



#627
November 27, 2018

Summary 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.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

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
Honorable Tate Reeves, Lieutenant Governor
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Members of the Mississippi State Legislature

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.

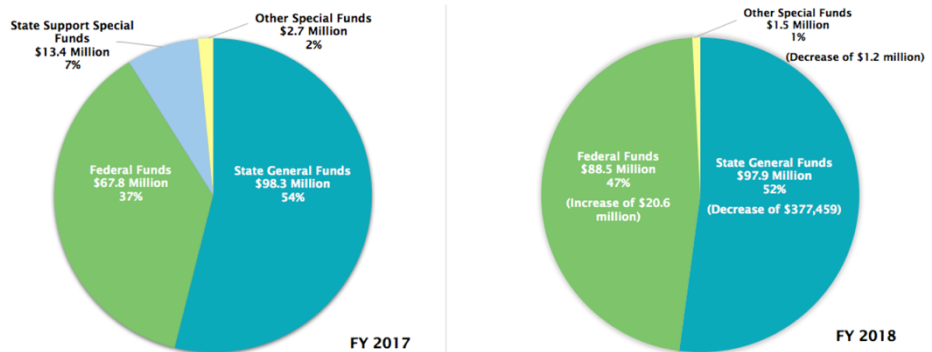
In response to a remedial order in the *Olivia Y.* lawsuit, the Mississippi Legislature passed SB 2179 during its 2016 Regular Session to create the Mississippi Department of Child Protection Services. The Governor signed the act, codified as MISS. CODE ANN. Section 43-26-1 (1972), into effect on May 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.



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

Introduction

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

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

- the 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.

The scope of this review includes data 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 the first mandated review of the department.

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. The state is currently working under the third version of its settlement agreement, the 2nd Modified Mississippi Settlement Agreement and Reform Plan (the 2nd MSA), which became effective on January 1, 2018.

From 1986 to 2016, the Mississippi Department of Human Services' (MDHS) Division of Family and Children's Services was responsible for child protection programs and services in the state. However, as a result of the *Olivia Y.* lawsuit and reported deficiencies in MDHS management of child protection services, 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. 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.

Also, 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.

As the result of unanticipated issues related to MDCPS's 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. As a subagency of MDHS, the Commissioner of MDCPS, appointed by the Governor with the advice and consent of the Senate, 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, 17% of whom were state office staff. All other MDCPS staff work out of the department's county offices.

Source and Uses of Funding

State general funds and federal funds make up more than 90% of the department's revenues. MDCPS 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%).

Concerns with the Accuracy of the Sources and Uses of Funding Data

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 for tracking its revenues and expenditures separate and apart from MDHS. 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 an additional revenue shortfall 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.

Sources of Funding

For both fiscal years, state general funds and federal funds made up more than 90% of the department’s revenues. In FY 2018 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 in Exhibit A, the main differences in funding from FY 2017 to FY 2018 were in federal funds and state support special funds. Federal funds increased by \$20.6 million, from \$67.8 million in FY 2017 to \$88.5 million in FY 2018. During the same period, state support special funds declined from \$13.4 million appropriated from the capital expense fund to zero. In FY 2017 the appropriation was made to help MDCPS become an agency independent of MDHS. State general funds and other special funds both decreased in FY 2018 by relatively small amounts, as shown in Exhibit A.

Exhibit A: 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 Funding

PEER reviewed MDCPS expenditures for both fiscal years 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.

MDCPS expenditures totaled \$182.4 million in FY 2017 and \$187.9 million in FY 2018. As shown in Exhibit B, for both years, MDCPS's largest expenditures were on personal services, subsidies, loans, and grants, and contractual services. Over 90% of expenditures for personal services were for salaries. A majority of expenditures for subsidies, loans, and grants were for foster care, e.g., costs to fund resource homes, emergency shelters, therapeutic group homes, and regular group homes. Most of the department's contractual services' expenditures were related to the care of children in department custody, e.g., foster care board payments to foster families.

