

**JOIN HANDS FOR CHILDREN**  
**MINUTES FROM CHILD WELFARE TRANSFORMATION DESIGN COMMITTEE MEETING**  
**DECEMBER 14, 2010**

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**Members Present:** Gwen Gua; Jerry Meninick; Mary Meinig; Steve Hassett; Sheila Huber; Jeanine Livingston; Ken Nichols; Maureen McGrath; Benjamin de Haan; Frederick Hayes; Corinna Burris; Sharon Osborne; Gwendolyn Lawson Townsend; Mary O'Brien; Nancy Sutton; Jeannie McShane; Nancy Foll; Charlotte McCullough; Ian Grant; Beth Canfield (alternate for Catherine Lanham); Rebecca Peck

**Staff Present:** Julie Dunnington, Melissa Takade, and Benjamin Berres, Partners for Our Children; Tammy Cordova, Becky Smith, Deborah Purce, David del Villar Fox, Dawn Tatman, Rich Pannkuk, DSHS Children's Administration; Andy Kramer, DSHS Contracts; Jennifer Strus, Washington State Senate Committee Services

**Guests:**

Representatives Ruth Kagi, Washington State House of Representatives

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***Welcome, Introductions and Agenda Overview***

Judge Leonard Costello, Child Welfare Transformation Design Committee (CWTDC) co-chair, welcomed the committee members and reviewed the ground rules, offered updates and asked for committee members to introduce themselves. After introductions, he gave an overview of the meeting's agenda and described how the first item on the agenda, a Question and Answer Session about the first draft of the RFP with Children's Administration (CA) leadership, would proceed. Judge Leonard Costello said that CA could not respond to specific questions during the meeting, but that they would respond to general comments or concerns. He announced that the audio and a transcript of the meeting's discussion would be posted on the Join Hands for Children website the following week.

Asst. Secretary Denise Revels Robinson made a couple of comments about the draft RFP and thanked all the individuals, consumers and service providers that have already sent input to CA. She added that CA received 742 responses regarding the RFP. She mentioned that the comments that offered specific suggestions regarding changes to the language in the RFP were particularly helpful. She mentioned that there were 18 main questions that CA was going to address in the Question and Answer Session, but that Julie Dunnington helped to consolidate those questions into 13 overarching categories. Before the Question and Answer Session started, she had each of the members of the core team introduce themselves.

***Question and Answer Session***

For the Question and Answer session, Julie Dunnington read each of the questions and members of CA's core team responded.

- 1. Roles and Responsibilities:** What is the role of the Case Manager and Care Coordinator? Where does the status of the separate Recruitment and Retention contract stand?

Tammy Cordova responded to these questions by saying that MCs would propose how they would handle the coordination of services for each child that receives a referral for services. She also said that CA would be revising the language outlining the duties of CA and those of MCs to be more detailed to prevent confusion. An item that would receive more clarification

in the next draft would be the responsibilities assigned to CA social workers and the MC care coordination staff. She explained that CA social workers will come to family group meetings with a list of goals and needs for each family, but that it is really the responsibility of the care coordinator to outline an array of services that will best facilitate achieving those goals. Moreover it is the responsibility of everyone to ensure that during the Family Group Meetings, the family of the child gets to provide input on the service array and the goals. She added that there will be joint training of MC care coordinators and CA staff on the wraparound approach.

With regard to the second question about Recruitment and Retention, Tammy Cordova said that CA intends on contracting a single entity to conduct recruitment activities for the entire state, but they are still considering whether to fold into retention activities as part of the MC contract or whether to contract a separate statewide entity for that as well.

- 2. Services:** Can there be more flexibility in creating a service array? Does the service array have to be so prescriptive? Can we reevaluate the service array in light of the current budget situation?

