

## **Child Welfare League of America Comments on the Adoption and Foster Care Analysis and Reporting System**

October 21, 2010

Jan Rothstein  
Children's Bureau  
Department of Health and Human Services  
1250 Maryland Avenue, SW, 8<sup>th</sup> Fl.  
Washington, DC 20024

Dear Ms. Rothstein,

On behalf of the Child Welfare League of America (CWLA) and our public and private member agencies across the country who work directly with abused, neglected, and otherwise vulnerable children, youth and their families, I write to submit the following comments on the Adoption and Foster Care Analysis and Reporting System (AFCARS) in response to the Administration for Children and Families July 23, 2010 Request for Public Comment (75 Fed. Reg. 141).

We appreciate this opportunity to provide feedback on the critical task of updating AFCARS data collection and reporting. In so doing, we agree with the importance of providing a comprehensive national picture of children in foster care and those adopted from foster care, so we address structural changes and logistical ways to facilitate those changes. In addition, we support seeking additional data information in important areas where it is needed, with consideration for the challenges such changes will pose. We look forward to assisting in any way we can moving forward to ensure that the challenges are resolved and quality data on child and family outcomes exists.

Firstly, a comprehensive national picture will be well served by ACF's commendable initiative to add a longitudinal component to AFCARS. Not only will it allow for a more complete understanding of a child's experience in care, but it will also provide invaluable information for use in decision-making regarding policy and practice in child welfare. Furthermore, it will reveal a clearer picture of child stability and the effect of permanency planning, which will inform quality improvement activities and front-line practice strategies.

The critical importance of enabling the AFCARS system to capture and report longitudinal data should not be deterred by the significant technical challenges such a change will pose. To be sure, it will require major reformation of existing data collection systems which will be very time-consuming and costly on all levels of systems development and management, service administration, and service provision. Instead of allowing this challenge to cause delay, we encourage the administration to seize this opportunity by ensuring that the AFCARS structure is most efficiently tracking children, capturing data, and reporting resulting analysis. It should be noted that the longitudinal

modifications proposed in 2008 would change AFCARS data recording from child-files to episode-based reporting, an ambitious proposal that will necessitate a significant file size increase, a change from the current flat file system of data transmission, and possibly re-engineering of existing SACWIS and data collection systems.

To limit overly disruptive data collection changes for the state agencies charged with ensuring the safety, permanence and well-being of children, we strongly encourage ACF to consider utilizing a workgroup approach, such as that was used in the formation of the NCANDS data collection process. A work group comprised of people with technical expertise on data collection and practice implications would be invaluable to identifying efficient ways to transition to a longitudinal data structure that is useful far into the future. Comprised of state child welfare agencies, with researchers and other stakeholders serving as ex-officio members, this advisory group should also be charged with guiding long-term plans for improvement and assisting in the development of new or modified definitions and policy guidance, prior to official release. This ongoing input would be a useful complement to the opportunities for feedback that are afforded at the National Data Conference. Similarly, CWLA applauds the inclusion of technical assistance opportunities at the Data Conference and believe that further expanding these communication efforts is a net benefit for efficiently collecting and reporting quality data.

Of course, even well-informed and well thought out changes to requirements will require additional time, resources, and technology. Adequate assessment of the feasibility and cost of reconfiguring existing software to comply with necessary requirement changes must be factored into a reasonable timeline moving forward.

The same consideration should be paid to tribal agencies newly operating IV-E programs. When states implemented their data systems, no-match grants were available for the considerable effort undertaken. Furthermore, along with the National Indian Child Welfare Association, we are concerned by the lack of national data on state implementation of the Indian Child Welfare Act (ICWA). Data elements that identify American Indian and Alaska Native children, along with their tribal affiliation, notification of that tribe(s), the resulting tribal intervention, and active efforts throughout the rest of the case are critical to capture whether the unique statutory provisions enacted to meet this population's needs are being fulfilled.

An enhanced comprehensive national picture that accounts for all populations and the important new requirements included in the recent Fostering Connections to Success and Increasing Adoptions Act will undoubtedly involve adding new data elements. While respecting the critical importance of information, we caution that data element increases will directly affect frontline caseworkers. Currently, caseworkers reportedly spend much of their time completing administrative tasks which limits the available time for direct contact with children and families. Taking away from the already limited face-to-face contact time necessary to provide quality case management is a real concern. Ultimately, we must all balance our desire for greater research and information with the fact that the persons most knowledgeable about the children and families served and thus responsible for gathering data are the same individuals charged with many other duties including

managing the case, attempting to reunify and evaluate the child and family, and documenting the case for the courts and other mechanisms for oversight.

While respecting this balance, it is certainly important that case level data include new information to ensure that outcome measures look at the new statutory provisions of the Fostering Connections to Success and Increasing Adoptions Act. We urge ACF to take care to think through the CFSR outcomes measure process in order to inform the most relevant data elements needed in AFCARS to answer questions about the resulting effect on children and families.

