a 24-hour hotline for reports of child abuse, neglect and exploitation, referral service, and disaster response plan. The call center is staffed 24-hours per day, 7-days per week.	\$2,273,340.00	1%
Total Centralized Intake Program Expenditures by Accountability Program		\$2,273,340.00	1%
Emergency Shelters, Group Homes, Foster Care, Independent Living, and Adoption			
Foster Care Maintenance Payments	Reimbursement to foster parents for providing basic family foster care. These funds are intended to reimburse foster families for food, clothing, shelter, school expenses, grooming, ordinary transportation, recreation, and transportation appropriate for the child's age.	\$28,935,562.00	15%
Adoption Subsidy Payments	Costs paid to help families adopt children with special needs from foster care. Federal (Title IV-E) and state adoption assistance programs are designed to help parents meet their adopted child's varied, and often costly, needs.	\$14,000,000	7%
Therapeutic Foster Care	Therapeutic Foster Care includes Therapeutic Group Homes and Therapeutic Foster Care Resource Homes. Services are provided through residential group homes or family-based homes/relative placements to children from birth to 21 years who are determined to have at least moderate emotional, behavioral, medical, or developmental problems, for instance, bipolar disorder, depression, intermittent explosive disorder, oppositional defiant disorder, sexually deviant behavior, mental retardation/developmental delays, behavior disorder, mental illness/on medication, other diagnosed mental illnesses according to the Diagnostic and Statistical Manual of Disorders-V-TR. All therapeutic foster care requires a current license by the MDCPS and current certification by the Mississippi Department of Mental Health. This service is contracted with United Methodist Ministry with Children and Families, Youth Villages, Hope Village, Catholic Charities, Apelah, Canopy Children Solutions, Southern Christian Services, and the Rehabilitation Center-Millcreek.	\$11,031,784.00	6%

In-Circle Intensive In-Home Services	In-Circle Intensive In-Home Services provides family preservation services and family reunification services. Anchored in the belief that the best place for every child is a permanent, loving home, the facility works to keep families together and children safe. Family Preservation Solutions are designed to keep families together and Family Reunification Solutions are tailored to families where youth have been removed from their home and placed in MDCPS custody. Upon admission, each family participates in an intake assessment where staff develops a crisis and safety plan. Services include: Crisis Intervention, Child and family team meetings, individual and family therapy, case management and service coordination, trauma-focused cognitive behavioral therapy, active parent and life skills training, behavior management planning, and wraparound services. (Contracted out through Canopy and Youth Villages)	\$5,592,487.06	3%
Emergency Shelters and Therapeutic Foster Care	Contracts with Hope Village for Children and Canopy Children's Solutions to provide both emergency shelters and therapeutic foster care to children in state custody.	\$2,342,225.00	1%
County Client Services	County client services offers families limited assistance with utilities and other household needs that enable them to maintain their self-sufficiency.	\$2,265,926.00	1%
Office of Refugee Resettlement – Cash Assistance Payments	Costs of providing services to refugees and other eligible persons. The Cash and Medical Assistance (CMA) program reimburses states for 100% of the services provided.	\$2,254,843.00	1%
Emergency Shelters	Emergency shelters are licensed to care for children who may remain for a 45-day period, pending court proceedings and foster care placement, or return home. It is a resource to be used when a short-term placement is needed. This service is contracted out with Hope Village, Canopy, Christians in Action, Faith Haven, Sally Kate Winters, and Hancock County Human Resources Agency.	\$1,455,560.00	1%
Medical Services for Children	Costs MDCPS pays for medical services for the children in care. One example is that MDCPS often must pay for psychological evaluations for children in custody necessary for various youth court proceedings and to ensure the child receives appropriate services while in care.	\$1,446,687.00	1%

Chafee Foster Care Independence Program	The Independent Living Program (ILP) helps adolescents acquire basic life skills in their progress from dependency toward self-sufficiency. All youth must have the opportunity to participate in independent living preparations, without regard to the youth's permanent plan. Independent Living Services are mandatory and not optional for all youth in care who are at least 14 years old or less than 21 years old. Services are provided through contractual agreements to include life skills training, retreats, youth conferences, and other services deemed appropriate. There are 12 Independent Living Support Services/ Stipends offered to youth participating in the program. These services are contracted out through Southern Christian Services, Canopy, and Hope Village.	\$1,070,223.00	1%
Adoption Promotion	The Promoting Safe and Stable Families program provides federal child welfare funding, training, and technical assistance to help build state and community capacity to meet the needs of families at risk of child welfare intervention and families in crisis. Contracts with Southern Christian Services and Catholic Charities.	\$824,056.03	.43%
Group Homes for Children in Foster Care	Group homes provide an environment and services that will help children and their families develop the necessary skills to support lasting permanency. This resource assists with helping children and youth return to their families, transition to a less restrictive setting, or to independent living. All group home care requires a current license by the Mississippi Department of Child Protection Services. All contractors shall meet all requirements contained in Licensing Requirements for Residential Child Caring Agencies and Child Placing Agencies. This service is contracted out with Pine Vale, Inc., SunnyBrook, and Berean Children's Home.	\$550,531.00	.28%
SAFE Home Studies	Independent contractors conduct home study services for prospective foster parents to become licensed foster homes for children in care. Home study services are defined as completing home environment checks, collecting documentation, and entering recommendations in a database. All home studies are conducted utilizing the MDCPS SAFE Home Study Model.	\$393,886.00	.20%
Resource Parent Pre-service Training	Facilities offering Resource Parent Pre-service training use the Mississippi as Tender Healers (MS PATH) to train parents. The curriculum prepares participants with the foundational skills necessary to understand and cope with the experience of receiving a child into their home. Contract with Northwest Media, Inc., Mississippi Community Education Center, and the Family Resource Center of North Mississippi.	\$161,504.00	.08%
Project Care	Project Care is funded by the state's Community-Based Child Abuse Prevention	\$140,198.00	.07%

	(CBCAP) Grant. Project Care provides child abuse and neglect prevention services to increase protective factors that include parental resilience, knowledge of parenting, social connections, concrete supports, and social and emotional competence in children for Oktibbeha County families through a two-tiered program focusing parental educational and support services. Universal services include alerting the public about child abuse and prevention to include identifying and reporting child abuse and neglect. The Family Resource Center offered year-round nine hours per day of services to families including library resources and support materials that address areas of family education needs such as financial management, marriage education, childbirth, special needs, family games, music free books, resource guides, family interactive activities, dye cuts, etc. Through the Nurturing Parenting (Respite Services), Project Care provided services to 129 children and 61 parents. Through Project Care, they also offer active parenting classes. Contract with Starkville School District.		
Parent Café	Families Strengthening Families (FSF) provides the Parent Café model in Oktibbeha, Winston, Lowndes, Clay, and Noxubee counties. Participants that attend Parent Cafes get ideas for managing the challenges of parenting. Parent Cafes consist of five sessions that focus on discovery and utilization of the scientific, research-based protective factors of resilience, relationships, support, knowledge, and communication. The program approach is to strengthen families from the inside out to achieve positive outcomes for children, families, and society. Contract with Starkville School District.	\$100,000.00	.05%
Prevention Services	Contract with Catholic Charities, Inc. to provide prevention services to children and families in state custody.	\$92,678.00	.05%
Foster Care Youth Computer Camp	The computer camp is designed to provide youth in the custody of the Mississippi Department of Child Protection Services with technology skills (Training in Microsoft applications and other related technology skills), laptop computers, other related equipment, and an opportunity to sharpen independent living skills through online independent living training, youth empowerment workshops, and recreational activities. Instructional Access will provide computer camp services to youth in MDCPS custody ages 15 to 18. Contract with Instructional Access.	\$74,990.00	.04%

Evaluation of In-Home Services	Costs of the contract between the Parham Group and MDCPS. The Parham Group will work closely with MDCPS and provider agency staff to develop and implement appropriate and effective outcome measurement tools. The Parham Group will collect, analyze, and report resulting data to MDCPS as mutually agreed upon.	\$35,750.00	.02%
Hotels for Children with Private Sitters	Costs MDCPS pays for hotels for children with private sitters.	\$11,500.00	.01%
Food Services for Children in Care	Payments made to food vendors for events such as adoption celebrations, stakeholder meetings, and professional development events.	\$7,000.00	0%
Educational and Training Vouchers Program for Foster Care Services	Educational and Training Vouchers provide supplemental resources to meet the educational and training needs of youth aging out of foster care including post-secondary educational and vocational programs. This program makes vouchers of up to \$5,000 per year available to eligible youth attending institutions of higher education.	\$0.00	0%
Rescue 100	Rescue 100 is a collaborative effort between the Mississippi Department of Child Protection Services, the Mississippi Commission on Children's Justice, 200 Million Flowers and churches across the state of Mississippi to provide loving homes for children in foster system. These organizations work together to streamline the training and certification process for resource families, most of which happens over one weekend after a family attends a brief orientation/informational meeting. (Contracted out in FY 2017, with 200 Million Flowers; Operated in-house in FY 2018)	\$0.00	0%
Total Emergency Shelters, Group Homes, Foster Care, Independent Living, and Adoption		\$72,787,390.09	38%
Field Operations and Support (Child Welfare and Child Safety)			
Field Operations - Caseworkers	Costs of caseworkers in the 84 county offices. A caseworker is identified as any staff carrying a caseload.	\$41,421,054.74	21%
Field Operations - Caseworker Supervisors	Costs of Area Social Work Supervisors (county-level) and Regional Social Work Supervisors who have responsibility for supervising direct casework.	\$14,714,305.13	8%
Field Operations - Support	Includes administrative support in the field, including youth court liaison positions in some regions of the state.	\$4,228,580.44	2%
Field Support - Therapeutic Services	Therapeutic Services includes therapeutic placement, education liaisons, nursing services, interpreters, and prevention services.	\$2,1138,940.21	1%