Becky Smith responded to the first question by saying that there are a number of services that are federally mandated, but beyond that, MCs would receive the flexibility to define in the RFP their planned service offerings. The services should be able to address direct threats to safety. Tammy Cordova said that CA is hoping that each organization that bids for an MC will come forward with creative and innovative solutions to providing services in their designated region. She mentioned again that there are a number of services that must be provided by law, but that they don't necessarily have to be provided in the same manner as they are today. Jeanine Livingston asked whether this stated flexibility exists at the present time. Judge Leonard Costello interjected to say that particular question might best be addressed another day. Sharon Osborne said that this degree of flexibility is a welcome feature of the RFP, but some guidance on the services required by law would be helpful in the next draft.

Nancy Foll asked for some clarification on the last question. She said that she feels that there is more being required of MCs than is currently being offered through CA. She feels that a prudent approach to build the desired service array might be a thoughtful and strategic phasing-in process.

- 3. Youth Aging Out of Care:** How will youth aging out of care be handled?

Becky Smith said that nothing would change regarding how young aging out of care will be served by the child welfare system. The only thing that will change is the service provider, but CA will work to ensure a seamless transition. They will seek input from youth about this issue.

- 4. Tribes:** Will there be a performance measure regarding ICWA compliance? How will the responsibility to determine family ancestry be conducted throughout the case?

Deborah Purce said that they are still looking at whether there will be a performance indicator around ICWA compliance. She mentioned that there is a System Performance Indicator (SPI #7) in the RFP around ICWA compliance. She said that MCs would be required to comply with all federal and state laws. For ancestry checks, CA will still hold primary responsibility, but that there will be more specificity in the final RFP.

Gwen Gua said that she would like to see some really clear assurances regarding the roles and responsibilities when handling Tribal cases. She registered her concern that once a child is handed over to an MC, that the responsibility to conduct specific duties might fall to the wayside. Deborah Purce agreed with the comments and added that CA is currently working with Tribal leaders on some of these issues. Gwen Gua commented that she is aware of a few potential bidders that are developing entire systems to deal with Tribal Cases and that if the RFP were to ask about these systems, CA would receive some interesting responses. Gwen Gua also said that the case rate should account for the increased time and activities required to maintain Tribal Cases. Rebecca Peck suggested that CA's current ICWA compliance performance should be the baseline for moving forward.

- 5. Risk:** Can CA explain the balance of risk between the public and private sectors? Why does it seem that the private agencies carry the burden of the risk?

Rich Pannkuk said that there are two areas of risk, case load forecasting and service utilization. He said that CA has heard a lot of comments about the cost-sharing agreement component of the risk-sharing corridor. He said that the issue is about how to pay for cost overruns and that CA must live within their appropriation authority. In a potential scenario where CA exceeds costs, they can either deal with this by preemptively holding funds aside, or putting in all the funds in the beginning and then seeking a supplemental budget request. Jeanine Livingston said that she didn't see clarity about how utilization management might interfere with a family's needs. Tammy Cordova said that CA intends on being very clear in the RFP and that CA will be doing Quality Assurance on service utilization data.

Representative Ruth Kagi commented that she was concerned that a situation could arise where social workers would articulate the services for each family and the total number of services provided would increase substantially over what families currently receive. She asked how this issue would be managed. Asst. Secretary Denise Revels Robinson said that there will be some work being done with the judiciary to avoid over-prescribing services right at the shelter-care hearing. She also said that part of the issue is also prioritizing services and, in particular, to identify the services designed to directly address safety threats or services to prevent the removal of a child. Julie Dunnington added that the right assessments are absolutely critical to identifying the right questions.

- 6. Data:** What types of information will MCs be inputting into FamLink and what type of information will they have access to? When will potential MCs be getting additional data on the populations they must serve? How does CA define a family?

Dawn Tatman said that CA is still working through the types of data that would directly be entered into FamLink, but that it is most likely going to be service information. CA is still working on security issues. She said that CA is also working to provide a next run of caseload data in the next week or two. With regard to the last question, she said that CAMIS and FamLink counted families differently. Currently, families are counted in a more holistic manner rather than counting children as separate, individual cases. With FamLink, a single case could entail a single mother with three children all with different fathers rather than an open case on each of the three children.

