



ROBERT BENTLEY
Governor

State of Alabama
Department of Human Resources

S. Gordon Persons Building
50 Ripley Street
P.O. Box 304000
Montgomery, Alabama 36130
334.242.1310
www.dhr.state.al.us



Nancy T. Buckner
Commissioner

May 20, 2011

Jan Rothstein
Division of Policy
Children's Bureau
Administration on Children, Youth and Families
Administration for Children and Families
1250 Maryland Avenue, S.W., 8th Floor
Washington, DC 20024

RE: 45 CFR Parts 1355, 1356 and 1357
Federal Monitoring of Child and Family Service Programs; Request for Public
Comment and Consultation Meetings

POSTED ON: Federal eRulemaking Portal: <http://www.regulations.gov>

SUBJECT LINE: Comments on the CFRS *Federal Register* Notice/Vol.76, No. 65/Tuesday, April
5, 2011 Proposed Rules

Dear. Ms. Rothstein:

The Alabama State Department of Human Resources (ASDHR) respectfully submits these comments in response to the "Federal Monitoring of Child and Family Service Programs; Request for Public Comment and Consultation Meetings" that was issued by the Administration for Children and Families (ACF) on April 5, 2011.

In so doing, ASDHR acknowledges the body of work conducted and produced by the American Public Human Services Association (APHSA), and its affiliate the National Association of Public Child Welfare Administrators (NAPCWA), in collaboration with the national input obtained from states and experts. The ASDHR primarily uses this volume of work in this letter of response, and in places specifically references the APHSA / NAPCWA letter / *Recommendations* document. Please find below the eight specific questions posed by ACF, along with responses to those questions.

QUESTION #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.

RESPONSE: Rely on states' quality assurance and continuous quality improvement systems to drive state performance and meet federal review and accountability requirements.

- Require each state to have an adequate continuous improvement program and provide technical assistance and increased resources to design and implement needed change.

- Develop guidelines for viable state continuous quality improvement systems that allow states to routinely employ their own review tools and/or adapt and integrate federal ones as necessary.
- Assist states that have the capacity to gather optional data that may inform practice and research, without setting a standard connected to accountability.
- Develop federal regulations and provide federal funding and leadership to enable state child welfare information management systems to gather well-being data (medical, mental health, education) from other systems under the federal health and human services umbrella.
- Methods for assessing systemic factors should be clearly defined, transparent and not subject to personal beliefs or biases.

QUESTION #2: To what extent should data or measures from national child welfare databases be used in a Federal monitoring process and what measures are important to State/Tribal/Local accountability?

RESPONSE: Develop refined measures that are accurate, valid and reliable and that child welfare stakeholders and staff can easily understand.

- Examine the improvement of the state's child welfare system across time and against its own baseline.
- Analyze data in a fashion that promotes national dialogue, but not for the imposition of "one size fits all" national standards.
- Gather and analyze data that yields state-specific information about client populations that can easily be applied as a predictive tool for forecasting change in client needs and how to adjust programs accordingly (for information/clarification, see APHSA *Recommendations* document).
- Analyze data in a manner that facilitates understanding of how one area of practice affects another, either positively or negatively, in easy-to-understand formats and presents a clear and concise picture of how a state's systems are functioning (for information/clarification, see APHSA *Recommendations* document).
- Provide a powerful national longitudinal database for continuing child welfare improvement.
- Clearly define every named unit of data (data element) gathered.
- Examine the potential use of every data element collected and eliminate any data element that serves no explicit purpose.
- Define specific measures to evaluate how Indian children are being treated by the child welfare system in terms of their unique needs and legal requirements (and how this can be improved) and ensure that these measures and resultant improvement plans are developed in collaboration with tribes and appropriate Indian organizations.

QUESTION #3: What role should 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 system?

RESPONSE: See response to question #1.

The internal continuous quality improvement / quality assurance program(s) that states and (when relevant) local and tribal governments have in-place, should be relied upon to measure, drive state performance, and meet federal review and accountability requirements. It is essential

that public child welfare agencies be self-evaluating and self-correcting.

QUESTION #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?

RESPONSE: Child welfare agencies' roles.