Field Operations – Clinical Leadership	Clinical Leadership includes Regional Directors, Office Directors, and Bureau Directors reporting directly to the Deputy Commissioner of Child Welfare.	\$1,990,757.13	1%
Field Support – Foster Care Review (CQI)	Foster Care Reviewers are assigned a territory based on custody caseloads and they are responsible for ensuring that every child in foster care receives an administrative review and county conference every five months. Reviewers set county conferences which include invitations to parents, the child(ren) in care, grandparents, resource parents, guardian ad litem, and all cases assigned to Department of Child Protection Services caseworkers to participate in the conference and provide information regarding the permanent plan for the child. The information provided at those meetings contributes to the overall mandated findings made by the Foster Care Reviewer, which are reported to the court. Issues of concern that affect the immediate safety of the child and issues related to practice are reported and assigned to the Regional Directors for corrective action.	\$1,301,780.04	1%
Field Support – Evaluation Monitoring Unit (CQI)	The Evaluation and Monitoring Unit (EMU) is responsible for the following activities/duties: Conducts random-sample baseline and annual follow-up case reviews on a regional basis and ongoing monthly random sample case reviews at the county level; Provides case-level feedback to county staff on cases reviewed and to supervisors and administrators on county-wide performance, and to state-level staff and stakeholders on county, regional, and statewide performance; Ensures all regional/county follow-up on all corrective actions identified through the review process; Review data reports reflecting state, regional, and county performance on various child welfare indicators; and, Analyze findings of reviews, including qualitative and quantitative analyses, and compiles results into periodic reports that identify the strengths and areas needing improvement identified in the reviews.	\$1,046,931.56	1%
Field Support – Permanency	Permanency services include the handling and processing of information for the termination of parental rights so that children in custody can move towards adoption. Additionally, the staff work to recruit adoptive families for children in custody. The goal of the work of permanency staff is to facilitate children moving out of custody and into permanent family and home settings.	\$927,971.57	.48%

Field Support - Special Investigations	A report determined during intake to be a Special Investigation is screened according to normal screening procedures and sent to the Regional Director for final decisions and assignment. Only certain cases are considered special which are reports on resource homes, licensed facilities, and agency employees. Special investigations involving medical neglect of a handicapped infant, death of a child, and other settings are called Expanded Investigations in Extraordinary Circumstances.	\$891,686.57	.46%
Field Operations - Case Aides	Case Aides assist with the supervision of visitation for children in custody. Case Aides may also be utilized to assist caseworkers in modeling homemaking and parenting skills needed to assist in the reunification of children in custody with their families.	\$856,538.56	.44%
Field Support - Safety	Includes the costs of centralized intake, background checks, and facility operations staff for MDCPS.	\$623,147.40	.32%
Field Support - Independent Living	Independent Living staff provides services to transition age youth who are preparing to exit the foster care system.	\$293,581.23	.15%
Field Support - Interstate Compact on the Placement of Children	Interstate Compact for the Placement of Children (ICPC) Services is a contract among all fifty states, the District of Columbia and the U.S. Virgin Islands. The Compact authorizes states to work together to ensure that children who are placed across state lines for foster care, adoption, and residential placements receive adequate protection and support services. The ICPC establishes procedures for the placement of children and secures responsibility for agencies and individuals involved in placing children. The Compact is an important tool for ensuring safety, permanency and well-being for children with potential caregivers who do not reside in the same state. The Deputy Compact Administrator and Alternate provide technical assistance and consultation pertaining to ICPC. This program provides an array of services which includes case management, assessments, training and data collection.	\$223,358.39	.12%

Field Support – Safety Review Unit	The Safety Review, part of Continuous Quality Improvement (CQI), conducts reviews on in-care maltreatment investigations of children in foster care as identified by data from MACWIS; provides safety and casework-related finding to county staff on cases reviewed; provides feedback to supervisors and administrators on county-wide performance, and to state-level staff and stakeholders on county, regional, and statewide performance; ensures all regions/counties follow-up on all maltreatment in care corrective actions identified through the review process; reviews data reports reflecting state, regional, and county performance on various child welfare indicators; and, analyze finding on reviews, including qualitative and quantitative analyses, and compiles results into monthly reports that identify the strengths and areas needing improvement identified in the reviews.	\$158,758.55	.08%
Field Support – Performance-based Contracting Assistance	Costs of contract with Chapin Hall Center for Children to provide performance-based contracting assistance. Chapin Hall provides research, analysis, and technical assistance to support MDCPS in its efforts to develop and implement a performance-based contracting system. This effort is focused on private providers that contract with the state for the provision of emergency shelters, regular group homes, therapeutic group homes, and therapeutic resource homes that provide services for children and families involved with the child welfare system.	\$130,821.00	.07%
Field Support – Data Reporting (CQI)	Data Reporting, part of the Continuous Quality Improvement (CQI) Unit, is responsible for data analysis and reporting management case review data from Evaluation and Monitoring, Safety Review, and Foster Care Review. Data Reporting provides data trends and analysis to assist MDCPS management in making decisions to further improve performance measures. Staff is responsible for data analysis and reporting for Child and Family Services Review (CFSR), federal reporting, statistical statewide reporting on child welfare indicators, data reporting on for the CQI annual report, etc.	\$108,627.37	.06%
Field Support – Consumer Solutions (CQI)	Consumer Solutions, part of the Continuous Quality Improvement Unit, provides constituency services for the agency. Complaints and grievances from stakeholders enter through the Consumer Solutions Unit and are tracked until resolution.	\$102,860.54	.05%
Field Support – Performance-based Contracting	Performance-based contracting staff are responsible for provider monitoring to ensure compliance with contractual requirements.	\$73,967.30	.04%

Total Field Operations and Support (Child Welfare and Child Safety) Accountability Program Expenditures	\$71,233,667.73	37%
Total Estimated Expenditures by Accountability Program	\$193,391,261.56	
Total Actual Expenditures for FY 2018	\$187,983.810.00	
Difference in Total Estimated Expenditures and Total Actual Expenditures	\$5,407,451.56*	

*The total estimated expenditures by accountability program are different from the total actual expenditures because MDCPS does not report expenditures by accountability program and PEER used MDCPS's projection of FY 2018 expenditures as of February 2018 to determine estimated expenditures by accountability program. According to the agency, the expenditures were estimated and some programs did not cost as much as MDCPS estimated in February 2018.

SOURCE: PEER review of MDCPS's projection of FY 2018 expenditures as of February 2018, organizational chart, and employee data provided by MDCPS and MSPB and interview with staff.

Appendix D: Problems with MDCPS Caseload and Worker Data Provided to PEER by MDCPS

Missing Caseload Data

MDCPS staff were able to provide only 671 days' worth of caseload data for fiscal years 2017 and 2018. Fifty-nine days of data, approximately 8% of the total time, were missing. MDCPS staff asserted that reconstruction of the missing data was not possible.

Duplicate Caseload Data

There were over 11,000 duplicated entries in the caseload data set. The majority of the duplicated entries were traceable to human error (redundant inclusion of data from a single month), and at least some appear to be partially attributable to the fact that the code used to create the workload reports failed to filter duplicate entries. However, a filter for duplicates would not have been necessary had the duplicates not already been present in the underlying data. This fact suggests that there are undiscovered problems in MDCPS' data.

The importance of these 11,000 duplicates is not intrinsically great as they represent only approximately one-seventh of 1% of the total number of observations for the period in question. Their presence does increase mean caseload, but not to a great degree; in any case, PEER removed them from the data set prior to analysis.

But the presence of obvious errors—detectable by simple computerized procedures—arising from the underlying data set raises the possibility of less obvious errors. There is at least one day in the data set that seems to suffer from such errors: October 30, 2016, is missing data for all services except one type, which creates an anomalously low mean caseload.

PEER did not remove this one-day anomaly because it is not a conceptual impossibility like the duplicated data. It does not influence the overall data to a great degree and PEER preferred not to make judgments of the probability of events without a bright-line rule. Nonetheless, the anomaly illustrates the fact that the problem with duplications is also present with omissions: Where obvious instances are present, it is possible that there are less obvious instances.

Formatting Problems with Caseload Spreadsheets, Worker Names, and Worker Numbers

Additionally, there are problems with the provided data not directly related to the presence, absence, or accuracy of individual workload observations. These are issues of form, rather than content, on the level of individual observations, but they cause

distortions of workload measurements when aggregated either across time or within a single date snapshot.

The workload spreadsheets provided vary over time; there are five distinct formats the sheets have assumed, and not all variables are present on all spreadsheets. In particular, worker numbers—nominally, unique identifiers for each worker, designed to allow individual information to be properly distinguished—are present in only 384 of the spreadsheets.