Exhibit B: 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.

PEER created an accountability program inventory for MDCPS for FY 2018 and estimated expenditures for each program using MDCPS's February projection of FY 2018 expenditures. As of May 31, 2018, PEER identified 69 MDCPS accountability programs. In FY 2018 the largest accountability program expenditures were for Field Operations-Caseworkers (21%) and Foster Care Maintenance Payments (15%). MDCPS stated that because they have not tracked FTEs by accountability program for the fiscal years under review, they would not be able to provide estimated FTE information to PEER.

MDCPS currently has 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 the following seven possible budget programs MDCPS could add to provide the Legislature with more detailed information in future fiscal years:

- General Administration;
- Comprehensive Child Welfare Information System (CCWIS) Conversion;
- Field Operations and Support (Child Welfare and Safety);
- Emergency Shelters, Group Homes, Foster Care, Independent Living, and Adoption;
- Centralized Intake for Child Protective Services;
- Intervention Programs Supported by High-Quality Research; and
- Intervention Programs Not Supported by High-Quality Research.

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.

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

Throughout the *Olivia Y.* lawsuit, the plaintiffs expressed concern over the high caseloads of caseworkers providing child protection services in Mississippi.

In 2005–2006, the Child Welfare League of America (CWLA), under a contract with the Mississippi Office of the Attorney General, developed caseload standards for caseworkers. The *Olivia Y.* Court Monitor relied on the CWLA's report to develop the current maximum reasonable caseload standards for caseworkers in Mississippi. Section 1.3.a of the 2nd MSA states "90% of MDCPS caseworkers will have caseloads which do not exceed the caseload standards."

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 recommendation that in child and family services agencies, frontline supervisory ratios should not exceed 1:5.

Analysis of MDCPS Workload and Associated Data Problems

PEER identified numerous problems with the FY 2017-2018 worker data that it received from MDCPS, including missing and duplicate data, as well as inconsistencies in the data. However, PEER believes the impact on the overall conclusions regarding caseloads is small enough to justify the following analysis.

As of May 2018, 43% of MDCPS caseworkers had weighted caseloads in excess of the standards set by the court pursuant to the *Olivia Y.* lawsuit. 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. MDCPS has never met the compliance mandates for caseworkers and caseworker supervisors, but the department made progress in moving closer to the mandates in both fiscal years included in this review.

Concerns with Weighted Caseload Standards and Percentage-Compliant Mandates

MDCPS's current caseload standards, which were adopted more than 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 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. The CWLA also 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 addition to the concerns with MDCPS's weighted caseload standards, PEER has concerns with the percentage-compliant mandates set forth in the 2nd MSA. The problem with focusing only on the percentage of workers whose caseloads meet the standards is that it 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.

Workload Analysis Based on the Preferred Measure identified by PEER

In addition to analyzing MDCPS's compliance with the percentage-compliant mandate, PEER analyzed workload for all caseworkers and caseworker supervisors over the two-year period under review. This analysis indicated that the mean caseload trended downward for caseworkers and slightly upward for caseworker supervisors during the two years under review. PEER determined that while the mean workload for caseworkers and caseworker supervisors was near the weighted caseload standards for both years, there are some workers with comparatively high workloads, and some workers with comparatively low workloads. PEER's analysis indicates a great degree of inequality and inefficiency in

the overall distribution of workload between workers, counties, and regions.

While it is mathematically possible for MDCPS to achieve compliance with the mandates by redistributing caseworker positions so they more closely match expected caseload and assigning caseworkers to cases across county boundaries, practical constraints, such as the inability to force workers to move, make this a long-term versus a short-term solution. According to MDCPS staff, since February 6, 2018, they have been moving vacant positions to counties with high caseloads and only approving transfers from one county to another if justified by caseload need. Additionally, MDCPS claims that it has implemented cross-county assignment of caseworkers in overstaffed counties. However, the department was unable to provide documentation to support this claim.