Ian Grant asked about how MCs would identify and connect siblings brought into the child welfare system independently in separate jurisdictions. He asked if a situation could arise

where one MC wouldn't know about the other sibling. Dawn Tatman said that MCs would be required to coordinate with one another.

Steve Hassett asked what CA is doing to make certain FamLink will mesh with MCs' data systems. He is primarily concerned with tort liability arising from the lack of documentation. Dawn Tatman said that FamLink needs to be the system of record for Washington and that CA is meeting with potential contactors later in the day to give a FamLink presentation and to discuss issues arising from the technical transmission of data. She said that CA is continuing to gather information and that the final RFP will have more information on the technical requirements for MCs. Steve Hassett asked if ensuring data integrity would be part of the performance indicators. Rich Pannkuk said that the RFP calls out a 5% disincentive for the untimely or inaccurate submission of data.

Maureen McGrath asked if MCs would have access to legacy case data. Dawn Tatman said that most information is already available in FamLink. Any paper records in the case file that were received from other parties will also be available to MCs.

- 7. Staffing:** How will CA be organized around PBC? What is the number of staff necessary to maintain these contracts?

Asst. Secretary Denise Revels Robinson said that CA will be making some internal changes to align itself with the needs of handling performance-based contracts. With regard to the second question, she said that she would respond at a time when the initial reorganization is finalized.

The CWTDC took a brief 15-minute break before continuing on with the Question and Answer session.

The CWTDC restarted the Question and Answer session after the break.

- 8. Funding:** Is CA asking for money for start-up costs (from the legislature)? Is there a point during the implementation of PBC when there is not enough money to implement?

Rich Pannkuk said that CA is working with the philanthropic community to access start-up costs. To the second question, he said that CA is working with Chapin Hall at the University of Chicago and every bidder will have the option of reviewing the case rate and the method by which it was developed.

Steve Hassett commented that a change of the magnitude conceived in the implementation of the MC model might require a greater allocation of state funding than currently exists. He commented that it might not be fair to lay the burden of asking for more funding solely upon the shoulders CA.

Nancy Foll addressed a few issues of concern to her. She talked about the wisdom of achieving a large goal over an extended period of time through a phasing-in approach. She believes it is unreasonable to expect that CA would be able to remediate existing disparities in service availability, immediately after contracts are implemented, particularly in light of the current budget situation. She spoke positively about the direction of 2106, and that the CWTDC could use its influence to improve this situation.

**9. Contracts:** Will MCs know the final budget before signing contracts? Will the signing be delayed if the budget is delayed?

Rich Pannkuk said that he would expect that MCs would want to know the final contract amounts before signing and if the budget is not finalized, he suspects that the signing of contracts would be delayed.

Rebecca Peck commented that it would be ideal for contractors to receive consultation before budget cuts are enacted.

Beth Canfield asked if CA has an idea of the amount of money needed for start-up costs. She asked a follow-up question of whether some of those funds could be used to stem the service-related cuts. Rich Pannkuk said that start-up costs vary depending on the contractor. It simply depends on what each bidder brings to the table. He added that since CA is seeking the start-up cost funding through the philanthropic community, they couldn't use that money to divert service-related cuts. Asst. Secretary Denise Revels Robinson added that CA has identified a few distinct categories of activities where start-up costs are necessary. Charlotte McCullough, for clarification, asked whether the categories of start-up costs would be listed in the RFP and the providers would be asked to estimate how much they would need to scale their business to meet the scope of work.

Gwendolyn Lawson Townsend said that she does not feel comfortable with the term, "Master Contractor." She feels that the term is "demeaning," "derogatory," and "disrespectful." Sharon Osborne seconded the comment. She added that Children's Home Society of Washington has been using alternative terms, i.e., "lead contractor" or "lead-whatever," but that the term "Master Contractor" is unacceptable. Mary O'Brien also seconded the comment. There was applause from the audience and agreement from the audience. Asst. Secretary Denise Revels Robinson said that she would be amenable using an alternate term.

Sharon Osborne went back to the issue of start-up costs. She said that she agrees with everything that has been said so far, but that it is critical for the RFP to be as explicit in the RFP as possible because details will help bidders to craft a robust and accurate business model.

