



**DHHS Administration for Children and Families
Children's Bureau
Request for Public Comment and Consultation Meetings
Federal Monitoring of Child and Family Service Program;**

**Comments and Recommendations
Submitted by**

Child Welfare League of America

May 20, 2011

The Child Welfare League of America submits the following comments and recommendations regarding the Children's Bureau's interest in improving the process of review for Title IV-B and IV-E. The child welfare field has learned a great deal through the Child and Family Service Reviews (CFSRs) regarding monitoring and evaluating child welfare programs and about the administrative and program practices needed to improve outcomes for children and their families. This knowledge can inform the development of the next generation of reviews and further enhance federal, state, and community efforts to strengthen safety, permanency, and wellbeing outcomes. In offering these recommendations, CWLA has prioritized those activities that will simplify the process of evaluation, strengthen the quality of information gathered, improve participation among key child welfare partners, and promote best-practices at the frontlines. Please see below our responses, with significant input from our member agencies throughout the country, to the questions posed in the request for public comment.

1. How could ACF best promote and measure continuous quality improvement in child welfare outcomes and the effective functioning of systems that promote positive outcomes for children and families?

There is a need for consistency in, and simplification and maximization of what states are already doing. More specifically, the federal government should create opportunities for states to work together to develop meaningful well-being measures. The child welfare field has struggled to define well-being and to measure it and has expressed concern that the critical data is difficult to collect. States have also expressed concern that program improvements that are critical for improving wellbeing requires participation from a broad range of community partners – beyond child protective services.

Despite these challenges, CWLA strongly urges ACF to amend the CFSR so that it addresses developmental progress and overall well-being for children served. Factors that address or exacerbate abuse- and neglect-related trauma should receive special attention. We have learned so much about the impact of trauma on the brain and on normal child development since the CFSR process began and should use our new understanding to provide direct benefit for the children and for the systems that serve them. Assisting states to examine their progress should be given a higher priority, allowing them to identify cause and effect relationships, target programs most in need of improvement, and identify populations of children who are particularly at risk of poor outcomes. These populations include children of color including those covered under the Indian Child Welfare Act, who may be disproportionately impacted by the services provided in the child welfare system. Likewise, targeted attention to trauma and development challenges to children most likely to enter care, including infants and toddlers, and older youth, is needed and may assist states in improving outcomes overall. For example, targeted interventions could result in reduced lengths of stay, fewer repeat placements and long-term improvements in wellbeing. CWLA also urges the Children's Bureau to consider the concerns of Lesbian, Gay, Bisexual, and Transgender children and youth who may be at greater risk for poor outcomes and wellbeing due to discrimination, under-identification, and lack of resources to meet even their most basic needs.

Finally, rural children and families are overlooked in the current CFSR methodology and as a result little is known about how rural children fare in the child welfare system. With documented shortages of rural health and mental health services, and some evidence that rural placements are increasing, even for children from metropolitan areas the CFSR process must examine key outcomes for rural and rurally placed children.

To promote and measure continuous quality improvement in child welfare outcomes and effective systems, CWLA recommends the following.

- The federal government should allow state level quality improvement processes to serve as the CFSR review mechanism.
 - To ensure consistency and fidelity of measures, federal guidelines regarding state quality improvement efforts should be developed to assist states in implementing this approach.
 - To ensure consistency and quality across states, states should be required to submit their quality improvement processes, methodology, and tools with their five-year Child and Family Service Plans for approval.
 - Federal staff persons should participate in each state's review process, at least once within the five year period or at the time of the states IV-E audit.
 - ACF should assist all states but especially those with significant populations of groups listed above, in developing strategies and measures which examine outcomes of targeted populations. This guidance might include the development of targeted measures, selection of sites, specification of resources required and measured, and alternative resources or solutions in communities which serve these populations.
2. ***To what extent should data or measures from national child welfare databases (e.g., the Adoption and Foster Care Analysis and Reporting System and the National Child Abuse and Neglect Data System) be used in a Federal monitoring process and what measures are important for State/Tribal/Local accountability***

One of the benefits of the current CFSR process is that it has resulted in common definitions for the field to use. However, more can be done improve the quality of the measures and the process. Future instruments should include definitions of major terms, such as concurrent planning, evidence-informed practice, case management, family team decision making, etc. We do not suggest that all states be forced to use the same definitions, but that by improving the instruments in this way it will help all understand the federal guidance. This will enhance understanding and communication.

Any credible monitoring process relies on data, but it is critical to determine which data to use for each inquiry. The quality of the data is important, as well. The three Federal data sets for Child Welfare - NCANDS, AFCARS, and National Youth in Transition Database (NYTD) - should be used and analyzed as part of the monitoring process. These data have limitations that should be identified. The monitoring process should not rely exclusively on these data sets, but use other state information, perhaps from outside the child welfare arena, to provide “the big picture”. Additional useful data that is available across the country should be identified and made available to jurisdictions, for example “Kids Count”. Data that are available to specific jurisdictions should be taken into account, after approval by the Children’s Bureau.

