



The Annie E. Casey Foundation

May 20, 2011

To: Bryan Samuels, Commissioner, Administration for Children and Families
From: The Annie E. Casey Foundation
Regarding: Proposed Rules concerning Federal Monitoring of Child and Family Services
45 CFR Parts 1355, 1356 and 1357

The Annie E. Casey Foundation appreciates the opportunity to comment on the Child and Family Services Review (CFSR) rules. Without doubt, the CFSR mechanism and its high profile use of data from the Adoption and Foster Care Analysis and Reporting System (AFCARS) have been instrumental in improving the performance and outcomes of jurisdictions' across the country. States have higher expectations, more comprehensive information for planning and reflection, more rational and data-driven accountability measures, and better outcomes. Similarly, federal and state executives and legislators set priorities, create policy and allocate resources informed by a more accurate and circumspect body of evidence. The Annie E. Casey Foundation commends the critical contributions of federal oversight and support as states take up the daunting challenges of strengthening communities and improving outcomes for children and families.

Recognizing our common commitment to improve the safety, permanency and well-being for children and families, the Annie E. Casey Foundation submits these comments for your review. We have drawn on our lessons learned and feedback from our grantees and engagements and various experiences working with states. In addition, we acknowledge the thorough and comprehensive analyses of the CFSR approach by our partners, the American Public Human Services Association (APHSA) and Casey Family Programs. Our recommendations reflect the considerable common ground from which to continue enhancing the CFSR approach to system improvement.

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?***

The Federal government has the challenge of establishing standards that can be applied appropriately to all 50 states, while still leaving room for flexibility, innovation, and response to unique local conditions. Yet, we believe there are several opportunities to promote quality improvement. We recommend that ACF

- **Revise existing standards:** In light of the challenges described by states and the compelling methodological critiques, ACF should revise the current set of process and outcome standards used to assess state performance. We believe that ACF can craft a smaller but more robust set of indicators that focus on safety and permanency, as well as performance of activities associated with maintaining and enhancing well-being of youth while in care. ACF should not rely on quantitative indicators derived from the nonrandom and inadequate qualitative case

review sampling methodology for benchmarking. However construed, it is counterproductive and misleading to build benchmarks for accountability atop a shaky foundation of unreliable data without regard for the major and complex contextual, baseline, and caseload reform dynamic interactions. ACF would be better informed by a system that uses states' own past performance as a baseline for monitoring states' improvement goals.

- **Refine the quantitative data collection:** AFCARS and other data collection efforts have provided the impetus that many states needed to collect essential information concerning needs, services and outcomes. However, numerous limitations have been cataloged, as have suggested revisions to the data elements (e.g., Chapin Hall, Casey Family Programs) which ACF should pay close attention to.
- **Integrate data across sources for comprehensive planning and action:** AFCARS data alone has advanced the understanding of the importance of collecting data to inform the quality of decision making, yet many of the pressing questions are informed by data drawn on information collected in ad hoc databases that cannot be integrated. Only through using common identifiers and appropriate confidentiality protections can the needed longitudinal database be created increasing the return on investment from the relevant databases (i.e., AFCARS, NCANDS, NYTD). This is essential for overcoming the array of statistical problems that have been identified for many years (e.g., exit cohort bias, cross-sectional analyses) and will assist in the evaluation of practice, procedure and policy responses.
- **Maximize the use of emerging technologies:** Cross-system linkage, the application challenge of the next generation of database architecture, requires corresponding flexibility and support to overcome the limitations of existing SACWIS. Emerging technologies and the cohort of programmers that harness them should be focused on addressing these challenges in order to create better systems overall.
- **Nurture and amplify the strengths of states' Quality Assurance efforts:** While the structure of on-site case reviews seems to have sparked a building wave of quality case review processes, many states have subsequently institutionalized qualitative cases reviews to create a backbone for their ongoing continuous quality improvement and training. A study by the Annie E. Casey Foundation and the Center for Study of Social Policy (2011, attached) describes the innovations that followed as many states integrated CFSR review protocols with other models (e.g., Quality Service Reviews) often establishing strong, ongoing, action oriented reflective functions within the agency.
- **Streamline reporting to promote efficient and authentic improvement plans:** Current regulations call for overlapping and redundant analytic reports and improvement plans. They also unintentionally encourage states to set only improvement goals that they confidently anticipate attaining. ACF should review the quantitative and qualitative processes of the CFSR, as well as similarities across the Child and Family Services Plan (the Five Year Plan) and its Annual Progress and Services Report (APSR) and identify opportunities for integration.
- **Focus on Performance Improvement Planning and Continuous Quality Improvement:** We recommend that ACF maintain and integrate the performance improvement planning focus. Reflecting the commitment to continuous quality improvement, even high performing states

need to continue to create program improvement plans that address how they will maintain and improve outcome measures within their respective context of changing caseloads and past performance. ACF should review procedures for imposing and removing and explore options for removing the perverse incentives that currently encourage states to identify only improvement goals that they can confidently achieve, and sometimes omit more challenging and worrisome problems.