**10. Scoring RFPs:** How will CA score the RFPs? Does CA have a list of people that will sit on the scoring teams? Will the team composition be public information?

Asst. Secretary Denise Revels Robinson said that CA has a list of some names submitted for consideration to help score the RFPs, but that CA is still seeking additional recommendations from the CWTDC and other groups. She described some of the criteria required of reviewers to participate. She also said that CA is planning to offer each scorer in-service training on scoring the proposals. She said that there will be Tribal representatives to help in the scoring process.

Andy Kramer added that the names of scorers would not be public until after the decision is made so as to ensure the integrity of the process. This is to prevent bidders from potentially contacting the scores.

Ian Grant asked what proportion of the final panel will be youth that have aged out of care and what measures will be undertaken so those youth are trained to participate. Andy Kramer said that no specific proportion has been identified, but that CA is working on compiling a list of potential youth evaluators. He said that the youth evaluators would receive the same orientation as all the other reviewers. Ian Grant said that the youth would require a greater amount of training. He also asked whether Asst. Secretary Denise Revels Robinson would commit to having youth on the scoring panel. Asst. Secretary Denise Revels Robinson said that she has already made this commitment. Corinna Burris asked if the panels would include birth parents. Asst. Secretary Denise Revels Robinson said this could happen if they meet the reviewing criteria. Sharon Osborne reminded the committee that they had spent some time in a previous meeting to identify the types of constituencies the CWTDC would like to see present on the reviewing teams. She asked whether this information was on the Join Hands for Children website. Julie Dunnington replied "yes." Gwen Gua asked if CA could prepare an application process for potential reviewers. Andy Kramer said that time is short, but that central contracts would defer to CA if that were something they desired. Asst. Secretary Denise Revels Robinson said that she likes Gwen Gua's proposal and asked for CWTDC members to suggest model applications.

**11. Model Selection:** Is the Master Contractor model in compliance with 2SHB 2106?

Asst. Secretary Denise Revels Robinson said that she feels this question has been addressed and had nothing else to add.

**12. Nebraska:** How is CA planning to avoid the issues facing Nebraska?

Julie Dunnington briefly described a document containing a list of questions posed to current MCs in Nebraska and some of their lessons-learned. This document is available through Partners for Our Children.

Judge Leonard Costello asked about CA's efforts to avoid Nebraska's pitfalls. David del Villar Fox said that Nebraska's timeline is much more aggressive than CA's and that Nebraska's policy regarding the face-to-face contact with children, parents and caregivers might have been unnecessary and duplicative. He added that Nebraska's data were not accurate. Asst. Secretary Denise Revels Robinson said that Nebraska's contractors didn't have access to the state's SACWIS system and that would be different here. Nebraska didn't do joint training either and CA is hoping to spend a great deal of effort on cross training public and private workers. Asst. Secretary Denise Revels Robinson also said that Nebraska was not tracking the increase in the utilization of services and CA plans to do this.

Jeanine Livingston asked about the Foster Care Review Board from Nebraska and the concerns they raised in a recent report. She is hoping that these concerns can respond to those issues.

Sharon Osborne pointed to the fact that there are 29 jurisdictions that have embraced this type of contracting and it would behoove the CWTDC not to focus on any single jurisdiction.

Asst. Secretary Denise Revels Robinson made a few closing comments to conclude the Question and Answer session. She said that CA is working towards producing an RFP that has a proper balance of flexibility and prescriptiveness. She also said that CA is working hard to incorporate feedback from CA staff about the RFP before it is finalized. Lastly, she said that she is committed to replacing the "Master Contractor" term with something else because CA does

not want to “deliberately or unintentionally” be disrespectful. She said that CA would welcome recommendations or they could go back to using the term “Lead Agency.” She closed by saying that CA still needs recommendations for reviewers.

Rebecca Peck asked if the report from the Learning Lab in Spokane could be sent to the CWTDC members. Secondly, she asked if WSIPP has been able to get onto FamLink. Marna Miller of WSIPP said “yes.”