The federal data sets are more comparable across state systems than any other data. While there are still differences in policies, laws, and practices that impact these data, efforts are continually being made at the Federal level to enhance consistency and accuracy in reporting. Much time, money, and energy are devoted to collecting, reporting and analyzing these data. It is essential that these data sets be used to give us the “picture” of children, youth and families’ experiences within the child welfare system.

CWLA recommends:

- ACF establish a set of measures that include process indicators, such as operating factors, utilization, and financial performance, etc. that measure the effectiveness of service, in addition to the child and family outcomes, and systemic factors that are currently a part of the process.
- When systemic issues are identified by the above indicators, ACF create the structures and/or resources for states to collectively explore these issues and identify solutions.
- ACF develop the structures and/or technical assistance resources for states to develop their capabilities to use data to inform decisions (i.e., structures/resources that support states in using data to assess issues, identify evidence-based practices to meet the need, and build their organizational capabilities to implement these practices).
- Simplify the process as much as possible to limit the investment of state resources.

The 17 measures used currently have proven somewhat effective, although there are some improvements that could give a broader picture. For example, learning gained through collection of the following data could lead to system improvements.

- Abuse and neglect: additional data such as the number of previous referrals and placement episodes and their outcomes. Placement stability: the numbers of moves

and percentages of children who experience multiple placements could inform system improvements, much more than the current measure does.

- Permanency: Including the number of children and youth who exit the system to positive permanency situations (by specific types: reunification, adoption, guardianship, relative placement, etc); and their lengths of stay (one year, two years, three years or over) will also help inform outcomes being achieved.
- Longitudinal data should also be utilized, particularly entry cohorts, in order to measure system improvement.

The condition of each state's economy continues to impact state capacity to serve children and families and should be factored in to any measure of performance so that states and ACF are able to document how these factors are affecting performance. Data collection for NYTD began on October 1, 2010. These data will now be available to give a broader look at youth being served, the services being received, and the outcomes of youth after they leave the child welfare system. Select data from NYTD should be incorporated into the monitoring process.

It is recognized that adding too many required measures has the potential to overly burden the process and should be avoided. A balance is required but one that achieves the overarching goal of improved reviews leading to improved outcomes.

3. *What role should the child welfare case management information system or systems that States/Tribes/local agencies use for case management or quality assurance purposes play in a Federal monitoring process?*

It is imperative that data from the case management system be utilized because it is the "system" of record. For the same reasons listed above for using the Federal data sets, data from the case management system needs to be utilized. It may not and should not be the only data used, but data from these systems should be considered. Likewise, data from the State or Tribe's Quality Assurance process should be taken into consideration and the quality assurance system itself should be assessed during the review process---particularly the overall quality of the assessment and how the jurisdiction uses the findings to make improvements.)

4. *What roles should State/Tribal/ local child welfare agencies play in establishing targets for improvement and monitoring performance towards those targets? What role should other stakeholders, such as courts, clients and other child-serving agencies play?*

Efforts to monitor and evaluate the performance of state child welfare systems must consider the array of stakeholders who are critical partners in the delivery of child welfare services. The input of parents and youth served by the child welfare is essential in providing qualitative information regarding agency performance and in developing strategies for program improvement.

Private providers must also have a meaningful role in the CFSSR process. It is crucial that the public child welfare agencies that are responsible for administering the budgets, writing the policies that implement legislation, and determining the overall models of practice and direction

for their state programs, collaborate and partner with key service providers who touch the lives of children and families with the goal of improved outcomes. Each sector has differing roles, responsibilities and perspectives that can bring richness to assessment and identification of new ways of doing things that can maximize positive movement forward and support continuous quality improvement.

The extent to which private agencies provide core, mandated services and assume case decision-making authority varies across jurisdictions. Nonetheless private agencies typically provide a variety of services aimed at improving outcomes for children and families in all states. Currently, service providers involved with a specific case selected during a CFSR site review are usually identified to be interviewed by reviewers. At the discretion of the state, private providers may be represented in other aspects of the process.

CWLA recommends:

- States be encouraged to invite representatives of the private sector who provide services primarily to children, youth and families involved in the state's child welfare system to participate in all aspects of the CFSR. The private sector perspective and 'buy in' can be an asset as the state does their statewide assessment and Program Improvement Plan (PIP) development. Meaningful collaboration increases understanding among both sectors and helps to create the optimum environment for holistic strategic thinking.
- States be required to have private sector representation in completing the statewide assessment and PIP development in those states that have the private sector providing case management services for children and families.
- Where services like case management are heavily privatized, ACF must work with states to consider how provider data and information are integrated into the CFSR process. For example, private providers typically perform home visits which complement those conducted by state workers. Considering these visits will provide a more accurate understanding of the link between key practices and outcomes.