Worker names are provided in every workload spreadsheet, but the format of those names varies. For instance, sometimes middle initials are included and sometimes not; sometimes compound last names are hyphenated and sometimes not; sometimes multiple personal names are included, which may or may not be middle names. Spacing format varies among, and sometimes within, spreadsheets. All this means that distinguishing individual workers is an uncertain prospect, especially with common names. “Fred Jones” and “Fred P Jones” may or may not be identical, when the inclusion of middle initials is inconsistent.

Additionally, where worker numbers are included, they are associated with multiple names (up to 13), even within a given year; similarly, where both names and numbers are available, individual names are associated with up to 43 distinct worker numbers. In light of this information, MDCPS should examine the process that it uses to assign nominally unique worker numbers.

In short, there are no strongly reliable unique identifiers throughout the data set. This, in turn, means that exact workload per unique individual is at best approximate. The calculations presented herein use format-corrected names (with standardized capitalization and spacing) in the place of unique identifiers; to some degree this practice may both include spurious individuals (when “Fred Jones” and “Fred P Jones” count as distinct) and fail to count real individuals (when two distinct “Mary Smiths” are present, but their information is aggregated). The degree to which these tendencies counteract one another cannot be determined a priori. For the subset of the data for which worker numbers are available, the count of unique worker numbers is close (but not identical) 1,151 by name, 1,049 by worker number, to the count of format-corrected names.

Errors in Computer Code used to Generate Caseload Spreadsheets

In an attempt to rule out some possible causes of the above errors and anomalies, MDCPS provided PEER with snapshots of the code that it used to generate the workload reports. Only monthly snapshots of report-generating code were available.

Two notable findings emerge from PEER’s examination of this code. First, as mentioned above, early spreadsheet-generating code did not filter out duplicated data, and this is a partial explanation for the presence of some duplicates. But it is not a complete explanation: There is some reason for the presence of duplicated entries in the underlying data set. Many such reasons are entirely legitimate, e.g., translation of an ADABAS multiple value field, but some are not, and understanding the cause is

necessary in understanding whether other, less obvious errors are linked to the same cause.

The second notable finding is that some of the spreadsheets that MDCPS provided to PEER cannot have been generated by the code snapshots immediately preceding or following them. For example, some of the spreadsheets include a “Comments” column not present in any generative code.

It is possible that the generative code underlying the spreadsheets was changed in between snapshots; however, this seems unlikely. PEER notes that the cells in the “Comments” column of spreadsheets that have them are formatted inconsistently—a fact at odds with automated generation, which produces columns of one data type, but consistent with manual alteration.

PEER concludes that some portion of the spreadsheets provided have been manually altered—that is, altered in some nonreproducible fashion outside the parameters of their original generative code—after their creation. This alteration may be entirely innocuous and benevolent, but it is not consistent with best practices in data handling, and it raises the prospect of manual alteration to the data itself, undetectable by the methods used in this report.

In general, there are many points at which the current data set was manipulated—thus, many points at which data integrity can suffer. In order to produce the caseload spreadsheets presented to PEER, data were entered into MACWIS; transformed from MACWIS’ underlying ADABAS architecture to a normalized data structure, using code to which MDCPS staff do not have access; transformed again by the generative code provided to PEER; and apparently manually transformed one more time into Excel spreadsheets. While PEER can neither detect nor diagnose all problems with the caseload data provided, at least one step in this process (conversion from ADABAS to a normalized data format) can produce errors of one type actually observed in the data (duplicate entries) if not properly filtered (as was the case for much of the data provided). This explanation bears further investigation to see whether it holds true.

It is worth noting that, while MACWIS is an outdated system, the vast majority of the issues identified during the course of this review are primarily user issues rather than software issues. Simply having better practices regarding code documentation, file retention, and data entry would eliminate many of the observed problems. These fixes are neither expensive nor difficult; they are approximately equivalent to having established, written procedures for data entry, code documentation, and such, and then following those procedures.

Additional Errors in the Adoption and Licensure Data

PEER notes that most of the problems listed above also apply to the adoption and licensure data set, with the addition of two problems. About 80% of the original records are partial duplicates. This duplication assumes a regular pattern within the spreadsheets and suggests that the problem comes from the code that generates the spreadsheets. PEER eliminated these duplicates. Additionally, there are duplicates created by spreadsheets nominally referring to a particular date containing data from another date. This could be human error, coding error, or both.

PEER did not examine the code that generates the adoption and licensure spreadsheets. The spreadsheets do not separate out cases for individual caseworkers. This removes any ability to examine the distribution of cases among caseworkers. PEER requested this information but were told by MDCPS that it could not extract non-aggregate data even though the department also told PEER the information was included in its database. PEER didn't ask for generated code because this data allows PEER to examine historical patterns but does not allow PEER to make recommendations or evaluate current practice.

SOURCE: PEER analysis.

Appendix E: Problems with a Percentage-Compliant Mandate

As briefly discussed on page 25, there are concerns with the percentage-compliant mandates set forth in the *Olivia Y. Settlement Agreement*. The mandates depend on an underlying technique of population evaluation that has several problems.

Techniques of this sort are characterized by the existence of an underlying dimension of measurement—e.g., weighted caseload—and a standard applied to that measurement—for instance, that the total weighted caseload carried by an individual shouldn't exceed 1.0. A mandate for the population as a whole is then created by deciding upon a percentage of the population allowed to exceed the individual standard.

Techniques of population evaluation of this sort insert two layers of (mathematically, if not pragmatically) arbitrary standards into the measurement process; we are measuring the results of applying a standard to an underlying measurement, and then applying a second standard to that second-order measurement. The interaction of these two layers of standard-setting distorts and destroys information about the actual underlying dimension of measurement—again, in this case, weighted caseload.

In the current context, there are three important implications of this practice.

First, percentage-compliant measurements destroy information about both individuals and the populations they comprise. Imagine an underlying measurement on a 1-100 integer scale on which a passing score is 51 or greater. A percentage-compliant measurement reduces an individual's score—one of one hundred possible states—to a simple passed/didn't pass assessment—one of two possible states. (Of course, it is possible to present percentage-compliant measurements alongside other information. But in such a case, the other measurement is doing all the work; it's not praise to say that a percentage-compliant measurement can serve as wholly redundant decoration alongside another, useful measurement.)

Population-wide assessments are similarly stripped of informational content. If half of the population scored a 50 and half scored 100, then a percentage-compliant measurement would tell us that 50% passed—but it would say the same thing if half of the population scored 1 and half scored 51.

This is important because, if the fundamental underlying measurement scale is meaningful, a population half at 1 and half at 51 is very different from a population half at 50 and half at 100. If the underlying measurement is meaningful, then by definition distinctions in it matter. Percentage-compliant measurements erase these distinctions, even within a single year.

A percentage-compliant measure would be useful within a single year if there is genuinely no important difference in scores along the underlying measurement except at the pass/fail point. But in the abstract, if the underlying measurement does not pick out genuine distinctions at every demarcation, it is a poorly designed

measurement. And in the specific current case, weighted caseload is at least nominally an empirical measurement, and as discussed in the main text should be made more accurately empirical.

Second, percentage-compliant measurements distort trends over time. The same process of mathematical abstraction that destroys information at a single point in time can distort, erase, or even reverse trends over time; it has the effect of ignoring all change in a population that doesn't cross the percent-compliant boundary, which means that it can measure a vanishingly small minority of the population while ignoring the majority.

This effect is easy to demonstrate. Return to our two populations mentioned above: One in which half of the population scored 1 and half scored 51, and the other in which half of the population scored 50 and the other half scored 100. If these two populations represent the same group of individuals in two successive years—the 1/51 group is year one, and the 50/100 group year two—then we can see that there has been a trend of massive, dramatic improvement; the average member of the population has improved his or her score by 49 points, nearly half the entire range of scores. But a percentage-compliant measurement tells us there's been no change; in year 1, 50% of individuals were compliant, and the exact same thing is true in year two.

More generally, when percentage-compliant measurements are tracked across time, they ignore any movement in the underlying population that doesn't cross the percent-compliant border. There is no limit to how much underlying movement can be ignored in this way; unlike (for instance) the mean, which is sensitive to change in every member of the population, the percentage compliant measure is capable of entirely ignoring a trend affecting up to 100% of the population.

The capacity for percentage-compliant measurements to reverse trends is slightly more complicated, but no less important. Imagine now that there are 100 people in our population, getting scored on the same 100-point scale. In year one, just like in the previous examples, half score 1 and half score 51. In year two things change slightly: All of the individuals who scored 1 improve their scores to 50. Forty-nine of the individuals who scored 51 improve their scores to 100. One of the individuals who scored 51 scores 50 in the second year.

In this circumstance, the mean improvement in scores between year one and year two is 48.5 points; 99% of the population experienced a huge improvement of 49 points. But all of that information is ignored in favor of the single individual whose score dropped a single point. Because of that one individual's location near the compliance border, the entire population counts as having performed worse in year two than in year one. Compliance is 50% in year one and 49% in year two.

As demonstrated in the above example, percentage-compliant measurements are capable of ignoring any number of individual scores changing any amount that doesn't actually cross a border to establish an ersatz trend on the basis of as few as one member of the population moving a minimum discriminable distance across the compliance border.

Third, and more pragmatically, percentage-compliant measures create perverse incentives in the current context. The actual case under consideration, in which weighted caseload is the primary measure, is different from our imaginary example in that weighted caseloads that are too small and too large are both problematic. Small caseloads represent unused capacity; large caseloads represent underserved clients. As such, within the limits of best practice, it is important not only that weighted caseload be below a certain level, it is also important that it be distributed reasonably evenly across the population.