Nancy Foll said that she submitted comments to CA regarding administrative costs. Specifically, she said that non-profits are bound by OMB Circular No. A-122 if they receive any federal money, whereas states are bound by OMB Circular No. A-87, and there are some distinctions between the two that may require special language in the RFP to draw attention to the inconsistencies. She also talked about how there must be some attention brought towards providing more clear definition regarding the interpretations of direct, indirect and administrative costs. For guidance, she recommended that CA review a study from the US Governmental Accountability Office called, [Nonprofit Sector: Treatment and Reimbursement of Indirect Costs Vary among Grants, and Depend Significantly on Federal, State, and Local Government Practices.](#)

Judge Leonard Costello said that any new questions generated from the meeting’s discussion, he requested that the questions be put in writing, sent to David del Villar Fox and CA will respond in a timely manner. He then thanked the CWTDC for their input.

#### **Public Comment:**

Roberta Nestaas of Lutheran Community Services spoke first. She spoke highly of CA’s leadership and their willingness to listen and be flexible. Commenting on the RFP, she said she feels that there is way too much risk being placed on the contracting agencies and recommended that the risk corridor be reexamined. She suggested that CA should be totally responsible for the risk in the first year, if not the first two years. She also warned about the high costs of care coordination and she feels there could potentially be less money for sub-contracting.

Chris Card of Maplestar Washington spoke next and started by giving a brief personal background. He said that he feels the “case-rate” term is being misused. He feels that what people have been calling a case-rate is something more akin to a “per-member-per-month” type of rate. He feels that there is enormous risk inherent in the manner this RFP is set up: The revenue-driver, the number of open cases, is likely to remain the same, or even decrease, whereas the cost-driver, the number of cases referred for services is likely to increase. He suggested the current model should factor the percentage of cases that are referred for services.

Roy Hogan, a private citizen, thanked the CWTDC members and CA for all their hard work they are doing and that he and his colleagues are prepared to implement 2106 in whatever form it takes.

Trudy Marcellay, a DSHS Office of Indian of Policy employee, had a question for CA. Judge Leonard Costello interjected to say that CA would not be answering any questions. She rephrased her question to address her concern that the time commitment required of those whom decide to volunteer to help score the RFP was not articulated.

Silvee McGee, a private citizen, commented that this process is traveling extremely fast and there are still issues that need more work. She recommended that the CWTDC request more time for implementation of 2SHB 2106.

### **Discussion on the Quality Improvement Center Application**

Asst. Secretary Denise Revels Robinson announced that Washington State had been invited to participate in the final QIC conference and asked for input and recommendations regarding this invitation. Charlotte McCullough said that states were invited who would want to advance their strategic partnership goals of developing the public-private relationship. There are already 15 states that submitted applications and only 5 states can participate. Asst. Secretary Denise Revels Robinson said that the application is due on January 14 and asked for representatives from the CWTDC to help write and review the application. Name recommendations should be sent to Asst. Secretary Denise Revels Robinson. Nancy Foll suggested that a couple legislators attend. She also asked if it were possible to send others if they pay their own way. Nancy Foll moved that the CWTDC submit a letter of support in the QIC application under Judge Leonard Costello's name. Ken Nichols seconded the motion. The CWTDC voted and the motion carried.

### **Closing Business:**

Judge Leonard Costello and Julie Dunnington asked whether to hold a CWTDC meeting in January or to hold off until March. Asst. Secretary Denise Revels Robinson added that there will be a bidders' conference a couple weeks after the RFP is released to answer all bidders' questions. Steve Hassett agreed with the idea of holding off the meeting until March save for the issue of Part II. He feels that the CWTDC might be missing the necessary window to make a recommendation to the legislature if they skip the January meeting. Jeanine Livingston also felt that the CWTDC shouldn't delay their work by skipping the January meeting. When the discussion closed, the meeting was still scheduled. The meeting is tentatively set for Wednesday, January 19 at UW Tacoma.

Steve Hassett closed by saying that he will no longer be attending CWTDC meetings and thanked everyone and wished the committee luck in this endeavor.