5. *In what ways should targets and performance goals be informed by and integrated with other Federal child welfare oversight efforts?*

Federal child welfare oversight efforts should be as streamlined as possible. Likewise federal efforts should consider those areas that have been neglected. For example the CPS systems in the Child Abuse Prevention and Treatment Act, not only provides requirements for state policy it also advances key practices which can assist states in improving outcomes for children with targeted concerns including those exposed to domestic violence, substance exposed infants, and children receiving a differential child protection response.

In addition, the CFSR process needs to better reflect those Title IV-E requirements established under the Fostering Connections to Success and Improving Adoptions Act of 2008. For example, assisting states in establishing measures related to school enrollment, stability, and appropriateness of setting will begin to strengthen agency capacity to assess child well-being. Similarly, a more thorough understanding of permanency and health and behavioral health needs for children moving to kinship guardianship and adoption will support state efforts to

develop effective mental health and post permanency supports that reduce the likelihood of disrupted or dissolved placements.

6. *What specific strategies, supports, incentives, or penalties are needed to ensure continued quality improvement and achievement of positive outcomes for children and families that are in substantial conformity with Federal child welfare laws?*

Individualized technical assistance for states should be continued by using consultants that are able to focus on specific areas of expertise. Given the large amount of research and information regarding evidence-based, evidence-informed and promising practices, it is helpful to have multiple providers of TA who can focus their knowledge and support on certain program/practice areas or serve as ‘brokers’ of such consultation for the state directly.

States must be allowed to work directly with TA providers for discussion and planning, and not be required to have regional CB representatives on calls, which can pose a barrier to candid and timely interactions. It is recommended that the process for accessing TA be simplified to limit the number layers involved and, thereby, improve the timeliness and responsiveness of the TA system.

State leaders and program developers benefit from exposure to peers in other states. Given travel restrictions and other resource issues, it might be helpful for ACF to coordinate several networking calls for both CW directors and program managers to connect with their counterparts around specific topic areas for both new learning and sharing of what is working and what is not. Webinars for this purpose also may be a facilitator of quality improvement.

States, and ultimately service providers, need TA regarding how to implement research to practice. This is important in the area of programs or models of practice, service interventions, and when considering the organizational capabilities they need to have in place to support successful implementation and sustainability.

In addition, measures used to improve outcomes must seem fair and reasonable.

Another difficulty in data collection that extends to oversight is the penalty structure when errors are detected. In some human service areas, such as the Food Stamp program, when a program is in error, the state is allowed to take the fine imposed by the federal government and reinvest it in the system to address the cause of the errors. The same process should be incorporated into child welfare. Instead of taking money from child welfare as a penalty on states for failures, would it not be more logical to require penalty funds to be reinvested in an agreed to way between the child welfare agency and HHS?

CWLA recommends that the current penalty format be replaced with a system that reinvests dollars so child welfare systems can make necessary improvements.

7. In light of the ability of Tribes to directly operate title IV–E programs through recent changes in the statute, in what ways, if any, should a Federal review process focus on services delivered to Indian children?

CWLA believes that tribal involvement in the CFSRs is essential to improving outcomes for Indian children and families. It is critical that the federal review process include active consultation with tribes so that changes to the CFSR process are effective in evaluating outcomes for Indian children who may be served by tribes and/or states.

While the statutory scope of the CFSRs does not call for evaluation and monitoring of the Indian Child Welfare Act, it is essential that the CFSR process better reflect the accepted best practices that are codified therein. These practices provide a necessary lens for understanding how the CFSR outcomes can be achieved for Indian children and youth.

CWLA recommends:

- Because only a handful of states have established a meaningful mechanism to work with tribes to evaluate outcomes and plan to meet the needs of Indian children and families, the CFSRs should review efforts to ensure that effective partnerships exist between states and tribes, that meaningful “consultation” is taking place, and that states and tribes are responsive to each other’s requests for input.
- Monitoring of the Indian Child Welfare Act (ICWA) be incorporated into the CFSR process for every state. This would include assessing whether state policy is in compliance with ICWA, activities to identify Indian children, and state efforts in notifying Tribes and handling cases in accordance with federal law. Tribes’ responsiveness to requests should also be evaluated.
- ICW cases be sampled as a part of the review in all states but especially in those states with significant Indian populations.

CWLA recognizes the contributions of the CFSR process in efforts to improve outcomes to children and families and the practices and services needed in order to do so. CWLA sincerely appreciates the Federal efforts to improve the monitoring process and the opportunity to provide input on behalf of our member agencies and the children and families they serve.