Campbell's Law (Cite: Campbell, Donald T (1979). "Assessing the impact of planned social change." *Evaluation and Program Planning*. 2 (1): 67-90.) states that a corruptible quantitative measure linked to social decision-making is liable to actually become corrupted, thus distorting the processes it is intended to simply measure. The relevance of Campbell's Law to the current case is clear: Given that the percentage compliant mandate sets neither minimum caseloads for compliant workers nor maximum caseloads for noncompliant workers, and given the above distortions on underlying data imposed by percentage-compliant measures in general, the percentage compliant mandate in the current case encourages overloading of a minority of workers to meet compliance targets rather than trying to achieve overall or individual improvements in workload or service delivery. This process then distorts the underlying delivery of service, exactly as predicted.

Indeed, there is a trivial solution to achieve compliance with the existing standard in any workforce with ten or more members: Load all cases onto ten percent of the workforce, leaving ninety percent with a caseload of zero. This is of course not likely to happen in such a stark form, but the example demonstrates the distorted incentives under the current system. This distorted incentive structure is particularly important given that there is a great deal of inequality in caseload distribution at all levels; some workers, counties, and regions are persistently overloaded, and others are persistently underloaded.

The percentage-compliant mandate does not encourage efficiency or discourage overloading a minority of workers; in cases close to compliance, it actually discourages efficiency, insofar as an egalitarian distribution of labor in a population where everyone is already close to a caseload of 1 would result in a greater decrease in compliance than assigning all new work to ten percent of the population.

Replacing the percentage-compliant mandates would have both informational and pragmatic advantages; it would both allow us a clearer picture of the actual activities of workers and supervisors, and avoid perverse incentives to worsen outcomes in pursuit of a poorly designed standard.

SOURCE: PEER analysis.

Appendix F: Trends in Selected Outcome Measures

The black line is actual data and the blue line is the trend. Some data are missing, as indicated by the gaps on the x (time) axis in Exhibits E, F, and G.

Exhibit A: Number of Children in State Custody from July 2016 to July 2018

This graphic illustrates the total number of children in state custody from July 2016 to July 2018. Data were available for every day during the period.

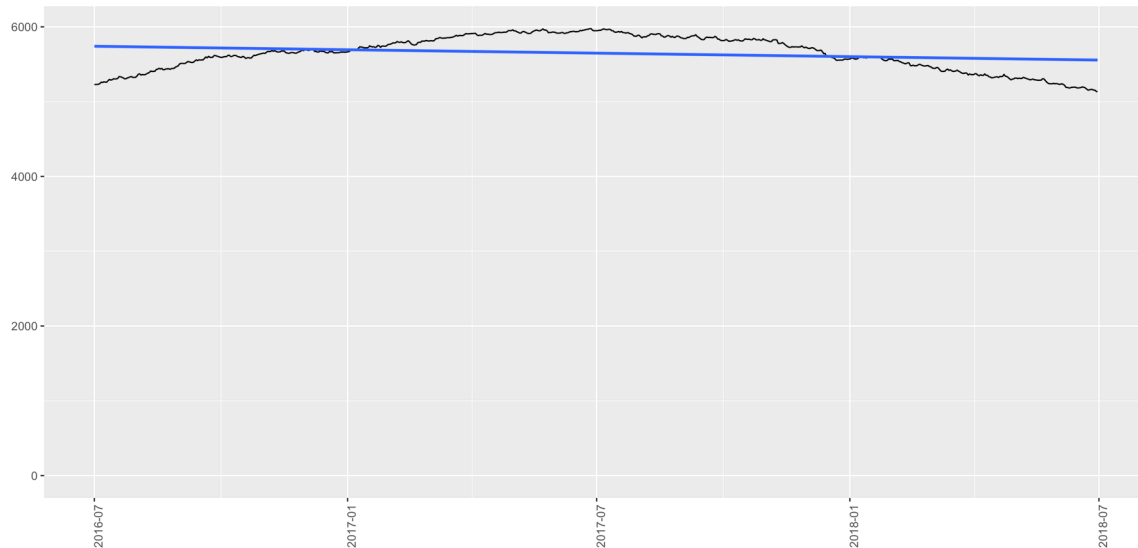


Exhibit B: Child Fatalities in Mississippi from 2003 to 2017

This graphic illustrates the total number of child fatalities in Mississippi, as recorded in the NCANDS data set, every year from 2003 to 2017. No data from between yearly reports were reported or analyzed.

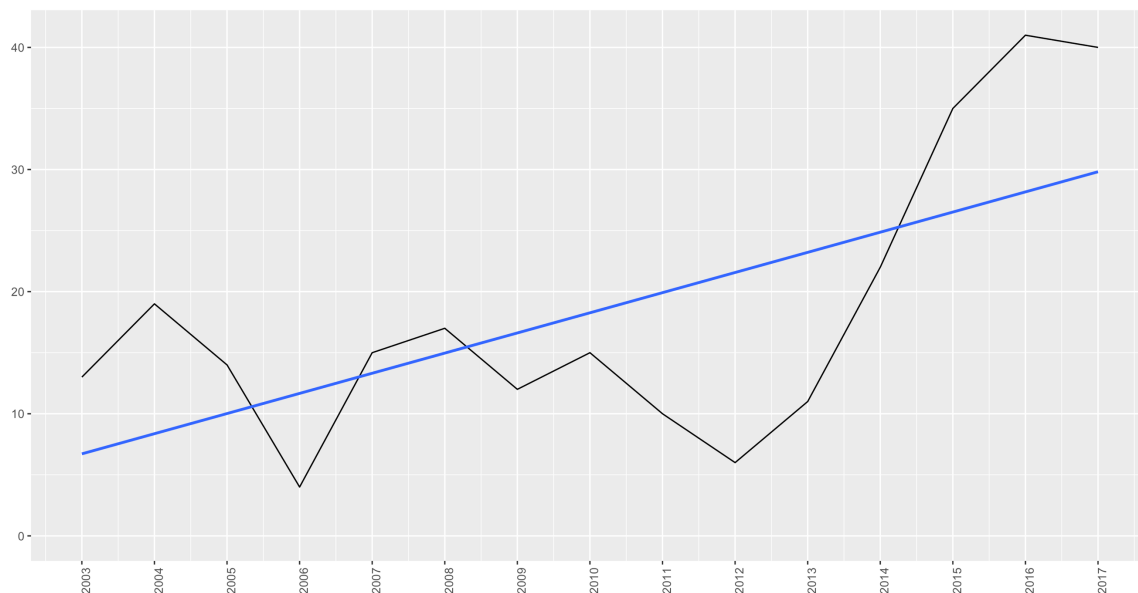


Exhibit C: Total Child Maltreatment Victims in Mississippi from 2003 to 2017

This graphic illustrates the total number of child maltreatment victims in Mississippi, as recorded in the federally cleaned NCANDS data set, every year from 2003 to 2017. In this context, maltreatment victims are defined as children with substantiated reports of maltreatment. No data from between yearly reports were reported or analyzed.

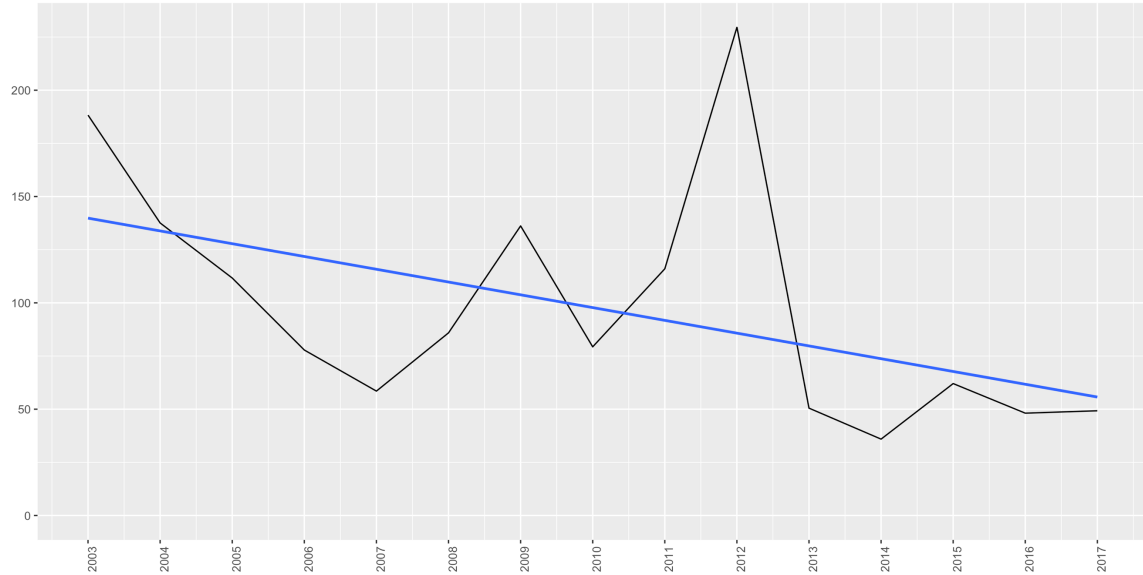


Exhibit D: Mean Response Time in Hours to Allegations of Child Maltreatment in Mississippi from 2003 to 2017

This graphic illustrates the mean response time in hours to allegations of child mistreatment in Mississippi, as recorded in the federally cleaned NCANDS data set, every year from 2003 to 2017. Original data are in days; as such, this graphic cannot discriminate response times below 24 hours. No data from between yearly reports were reported or analyzed.