2. To what extent should data or measures from national child welfare databases (e.g., the Adoption and Foster Care Analysis and Reporting System, 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?

Despite well documented limitations, federal databases have provided the impetus for much of the growth in data-driven improvement in Child Welfare. Therefore, we support continued use of national child welfare databases accompanied by substantial improvements. Accountability efforts require reliable data, and any cross state data use requires uniform data definitions and standardized data integration. To avoid becoming overly intrusive and complicated, the emphasis should be placed on narrowing the constructs included in standard reporting and increasing reliability through better definitions.

We concur with the recommendations provided by our colleagues at Casey Family Programs. Key elements include:

- a) NCANDS, AFCARS, and NYTD should use the same unencrypted child id, to allow stakeholders to create a longitudinal child-level file.
- b) NCANDS measures should be expanded to include indicators of child safety at home and a greater capacity to understand alternative response services and their impact on child safety.
- c) AFCARS measures should be expanded to include a flag for juvenile justice placements and ICWA eligibility.
- d) ACF should clarify that states must include children over age 18 in their AFCARS submissions, including those that may not be IV-E eligible.

We understand that HHS has the administrative authority to implement all of these changes.

We also concur with Casey Family Programs, recommending that that measures be categorized as (1) outcomes; (2) capacity and process measures; and (3) measures of well-being.

- **Outcomes** are the measures against which performance should be judged. They should move in a defined direction and are directly tied to child safety and permanence.
- **Capacity measures** are purely descriptive providing background on the number of children served by the child welfare agency at various stages of service.
- **Process measures** are believed to be important indicators of subsequent change in the outcome measures.

Research linking process measures to outcomes, while limited, represents a key priority. States are much more likely to comply and engage in the process when required reporting reflects a rational, evidence informed selection process. With states' support and investment in internal quality improvement infrastructure, the additional data gathered can be used to explore and validate these

connections, thus creating a potential source of data for evaluating quality improvement and reform strategies.

Establishing meaningful and feasible well-being measures and standards is particularly challenging. We concur with Casey Family Programs more detailed recommendations focusing on (1) the state's responsibility to assess and connect children in care to appropriate services and (2) the legislative mandate to track and serve youth who either emancipate from care or are in care on their sixteenth birthday. As previously mentioned, NYTD data should be linked to NCANDS and AFCARS reports allowing for analyses of youth developmental paths, predictive risk, and monitoring of troubling outcomes like aging out without permanency. NYTD data elements can be part of the CFSR exclusive of criteria use to determine substantial conformity for IV-E funding.

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?

While quantitative data standards can inform the qualitative reviews and visa versa, the results to date and the methodological critique make it clear that they should be revised to maximize their respective contributions to improving quality processes and outcomes. With nearly all states passing the current CFSR process requirement to have QA in place, the focus should shift to how to make that process as valuable and actionable as possible.

The method recommended recognizes the strengths of many states' on-going QA functions and holds up a set of standards defining adequately robust systems. High quality, ongoing review systems that have momentum and local ownership are encouraged, while states' without ongoing QA or with functions that fall below a threshold would receive intensified support to establish an adequate system. Suggested criteria include:

- Informed by adequate quantitative data derived from a system with processes in place to ensure data integrity
- Include a qualitative case review designed with
 - a sample size appropriate to identified qualitative data applications
 - case review training and inter-rater reliability monitoring
 - scoring that is not pass/fail but that enhances close scrutiny, data use, and improvement over time
 - interviews with family members and providers involved in cases
 - assessments of child well-being in multiple domains including education, health, and mental health services
 - assessment of permanent relationships and positive adult connections
- Involves system collaterals and stakeholders
- Provide definitions and an organizing practice model or frame
- Examine the continuum of service including in-home services, foster care, and timely permanence and post permanency services
- Demonstrate adequate staffing and resource support allocated for successful implementation
- Include feedback loops with recommendations, training and support focused on identified outcomes

- Include an ongoing timeline for performance review.

The revised QA approach offers a new way for federal and state agencies to collaborate. While many states have described inconsistent advice and technical assistance from the resource centers, this new system would allow for a realignment of federal standards and a narrowing of the focus of support. To facilitate on-going improvement, we recommend that costs incurred while developing and implementing QA activities be 75% reimbursable, as part of IV-E training expenses. Additionally, if penalties are assessed due to noncompliance, they should be reinvested in enhancing QA systems within jurisdictions rather than leaving the weaker systems further drained.

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?

