

Children's Rights Settlement – Termination Plan

(FY 2021 Appropriation Act - Public Act 166 of 2020)

October 1, 2020

Sec. 588. (1) *Concurrently with public release, the department shall transmit all reports from the court-appointed settlement monitor, including, but not limited to, the needs assessment and period outcome reporting, to the state budget office, the senate and house appropriations subcommittees on the department budget, and the senate and house fiscal agencies and policy offices, without revision.*

(2) *By October 1 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the policy offices a detailed plan that will terminate and dismiss with prejudice the settlement by September 30 of the current fiscal year.*



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The Modified Implementation Sustainability and Exit Plan (Modified ISEP) was approved in federal court on June 27, 2019. The Modified ISEP is the fourth iteration of the Dwayne B. settlement agreement. The Michigan Department of Health and Human Services (MDHHS) Children's Services Agency continues to work toward exiting the settlement agreement through strategically focusing on improving the safety and welfare of children in care, improving timeliness to permanency, and increasing commitment to early intervention and prevention services to families in Michigan. Although MDHHS has made substantial progress in meeting performance standards set forth in the agreement, work toward satisfying the requirements to exit the Modified ISEP continues.

Exiting court supervision is contingent upon recommendations from the court appointed Monitors, Children's Rights and ruling of the Court. The main challenge with previous settlement agreements was that they did not provide a realistic path toward exit from the agreement. To terminate the agreement, MDHHS had to achieve compliance with all items and remain in compliance for a period of 18 months.

Beginning with the Implementation Sustainability and Exit Plan (ISEP) in 2016, the structure and substance of the agreement was significantly changed. It is currently organized into three primary sections: Structures and Policies, To Be Maintained, and To Be Achieved. Commitments in Structures and Policies are the structural and policy components of our child welfare system. Commitments in To Be Maintained are those in which MDHHS has already met the standard, but performance needs to be maintained for a longer period. Commitments in To Be Achieved are those in which MDHHS still must meet the performance standard. This structure allows for commitments to move between sections as the department meets performance standards. It also allows for rolling exit of some individual items.

The Modified ISEP is structured the same as the previous ISEP agreement, allowing for the movement of commitments and even exit from the agreement when performance standards have been met. The number of commitments was reduced from 317 in the original settlement agreement to 74 in the Modified ISEP. The remaining 74 commitments were consolidated and moved into one of the three primary sections of the agreement described above. The focus of the Modified ISEP is on those commitments that still must be achieved. Unlike previous agreements, the Modified ISEP provides an attainable path to exit Court supervision. As compliance is met and maintained, some items can exit the agreement while others will move into the Structures and Policies section and are not actively monitored. Of the 74 remaining commitments, 30 are in Structures and Policies and not actively monitored. Forty-four are actively monitored and require reporting to the Monitors and the Court. Thirty-seven of those are in To Be Achieved and seven have been met and remain in To Be Maintained.

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The 44 actively monitored commitments focus on the safety and welfare of the children and families served by MDHHS. Though substantial progress has been made, parties agree that consistent positive trending in performance remains necessary to consider these commitments satisfied. MDHHS's focus is to improve critical outcomes for the children and families served. Numerous actions have been taken, including the expansion of the Maltreatment in Care unit, the creation of the Placement Collaboration Unit, systematic review of all relative placements, and coordination of Continuous Quality Improvement activities, including implementation of ChildStat and improved data sharing.

MDHHS meets quarterly with Children's Rights and the Monitors to ensure discussion and planning pertaining to outcomes and the coordination and communication necessary to progressively exit the remaining 44 actively monitored commitments. MDHHS will continue to update the Senate and House Appropriations Subcommittees on the department budget, and the Senate and House Fiscal Agencies and policy offices and transmit all reports from the court-appointed settlement monitor concurrent with their public release.