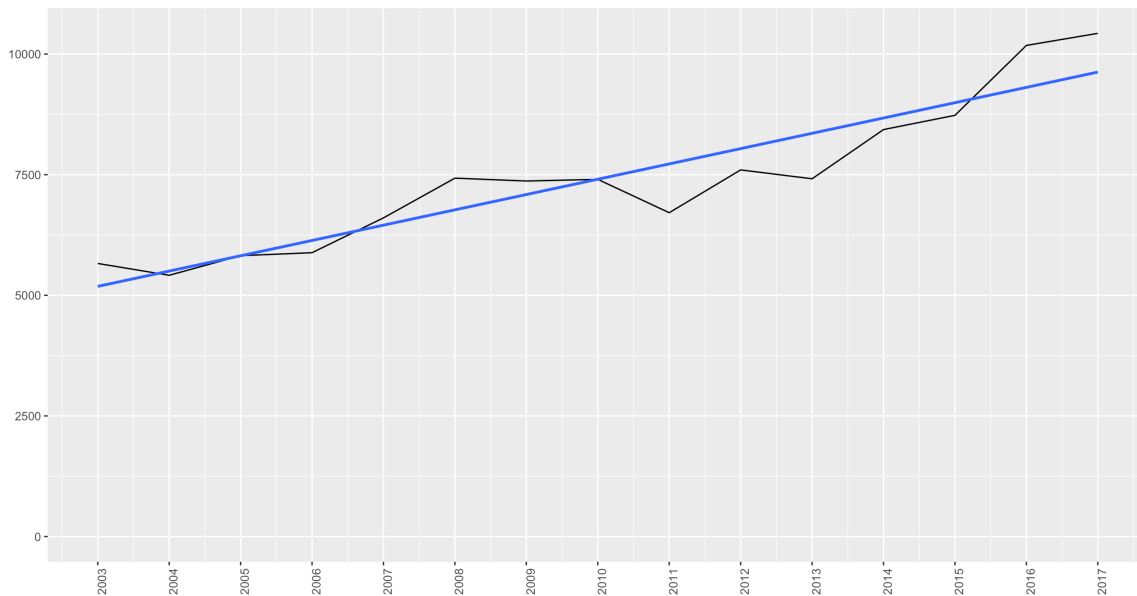


Exhibit E: Mean Days in Foster Care to Adoption in Mississippi from 2002 to 2018

This graphic illustrates the mean days in foster care to adoption in Mississippi, as recorded in the AFCARS data set, every six months from March 2002 to March 2018. Data from some periods were missing, as illustrated by gaps in the x axis labels. This graphic measures days in foster care for only those exiting foster care because they were adopted during the reporting period. No data from between six-month reporting periods were reported or analyzed.

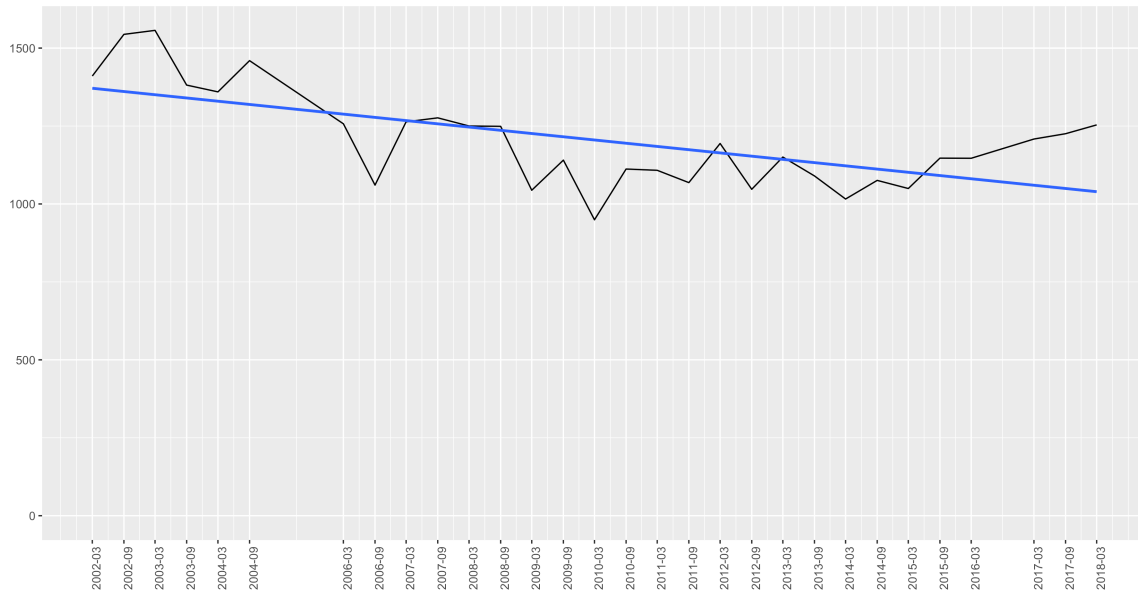


Exhibit F: Mean Days in Foster Care among Mississippi Children Exiting Care during a Reporting Period from 2002 to 2018

This graphic illustrates the mean days in foster care among children in Mississippi exiting foster care during a reporting period, as recorded in the AFCARS data set, every six months from March 2002 to March 2018. Data from some periods was missing, as illustrated by gaps in the x axis labels. This graphic measures days in foster care for all those exiting foster care during the reporting period. No data from between six-month reporting periods were reported or analyzed.

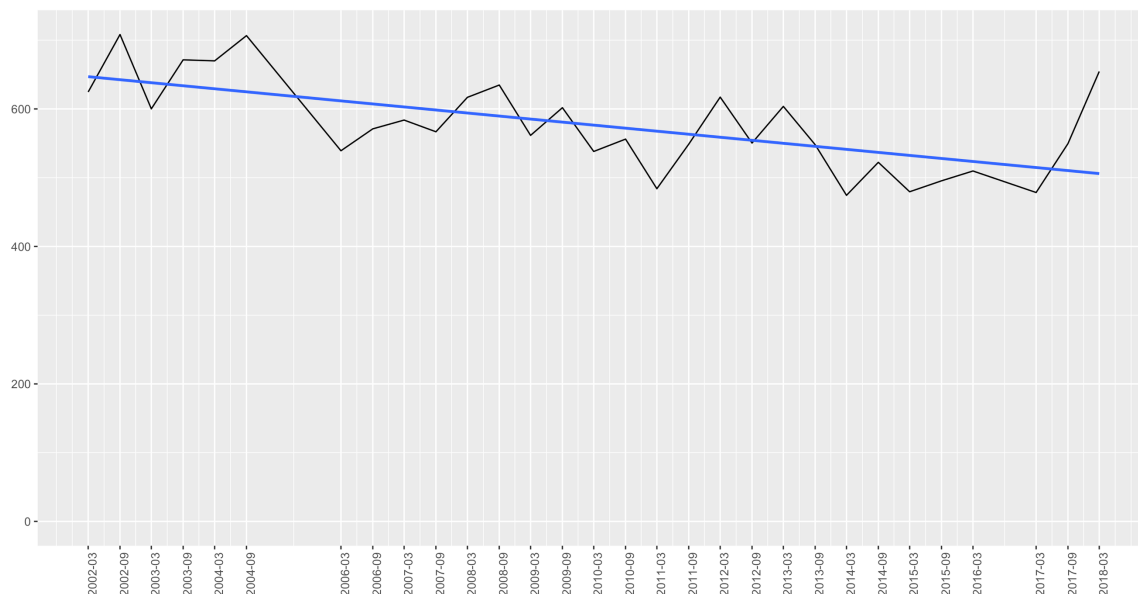


Exhibit G: Percentage of Children Adopted During the Prior Six Months among Mississippi Children with a Case Plan Goal of Adoption from 2002 to 2018

This graphic illustrates the percentage of children adopted among children in Mississippi whose case plan goal was adoption, as recorded in the AFCARS data set, every six months from March 2002 to March 2018. Data from some periods was missing, as illustrated by gaps in the x axis labels. No data from between six-month reporting periods were reported or analyzed.