For example, none of the current data elements directly address education. As you know, Fostering Connections to Success and Increasing Adoptions requires assurances in a child's case plan that placement took into account school proximity and that there is collaboration with the local education agency to ensure a child remains in the same school or is immediately and appropriately enrolled in a new school if a change is in his or her best interest. The law also requires state plan assurances that IV-E children are enrolled and attending school. Well-Being Outcome 2 in the CFSRs asks whether "children receive appropriate services to meet their educational needs." To ensure that children's educational needs are indeed being met, additional data elements must inform outcome measures that tell us if a child is enrolled and attending school, including early education and postsecondary education enrollment and attendance, whether it is the same school they attended before placement, how many school changes they endure during out of home care, whether they were screened for special education as required under the Individuals with Disabilities Education Act, Part C Early Intervention and if they received the identified services.

Due consideration for the overwhelming, multiple, and often conflicting demands placed on caseworkers and state agencies would take care to ensure that such new data elements are absolutely necessary and are mostly already gathered in the process of case documentation. It is very easy to propose analysis questions that will target accountability for important statutory provisions, but often these questions can be answered by necessarily recorded case information instead of asking an additional question. For example, AFCARS, as it is structured now, asks "Is Current Placement Out-of-State." Surely this information can be determined by looking at the location of where the child is placed instead of asking an additional question of the state. Then, when paired with other basic, and already gathered data, this information would inform other analysis questions including proximity to school, proximity to original neighborhood, placement stability, and the placement of sibling groups, among other critical information.

To this end, we propose that ACF consider incorporating such considerations into the structural change that is otherwise necessary for making AFCARS longitudinal. To improve data quality and overall system efficiency, it would be ideal for the state to offer data to ACF or a contracted intermediary data miner. Such data would ideally be transferred in its most elemental form, to be interpreted and analyzed at a more appropriate, consistent, and efficient level. Again, a working group would be instrumental in determining the most elemental data questions that limit additional case

worker recording and that would enable states to transfer data with as little preparation and question answering as possible.

Another way to alleviate caseworker data collection demands without compromising useful data reserves would be to broaden the focus of this analysis to aligning and/or consolidating the requirements, policies, definitions, and reviews associated with the federally required data activities including NCANDS, AFCARS, NYTD, SACWIS, CFSR, ASFA, and Title IV-E requirements and audits. In this respect, common definitions and minimal if any overlap in data elements should be a top priority. To this end, the proposed working group of experts would provide useful guidance in ensuring quality improvements to AFCARS that are consistent and complementary to other federal data requirements.

Enhanced analysis of the overall picture of child welfare is an added benefit to streamlining these data components. We encourage increased public access to the resulting data. This would enable more reporting and analysis, increase discussion around the most appropriate and accurate ways to interpret the data, and generally increase the public's understanding of the issues faced in the child welfare system.

A comprehensive national picture is only furthered by quality data. While we agree that it is vitally important to incentivize the most accurate accumulation of information, we do not support the imposition of penalties that further diminish the ability of states to comply. Alternatively, we advocate for a system that is modeled on the approach of the United States Department of Agriculture (USDA) in its governance of the Supplemental Nutrition Assistance Program (SNAP) program. When penalties are assessed for errors, a process has been established that allows states to take those penalties assessed and to re-invest these penalties into making corrections in the system.

It is a consistent mission of ours to raise awareness about the overlap of children in various systems, spanning child welfare to juvenile justice and mental health. While it is critical to learn more about the children in every system, it is only reasonable to hold child welfare agencies responsible for reporting data on the children with whom they come into contact. While the most successful approach to achieving positive outcomes in safety, permanency, and well-being for children in the foster care system is through cooperation between agencies and services, it cannot be accomplished by merely shifting the burden to child welfare.

The inclusion of the juvenile justice and mental health populations would represent a significant expansion of the targeted reporting population. Because these children and youth may not be receiving child welfare case management services currently, the scope and depth of services that are to be reported in order to comply with the rule proposed in 2008 would be a significant additional burden, if not impossible to gather. Necessary data requirements will not always be relevant to such children. For children and youth involved in substance abuse treatment programs or mental health treatment programs, HIPPA guidelines could complicate access to information that is relevant, placing agencies in the untenable position of violating state and federal regulations or having

penalties applied due to circumstances beyond their control. Even if the information is not confidential, it will likely need to be gathered by administrators in the administering system. This will create a situation in which the child welfare agencies will be dependent on other organizations to provide the necessary data and will be held accountable for the reporting, timeliness, and quality of this data.

There are also significant barriers to obtaining information on children who have been adopted from or entered into guardianship arrangements after being in foster care. Collecting information on this population creates a conflict with state statutes regarding sealed records. This also represents a workload burden in that the child welfare agency often may not have on-going contact with these populations. In some cases it may require reconstructing case information from closed files and/or interviewing families not currently under the jurisdiction of the agency in order to accurately report. Because child welfare agencies will not have the authority to compel families to provide this information, data quality would be questionable. Furthermore, ongoing data collection may require states to continue to have involvement with children and families previously considered to have achieved permanency. This seems to contradict the current emphasis on permanency and minimizing the necessity for on-going intervention by public agencies.

While updating AFCARS is not without challenges, we agree that it is time to do so and thank you for the opportunity to submit comments in support of this endeavor. We believe that the steps considered to better capture information on children and families, particularly in light of new statutory provisions, are important steps forward for ensuring we are best serving children and meeting the needs for safety, permanence and well being.

Linda Spears, Vice-President  
Policy and Public Affairs