Analysis of Annual 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 an optimal turnover rate of 12% or less.

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. According to MDCPS, because of an inability to recruit and retain licensed social workers in the state, the *Olivia Y. Court Monitor* modified qualifications in the 2nd MSA to include a bachelor's degree in social work or related degree approved by the Court Monitor.

Also, MDCPS began using the Operational Management Analyst Principal position, which does not require a social worker license, as a caseworker supervisory position. As a result, MDCPS caseworker supervisor qualifications no longer match the requirements set forth in MISS. CODE ANN. Sections 43-1-55(3) et seq. (1972). This shift toward not hiring licensed social workers will likely cause the number of social workers in the agency to decline even further.

Caseworker Turnover Rate Calculation

Turnover is the rate at which employees leave positions in an agency. PEER calculated the turnover rate 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.

Annual Turnover Rate for Child Protection Workers

MDCPS's turnover rate for all positions was 28% in FY 2017 and decreased to 18% in FY 2018.

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.

The turnover rate for caseworkers was 29% in FY 2017 and decreased to 21% in FY 2018. According to the Annie E. Casey Foundation, annual turnover rates in state child welfare agencies during fiscal years 2013 through 2017 ranged between 20% and 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%. MDCPS's turnover rates for both FY 2017 and FY 2018 were higher than the rate suggested by the foundation but were less than the national average. Also, while MDCPS only tracks turnover statewide, PEER determined that MDCPS caseworker turnover rates vary significantly by both county and region.

Due to a self-reported revenue shortfall, MDCPS has limited hiring to essential personnel and the filling of critical positions as they become vacant. As of May 31, 2018, there were 160 vacant caseworker positions. MDCPS also eliminated the following recruitment and retention efforts designed to increase the number of filled caseworker positions and reduce turnover: tuition reimbursement; Master of Social Work (MSW) program; offering educational benchmarks to staff who have obtained additional education and skills; awarding increases in the career ladder for caseworkers; and increasing salaries.

Estimated Cost of Turnover

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, e.g., recruitment activities and productivity differential between the departing employee and the replacement. Using the Foundation's methodology, the FY 2018 MDCPS turnover rate of 21%, and the average annual salary of MDCPS caseworkers, 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). If MDCPS could reduce caseworker turnover by 10%, annual turnover costs would decrease to less than \$1 million, based on the 30% of salary estimate.

Analysis of Selected Outcome Measures

In addition to concerns with MDCPS financial data and problems with their workload data, PEER identified numerous problems

with the performance data provided by MDCPS. Nevertheless, PEER was able to report 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. It should be noted that there are no outcome measures included in the appropriation bills for MDCPS. Exhibit C on page 9 provides the average value for selected outcome measures for fiscal years 2017 and 2018, where data were available. As shown in the exhibit, the percentage of children whose case plan goal was adoption who were adopted, mean days in foster care, and mean days in foster care to adoption increased from FY 2017 to FY 2018. Number of children in agency custody and average time in temporary housing among children exiting to foster care decreased in FY 2018. Data for the number of child fatalities, mean response time in hours to allegations of child maltreatment, and total child maltreatment victims were by federal fiscal year, which ends September 30 of each year, and were not yet available at the time of analysis.

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

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

*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, 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.
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 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 deficits.
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.
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.

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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

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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

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.

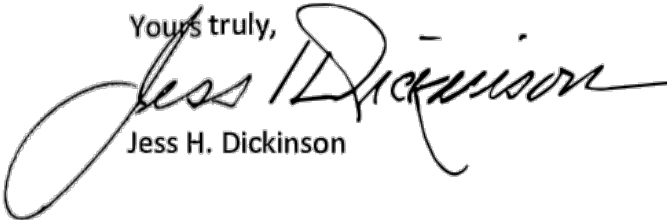
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MDCPS's Response to Recommendation 11:

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 written in a cursive style with a large, looping initial "J".

Jess H. Dickinson

JHD/cdw
cc: Governor Phil Bryant

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