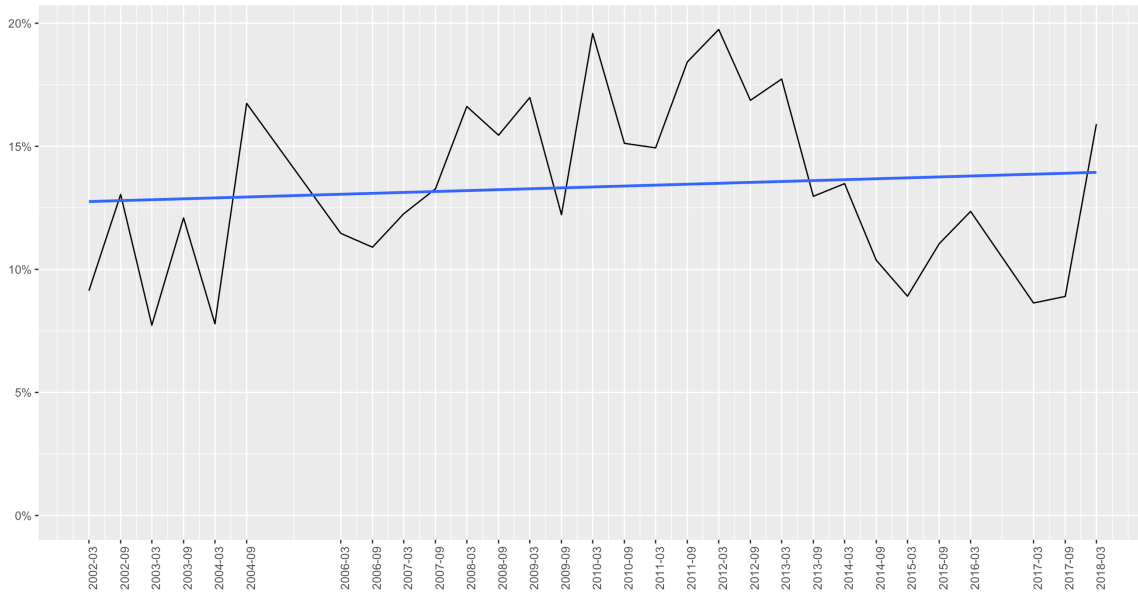
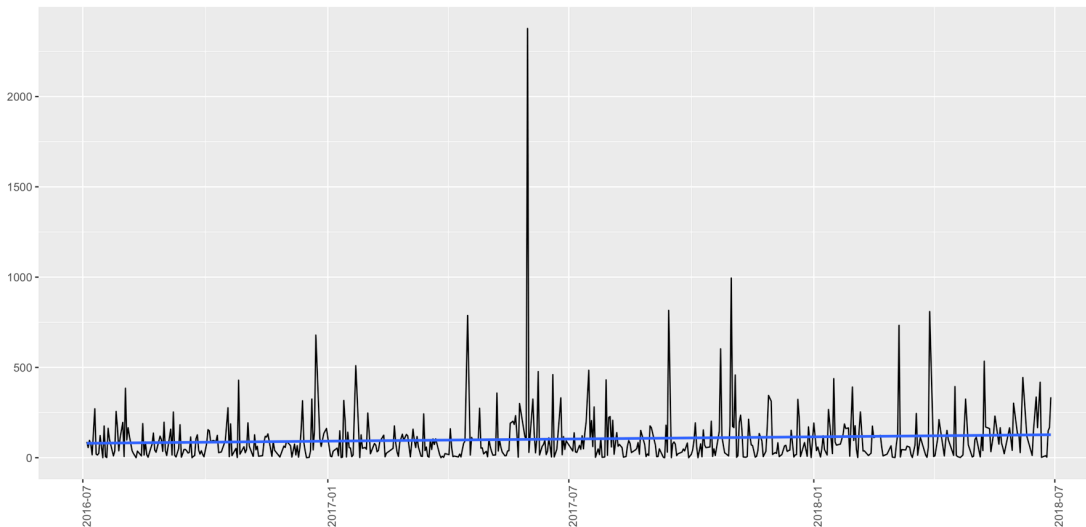


Exhibit H: Average Days in Temporary Housing among Children Exiting Temporary Housing into Foster Care FY 2017 to FY 2018

This graphic plots the average time spent in emergency shelters and other temporary housing facilities among children transferring from temporary housing into foster care on a given date, during FY 2016 and FY 2017. Only 524 days during the period had at least one transfer from temporary housing to foster care. Not all children in foster care spend time in temporary housing facilities; this graphic measures time spent in temporary housing among those who experience it before transferring, not average time spent in temporary housing.



SOURCE: PEER analysis of MDCPS data.



STATE OF MISSISSIPPI
Phil Bryant, Governor
DEPARTMENT OF CHILD PROTECTION SERVICES
Jess H. Dickinson, Commissioner

November 20, 2018

James A. Barber, Executive Director
Performance Evaluation and Expenditure Review Committee
Post Office Box 1204
Jackson, Mississippi 39215-1204

Dear Mr. Barber,

During the 2018 legislative session, the Mississippi Legislature amended Mississippi Code Section 43-26-1 to require the Performance Evaluation and Expenditure Review Committee (PEER) to perform an annual review of the Mississippi Department of Child Protection Services' (MDCPS) operations. We recently received your review under the revised statute for state fiscal years 2017 and 2018, and the purpose of this letter is to set forth MDCPS's response to that review.

Before addressing the substance of PEER's review, I and my senior staff would like to thank you and your staff for recognizing the substantial amount of time and resources the revised statute and PEER review have required this agency to expend in researching and providing the data, and in attending the numerous meetings and discussions among my staff and with your staff during the course of the review. We are grateful that your staff was sensitive to the fact that the enormous amount of time we spend producing information to the myriad bodies providing oversight to this agency is time that we do not spend managing the day-to-day work of caring for more than five thousand children in our custody.

For purposes of context, this agency's senior staff now is required to research, prepare data, produce reports, and attend numerous meetings, not only annually for the Mississippi Office of the State Auditor and now PEER, but also quarterly for the Department of Health and Human Services' Children's Bureau to obtain federal funding, as well as quarterly meetings with, and reports to, the federal court monitor and the plaintiffs' counsel in the *Olivia Y* litigation, which has been pending for nearly fifteen years. We point this out to emphasize that we have been required to invest substantial time and resources in assisting PEER in fulfilling its new statutory duty, and to complement your staff for making every reasonable effort to respect our need to invest our time and resources in the children.

By statute, PEER was directed to evaluate sources and uses of funding, caseloads, turnover rates, the effectiveness of programs with appropriated outcome measures, and any other

matters it deemed pertinent. The PEER evaluation produced eleven recommendations, and this response is organized in two parts:

- MDCPS's general statements about the PEER report, and
- MDCPS's responses to PEER's eleven recommendations.

MDCPS GENERAL STATEMENTS ABOUT THE PEER REPORT

First, MDCPS agrees with most of the report's conclusions and recommendations. As discussed with PEER's staff, MDCPS leadership was aware of most—if not all—of this report's major conclusions before this review was conducted, and the agency had implemented or considered most—if not all—of this report's recommendations and ideas before this review was conducted. MDCPS believes this report confirms, given the resources available to it, that MDCPS is on the right track.

Second, this report's analysis must be viewed with the understanding that the data tells only part of the story, and some of the quantitative measures reviewed in the report identify what is mathematically true, but do not reflect real-world conditions. Stated another way, what can be done on paper mathematically sometimes either is not possible in the real world, or should not be done because of likely adverse consequences. MDCPS's priority always must be the best interests of Mississippi's children and families. So, some of the specific responses provided below—particularly in the caseload discussion—should not be understood as suggesting that the report's conclusions are incorrect, but rather as an explanation that what the report identifies as mathematically possible is not possible in practice without inflicting significant harm on the children and families we serve.

MDCPS's RESPONSES TO PEER's ELEVEN RECOMMENDATIONS

Recommendation 1: The Mississippi Office of the State Auditor should conduct a forensic audit of the Mississippi Department of Child Protection Services' revenues and expenditures for FY 2018 and FY 2019 to determine why revenue shortfalls occurred, how they can be prevented in the future, and how the accuracy of MDCPS revenue and expenditure data can be improved. In addition, the executive directors of MDCPS and the Department of Human Services should consult with Department of Finance and Administration staff to determine the best means to account accurately and completely for MDCPS revenues and expenditures since the department is independent of, though housed within, the Department of Human Services. One solution that should be considered is the establishment of a separate business area within the state's accounting system.

Recommendation 2: During the 2019 Regular Session, the Senate and House appropriations committees should consider adding language in the MDHS appropriation bill to require the MDCPS to submit revenue and expenditure data monthly to the Joint Legislative Budget Office and the Joint Legislative PEER Committee. Such requirement would allow those offices to monitor the department's financial position in order to inform the Legislature in a timely manner regarding potential deficit situations.

MDCPS's Response to Recommendations 1 & 2: While MDCPS certainly will cooperate with any audit or review deemed necessary by the Mississippi Legislature, MDCPS is concerned about adding burdens to its staff already strapped with multiple state and federal reviews and audits.

Although annual PEER reviews of the MDCPS' operations might produce some helpful information, the value of the information gained will be far outweighed by the strain the reviews will add to MDCPS's capacity to perform its core function of protecting children and providing the best services possible to Mississippi's families. As discussed above, MDCPS faces intensive ongoing quarterly and annual reviews by the federal government for the federally funded programs it administers. Additionally, MDCPS has a court appointed Monitor that constantly evaluates the agency's performance on the deliverables and obligations of the *Olivia Y* consent court orders. The Monitor's data evaluations and findings have been produced every three months and in early 2019 the Monitor will release a detailed written report on 2nd MSA performance. This reporting is available to the Legislature. MDCPS is also subjected to the ordinary property and financial audits conducted by the Office of the State Auditor and now is being required to undergo the PEER review.

MDCPS staff spends an extraordinary amount of its time generating the information necessary to prove the agency's compliance with the requirements at issue in all these reviews. And since January of 2018—in order to direct all available funds for hiring caseworkers and supervisors, who have the most direct impact on children and families—MDCPS essentially has stopped hiring state office support staff. MDCPS's currently available state office staff already is engaged in more reviews and audits than it reasonably can handle. That said, MDCPS will comply to the best of its ability with whatever additional audits, reviews, and reporting obligations the Legislature deems necessary.