Using self-referencing standards that compare states to their own baselines will help overcome some of the most egregious problems in the current benchmarking. Reliability will increase with the consistency of holding policy and caseload context more constant, while usability and local accountability will likely increase as data interpretation is more straightforward. Inconsistent data definitions, state policy, and measurement quality, as well as the confounding roles of non-uniform baselines and caseload composition make a shared standard problematic. One example pointed out in multiple critiques of the current national standards is that the predictable impact of placing fewer low risk cases actually makes states look worse.

Professional partner, cross agency collateral and consumer voices must be integrated in any review and improvement effort. The aforementioned QA systems provide avenues through case review interviews and community forums to share findings. Additional paths should be considered such as the use of stakeholder focus groups and consumer feedback surveys. Each of these mechanisms can be quite valuable when selected and utilized by states to enhance their internal improvement efforts and priorities.

Given the often disjointed service response, the CFSR process must be exploited as an opportunity to engage the state and federal stakeholders most essential for achieving well-being. Even simply maintaining well-being among the traumatized and high risk children and youth subjects of CFSR more often requires efforts well beyond the Child Welfare agency. The broader system must be accountable for educational, behavioral health, physical health and developmental outcomes. We hope that ACF can convene the representatives of interested federal agencies and hold up these key outcomes as a rallying flag. Feasible opportunities lie in relatively low hanging fruit that will promote cross-system collaboration, including data integration and coordinated eligibility rule making.

We also recognize the need for improved court collaboration within the states. We concur with Casey Family Programs' recommendations concerning enhanced and explicit collaboration with the courts. They note that most courts have taken advantage of court improvement funding to enhance their capacity to track process measures tied to court timelines. Given that court performance is directly linked to permanency outcomes for children, data sharing partnerships between child welfare agencies and the courts should be a more explicit criterion for financial support of court improvement activities.

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

To the extent that the CFSR aims to promote the states' deep and real engagement in continuous quality improvement, the goals should be set and oversight reports should yield products and insights helpful to participating states. Discussed earlier, the primary vehicle for improving goal setting and monitoring performance is the use of states' past performance rather than an overly broad universal national standard. Similarly, the strengthening and reinforcement of states' own Quality Assurance mechanisms represent significant reorientation of this effort toward making the CFSR as helpful as possible to states.

Using a streamlined documentation process that focuses more clearly on priorities and reduces inefficiencies represents another path toward improvement. Distilling the overlapping and the unique information among the set of federal reports may also prove helpful to both enhance federal oversight and maximize use of resources within the states. Each of the three oversight domains – financial tracking, mandated population counts, and service quality monitors - will be best documented through streamlining the reporting mechanisms to reduce redundancy in expected tasks while increasing timeliness of feedback available to states.

Recommendations are intended to eliminate redundancy by incorporating program and outcome components of the CFSP and its associated APSR with the Statewide Assessment and PIP requirements. We recommend that a dedicated workgroup be convened to map existing federal reporting requirements and align timeframes and content into one or two integrated processes. The larger goal should be to make federal reporting and accountability be useful to states and adequately reflect the work and priorities of the child welfare agency. More convenient and less time consuming documentation can free staff resources to focus more directly on quality assurance and quality improvement. Among the ideas to further explore in this streamlining are:

- Synchronizing the timing and content of the Child and Family Services Plan, The Annual Progress and Services Report, the CFSR Statewide Assessment and the Performance Improvement Plan.
- Exploring the possibility of restructuring the reporting formats to facilitate accurate and efficient submission given the states' programmatic organization and use of blended funds.

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?*

In general, use of incentives linked to meaningful goals is preferable to reliance on controversial penalties that remove resources from underperforming systems. The current CFSR process emphasizes penalties that remove resources from the system. When used, penalties can still strengthen the system if states are required to reinvest resources in improvement efforts. Revising the standards and PIP goals into a graded continuum of substantial conformity will better allow for variable levels of incentives (or penalties).

As noted above, we recommend that ACF reimburse QA costs at the training reimbursement rate (75 percent). A higher reimbursement rate coupled with the opportunity to avoid more intensive Federal oversight, will motivate states to build their own internal capacity to be self-monitoring. States not able to meet minimal standards for internal QA review should continue to be subject to a federal process

while receiving support to develop an adequate state process. ACF should clearly define the QA related activities that are claimable.

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?*

Holding the tribes accountable is fair. All suggestions made heretofore would apply (e.g., Quality Assurance mechanisms, Review of revised quantitative measures). However, it may be necessary to take into account the variety of volume and experience when setting expectations. More importantly, greater flexibility and support may be needed in the formative stages of system development.

8. *Are there examples of other review protocols, either in child welfare or related fields, in which Tribal/State/local governments participate that might inform CB's approach to reviewing child welfare systems?*

We recommend the Study of Quality Assurance models and implementation completed in 2010- 2011 by Annie E. Casey Foundation and the Center for Study of Social Policy.

Other Comments:

We commend the open and transparent process established for reviewing the CFSR and submit these suggestions in the spirit of continuous quality improvement and our shared commitment to vulnerable children and families.



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