Here, MDCPS must pause to point out one factual inaccuracy in the report. In its discussion of finances, the report states that MDCPS experienced a further budget shortfall in fiscal year 2018 after the close of the legislative session. This is not correct. While it is true that MDCPS and others did consider a *potential* shortfall at the end of the fiscal year, the potential shortfall related to which fiscal year's money was statutorily required to be used to pay expenses that would come due on or after July 1 for work performed before July 1. Some held

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the view that payment for all work performed in FY-2018 must be paid with funds from the FY-2018 budget. For the reasons stated below, MDCPS disagreed.

The controlling law that addresses the issue is Mississippi Code Section 27-104-25(3) which provides:

Contractual obligations, such as salary contracts, **shall** be considered as incurred within the fiscal period in which they are to be paid, and are to be encumbered against funds to be available in that fiscal period (emphasis added).

MDCPS's position was—and is—that under this code section any obligation to pay money based on the law of contracts—essentially any cost the agency incurs but travel reimbursements—**“must”** be paid with money from the fiscal year's budget in which payment is due. Thus, the law required MDCPS to pay all contractual obligations coming due on or after July 1, 2018—the first day of the new fiscal year—with funds from the FY-2019 budget, even though the work may have occurred before July 1.

Upon reaching this conclusion, my senior staff and I confirmed our position with the Department of Finance and Administration (DFA) who, in turn, confirmed the validity of our position with an attorney working with the Legislature, the Office of the Attorney General, and the Office of the State Auditor. Thus, the PEER report's claim that there was an additional FY-2018 shortfall is incorrect.

Recommendation 3: In order to enhance its accountability of appropriated funds, the Mississippi Department of Child Protection Services should estimate and identify expenditures and full-time equivalents by accountability program. (Refer to discussion on pages 15–17 and Appendix C on page 61 of this report for a list of possible accountability programs).

Recommendation 4: In FY 2019, pursuant to MISS. CODE ANN. Section 27-103-129 (1972), the Mississippi Department of Child Protection Services should consider PEER's recommended budget programs and work with the Legislative Budget Office and the Department of Finance and Administration to determine which budget programs to add to the MDCPS budget by FY 2021.

MDCPS's Response to Recommendations 3 & 4: MDCPS agrees with the report's recommending changes for the organization of budgets and budget request.

MDCPS agrees that changes in the organization of its budget request would be helpful both to the Legislature and to the agency. In fact, MDCPS's FY-2019 budget request included only two budget areas: administration and field operations. But in its FY-2020 request, MDCPS

expanded the number of decision units to six, including administration; field operations; MACWIS; CCWIS; foster care and prevention services.

Over the past year, to closely monitor its ongoing financial status, MDCPS has developed an operational budget that must be manually updated each month. MDCPS intends to work with the Department of Finance and Administration and the Mississippi Department of Human Services to explore the creation of a business area in MAGIC for MDCPS, allowing us to more easily monitor the agency's expenditures and financial status monthly.

That said, MDCPS looks forward to working with PEER staff to determine any additional changes needed to specific accountability programs and budget areas identified in the report.

Recommendation 5: With regard to caseload and outcome measure data quality and accuracy issues identified by PEER, the Mississippi Department of Child Protection Services should develop and implement written procedures for code documentation, file retention, and data entry processes. The department should review such procedures periodically and ensure that all relevant employees are trained and demonstrate competency regarding such procedures.

MDCPS's Response to Recommendation 5: MDCPS is open to specific proposals that would improve data quality, however, we believe a necessary element to improve data quality is replacing our current MACWIS database system with a modern CCWIS system.

In our FY-2020 budget request, MDCPS has requested funding to develop a Comprehensive Child Welfare Information System (CCWIS). CCWIS is a federally funded program for states to develop state-of-the-art child welfare database systems meeting certain federally mandated specifications. An approved project to develop a system meeting these specifications is funded by the federal government at a rate of fifty percent of the total costs. The state must cover the remainder.

CCWIS would replace MDCPS's current MACWIS database system. Because MACWIS relies on obsolete technology, significant risks exist with its continued operation and significant modifications to that system are made only when necessary. While immediate measures may be appropriate to improve MDCPS's data quality and reliability in the short-run, MACWIS replacement is the real solution.

MDCPS relies heavily on its caseworkers across the state to accurately document their work in MACWIS. A frequent problem we experience is that MACWIS, without the user-friendly nature of modern software, renders caseworkers' responsibility for documentation unduly burdensome. This is a significant factor in many data quality issues. Replacing MACWIS with CCWIS not only would bring the security and stability of a modern system, but also would

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increase data quality and productivity by making caseworkers' documentation more efficient and manageable.

Finally, replacing MACWIS with CCWIS is an *Olivia Y* mandate ordered by the federal court. The 2nd MSA requires MDCPS to implement a CCWIS system by June 30, 2021. MDCPS began work on the development of that system, but due to funding constraints was required to suspend development of the CCWIS system until state matching funds are made available for the project. If funding is provided in the FY-2020 budget as requested by the agency and recommended by the Governor, we will have exactly two years to build the system. That being so, we have reevaluated our project approach. While MDCPS originally intended to build a custom system from the ground up, we now believe the better approach is to procure an already existing system. We have had initial conversations with the federal government to seek approval for that change of project direction. But our ability to implement the system by the litigation's deadline ultimately will be a question of funding.

MDCPS hopes that this report's recognition of a need for continued vigilance in preserving data quality will result in appropriation of sufficient funds for the development and implementation of a CCWIS system.

Recommendation 6: In order to reduce both overloading and underloading of caseworkers, the Mississippi Department of Child Protection Services should continue to redistribute caseworker positions so that they more closely match expected caseloads. In addition, MDCPS should consider assigning cases to caseworkers in bordering counties to better distribute caseloads.

MDCPS's Response to Recommendation 6: To the extent it safely could be done, MDCPS implemented the report's recommendations for caseload management before this review occurred.

Redistributing caseworker positions.

The report's discussion of caseload performance must be understood with some context. It is here that quantitative analysis and practical reality diverge. The report concludes that the data shows relatively stable total caseload levels in most counties over time and a mathematical ability to bring 90% of MDCPS's caseworkers into compliance with *Olivia Y* requirements. However, compliance with this *Olivia Y* mandate cannot be achieved statewide at current staffing levels without inflicting significant harm on the children and families we serve.

Success in a child welfare caseworker's work depends heavily on the relationships he or she develop with children, families, foster parents, and others involved in a case, and the

caseworker's ability to knowledgeably discuss the case before the Youth Court judge. Studies have shown that each time a child in foster care is assigned a new caseworker, the child's chance for achieving a positive outcome drops. And every time a new caseworker is assigned to a child's case, all the prior caseworker's familiarity with the child and family, and his or her institutional knowledge of the case is not readily transferable, and the new caseworker essentially must "begin anew" in learning the case. For this reason, it is not practical or safe for MDCPS to constantly be reassigning cases from caseworker to caseworker. Doing so would substantially compromise the agency's efforts to achieve positive outcomes for our children and families.

In other words, new cases open and old cases close every day. While the total amount of work in a county may remain constant over time, the actual cases composing that aggregate total of work change daily. And there have always been significant exceptions to the general principle that a county's total workload tends to remain constant over time. Indeed, several counties have seen significant drops in the number of children in custody over the past year.

Further, as the report notes, caseworkers cannot arbitrarily be moved across the state as workloads shift and change. Consequently, a caseworker in Washington County cannot suddenly be moved to Harrison County. And given that caseworker retention is a major issue of priority for MDCPS, a practice of firing or arbitrarily moving staff that do positive work closing cases and discharging children to permanency would unquestionably negatively impact our ability to recruit and retain quality staff.

That said, there are—as the report points out—two strategies available to better balance caseloads across the existing MDCPS workforce. First, positions—not people—can be moved from county to county when caseworkers separate from the agency. Second, cases can be assigned to caseworkers across county lines. MDCPS implemented both strategies almost a year ago and is seeing positive results.

As part of this process, since February of this year, MDCPS's senior leadership has held weekly meetings to discuss every personnel transaction made by the agency. While limited to backfilling recently vacated position due to financial constraints—to keep level the agency's total payroll—MDCPS does not simply backfill each position in the county where the vacancy occurred. Rather, we strive to fill available positions in counties where they are needed, based on the total workload and existing staffing, and across our frontline, licensure, and adoption staffs.

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Cross-county assigning of cases.

Over the past year, MDCPS progressively has implemented cross-county assignment of cases. MDCPS traditionally has operated as a county-based system. Caseworkers in a county were only assigned cases in that county. However, as early as September 2017, some Regional Directors were assigning cases across county lines as a matter of practice.

In May and June 2018, I worked with members of my senior staff to produce a Workload Analysis map that I distributed on June 13 to my executive management for discussion at our weekly Executive Committee meeting. The map demonstrated the possible increase in *Olivia Y* caseload compliance by increasing the practice of sharing cases across county lines. The map and associated discussions led to a June conference call with the management staff from Iowa's child welfare agency to discuss their process of managing workloads regionally instead of by county. As stated, some Regional Directors already had begun sharing frontline workers across county lines. (Regional assignments have always been acceptable MDCPS practice for Adoption, Licensure, and Special Investigations staff). After conducting more analysis about how this practice, if implemented agency wide, would affect workload, and how it would work in practical terms within the limitations of our current MACWIS system, *Workload Distribution* was added to the agenda for the August 22-23 meetings with MDCPS's regional directors and bureau directors. At that meeting, all regional supervisory staff were formally advised that assigning cases across county lines not only was acceptable, but expected practice, to attempt to meet *Olivia Y* caseload compliance.

Thus, we are pleased that this report confirms, given the constraints imposed by MDCPS's current funding, that we have implemented the correct strategies to balance caseload across our workforce.

Recommendation 7: The Mississippi Department of Child Protection Services should conduct a new workload study based on current caseworkers' time and responsibilities to determine the range of time necessary for a caseworker to perform a task in accordance with best practices. MDCPS should establish new standards based on the results of this study.

MDCPS's Response to Recommendation 7: MDCPS is under a court order to use existing weighted-value caseload standards.

The report provides an accurate description of the development of MDCPS's current caseload standards. Given that the standards were developed using an evaluation from years ago, and that practices have changed since that time, a new workload study would be a useful exercise. However, we are not at liberty simply to change our current caseload weighted standards. The weighted caseload standards discussed in this report are set out in the 2nd MSA and are therefore a court-ordered requirement in the *Olivia Y* litigation. As will be discussed with greater specificity in the response to the next recommendation, MDCPS has filed a motion

under Rule 60(b) of the Federal Rules of Civil Procedure in the federal court litigation, which seeks updating of case weight standards and, as will be discussed in depth below, suspension or invalidation of the 90% cap. Depending on the outcome of that motion, there may be an opportunity in the future to evaluate and reconsider the 2nd MSA's case weights in collaboration with the Monitor.

Recommendation 8: The Mississippi Department of Child Protection Services should confer with the court monitor and attorneys representing the Plaintiffs in the *Olivia Y* lawsuit to discuss replacing the percent compliant mandates (90% for caseworkers and 85% for caseworker supervisors) with a mandate based on statistical difference from central tendency and dispersion of caseloads abiding by best practices (as established in recommendation 7).

MDCPS's Response to Recommendation 8: As stated above, MDCPS has filed a motion in federal court asking to be relieved of the 90% caseworker caseload compliance requirement.

Earlier this year, *Olivia Y* plaintiffs' counsel filed a motion asking the federal judge to hold MDCPS in contempt for failing to have 90% of its caseworkers meet the hard cap caseload standards set forth in the 2nd MSA. In that motion, plaintiffs' counsel asked the federal judge to appoint a receiver to take control of MDCPS. MDCPS responded by filing a motion under Federal Rule of Civil Procedure 60(b), asking for relief from this 2nd MSA requirement and asserting that we cannot achieve and maintain compliance with the 90% mandate at present funding levels. Given the geographic distribution of work across the State and the daily flow of opening and closing cases, MDCPS cannot hire enough caseworkers to maintain a balanced distribution of cases across the workforce with 90% of the workforce below the caseload cap without constantly reshuffling cases to an extent that would inflict a severe negative impact on the children we serve.

After we filed and briefed our motion, a significant development has occurred in the law on the issue of caseworkers' caseloads. In a Texas case like our *Olivia Y* lawsuit, the United States Court of Appeals for the Fifth Circuit—the federal appellate court whose jurisdiction also covers Mississippi—recently handed down a decision that dealt a serious rebuke to caseload caps in the child welfare arena. There, in that comparable case, a federal district judge had ordered Texas's child welfare agency to implement a hard caseload cap for its caseworkers. Texas appealed, and the Fifth Circuit held that a fixed caseload cap is not constitutionally required and what is more, the imposition of hard caseload caps—particularly when staffing shortages exist—represents poor practice and management in a child welfare agency and should not be done. This is so because a focus on ensuring that each caseworker falls below the caseload cap on any given day requires that cases constantly be reshuffled from worker to worker as new cases open and old cases close. Because success in the work of a child welfare caseworker depends heavily on the relationships they develop with children, biological families,

foster families, and others involved in a case, the Fifth Circuit recognized that a measurable adverse impact to children's ability to achieve desired outcomes diminishes when a child is assigned a new caseworker.

Instead, the Fifth Circuit directed that child welfare agencies should view caseloads in another way. Rather than a hard caseload cap (i.e. no worker may have more than a fixed or standard number of cases), a child welfare agency should have caseload standards that represent the average amount of work that a typical caseworker can handle. Then, instead of measuring how many workers fall above or below that line on a pass/fail basis, the agency should take a more flexible, nuanced approach to the assignment of cases in which supervisory staff consider the work required in each case and the ability of each caseworker.

MDCPS's caseworker caseload obligations in the 2nd MSA are contrary to the law pronounced by the Fifth Circuit. While Texas did not have a percentage-compliant mandate—every Texas caseworker was required to be under a fixed caseload cap set by the federal district court—MDCPS's 90% compliance requirement imposes the same type of rigid standard by requiring that that 90% percent of MDCPS's caseworkers have caseloads below a hard caseload cap based on the 2nd MSA's weighted caseload standards. As a result, MDCPS is faced with the same scenario as Texas: our legal obligation to have 90% of our caseworkers in compliance with the caseload cap works against the best interest of the children and families we serve.

The answer then is clear. MDCPS, the Fifth Circuit Court of Appeals, and this PEER report all recognize that the 90% caseworker caseload compliance mandate is neither an effective management tool nor in the best interests of Mississippi's children and families. MDCPS will continue to pursue relief from that requirement from the federal district court and will seek to work with the Monitor to develop a new method of caseload management that comports to the Fifth Circuit's pronouncements. We are pleased this report confirms the direction in which we already were moving in the *Olivia Y* litigation.

Recommendation 9: In order to document the professional competency of its frontline, adoption, and licensure staff, the Mississippi Department of Child Protection Services should maintain a current list of all licensed social workers in the agency.

MDCPS's Response to Recommendation 9: MDCPS sees no purpose in imposing on its staff the administrative burden of keeping up with which of its staff are licensed social workers.

Of course, MDCPS keeps an accurate and current list of all its caseworkers, supervisors, and other staff. But licensure is not required for MDCPS caseworkers. When licensure is required for a position, or for a promotion, MDCPS obtains and maintains all necessary documentation, including licensure documentation. Keeping and constantly updating a list of

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all employees who are licensed social workers would serve no useful purpose, as MDCPS has no identified need or internal use for such a list.

Recommendation 10: The Mississippi Department of Child Protection Services should consult with the Mississippi State Personnel Board to determine the appropriate minimum qualifications for caseworker supervisor positions including “related human services degrees”

approved by the court monitor and associated course work requirements. MDCPS should then recommend to the Legislature the amendment of MISS. CODE ANN. Section 43-1-55 (1972) to reflect the new qualifications in light of the fact that the department states there are not enough licensed social workers to fill its caseworker supervisor positions. Also, the State Personnel Board should conduct a salary survey for the relevant labor market for all caseworker and caseworker supervisor occupational classes utilized by the MDCPS to ensure the salary ranges are aligned to the level of duties and responsibilities assigned to positions in each occupational class. The board should then make recommendations to the 2019 Regular Session of the Legislature on the appropriate salary ranges for each caseworker and caseworker supervisor occupational class.

MDCPS’s Response to Recommendation 10: MDCPS already has worked with the State Personnel Board to develop the qualifications for all its positions. Mississippi Code Section 43-1-55 is set to stand repealed July 1, 2019 and, given MDCPS work with the State Personnel Board to redevelop its position titles and qualifications, MDCPS sees no reason that this should not occur as planned. Finally, MDCPS always welcomes additional compensation for its staff, but believes there may be a better method than a realignment of base salaries.

As discussed in the report, strategies to improve retention include providing a career ladder. MDCPS’s work with the State Personnel Board has reoriented our position titles into a true career ladder. However, because of financial constraints, MDCPS currently is unable to advance employees up the ladder.

Rather than a base salary realignment, if the Legislature wishes to fund increased compensation for MDCPS staff, we recommend that this occur by funding the career ladder already in place. We believe this will provide a greater impact on caseworker retention by coupling increased pay with true professional advancement.

Recommendation 11: In order to determine problems within counties and regions experiencing high turnover, the Mississippi Department of Child Protection Services should calculate turnover by county and/or region. The department should fully analyze the turnover information to identify factors that influence turnover and to seek appropriate solutions to reduce turnover.

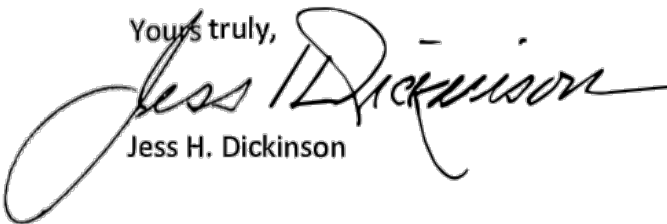
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MDCPS's Response to Recommendation 11:

MDCPS has always identified factors that influence retention. Today, it is using exit surveys, and it continues to identify factors that influence turnover. MDCPS plans to implement PEER's recommendation by calculating caseworker turnover rates by region. This will allow the agency to continue assessing factors influencing turnover and developing solutions to reduce turnover.

We appreciate this opportunity to respond to the report submitted by PEER staff, and we again thank the members of the staff for their accommodations, courtesy, and respectful consideration of MDCPS's time constraints and concerns. We look forward to further discussions with both the PEER staff and members of the Legislature concerning these matters.

Yours truly,

A handwritten signature in black ink that reads "Jess H. Dickinson". The signature is fluid and cursive, with a large loop at the end of the last name.

Jess H. Dickinson

JHD/cdw
cc: Governor Phil Bryant

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