State/tribal child welfare agencies should, in consultation with federal partners, establish targets for improvement. Public child welfare agencies are committed to the maximum levels of improvement and monitoring performance toward targeted goals. These agencies are typically best able to assess their capacity and know how much change is reasonable within a given period of time. They can identify trends to enable the agency to focus efforts and resources in areas where they will have the most impact over time to improve performance at all organizational and practice levels.

Stakeholders' roles.

Stakeholders, public and private, external to the public child welfare system should be engaged in setting actual targets only to the extent that they can also be held accountable or are willing to be responsible for them. However, this should be a highly participatory process. Public child welfare agencies cannot do it alone. Every part of the child welfare system of care needs to be included in the child welfare review and program improvement process. All parts of the child welfare service system – public, private and community based – have the responsibility to engage, support and strengthen families.

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

RESPONSE: Fold the CFSR/PIP into the CFSP/APSR.

- This overarching recommendation embeds the essential elements of the Child and Family Services Review (CFSR) and Program Improvement Plan (PIP) into the Child and Family Services Plan (CFSP) and Annual Progress and Services Report (APSR).
- Develop a five-year cycle that builds on and encourages continuous improvement and provides the accountability required of state, local and tribal child welfare programs.
- Simplify and reorganize the structure of the current reporting mechanisms into one concise document that would be submitted every five years as the comprehensive state plan (CFSP) with annual addendums (APSR).
- The SACWIS and AFCARS compliance reviews could possibly be combined into one process.
- The IV-E review may need to stand alone as a compliance review that relates to the whole system, although it could be an added component to a selected number of case reviews.

QUESTION #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?

RESPONSES: Establish mechanisms to promote performance improvements and innovation that can be equitably applied across the nation.

- Place a moratorium on any withholding of funds until a means is developed to ensure that the withholding of funds is based on accurate performance measures and standards that can be applied equitably across the nation.
- Redefine nonconformity ("not in substantial conformity") to mean a lack of good faith effort or willful disregard on the part of the state of any plan for improvement mutually agreed upon between the state and federal government.
- Revise regulations to ensure that if any withholding of funds is necessary, it is time limited to the period during which the state has not demonstrated good-faith efforts to improve performance.
- Incentives to recognize and encourage building on programs and practices that have proven effective are a powerful way to promote innovation and improve outcomes.

Align federal resources with federal requirements and work cohesively with the states for continuous improvement in child welfare.

- Provide clear federal guidance on what portions of a state's CQI/QA activities can be supported within the training regulations (for information/clarification, see APHSA *Recommendations* document).
- Examine ways to re-invest both state and federal savings that result from folding the CFSR/PIP into the CFSP/APSR and using states' CQI/QA to strengthen states' self-evaluation capacity and continuous improvement efforts.
- Restructure the work of the National Resource Centers (NRCs) and Implementation Centers (ICs) to offer more relevant, useful and timely technical assistance (**NOTE:** Alabama is pleased with the technical assistance received from NRC and yet supports the expansion of this as noted in the APHSA *Recommendations* document, particularly related to peer-to-peer learning opportunities).
- Develop regulations at the federal Department of Health and Human Services level and use the Request for Proposal (RFP) process to build and strengthen cross-system work, hold all divisions accountable for the services under their auspices, and allow the blending and braiding of funding streams.
- Examine ways that the federal IV-E funding for SACWIS can be used with a greater degree of flexibility to keep pace with technological developments and agency needs.
- Seek ways to use available federal funds (for information/clarification, see APHSA *Recommendations* document).

QUESTION #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?

RESPONSE: Because of the unique government-to-government relationship between the federal government and the Tribes, the Tribes should have the opportunity to conduct a review on their own and the federal government should provide the consultation and technical assistance required to develop an adequate CQI/QA system.

Whether Tribes are directly operating a IV-E program or functioning within the state system, it is critical that any review structure be established in collaboration with Indian tribes and appropriate Indian organizations. The unique role that Indian tribes play with regard to their children must be recognized when services are planned and reviews conducted.

The actual list of measurements would be developed through consultation among federal, state, local and tribal representatives. These representatives would also need to work together to determine how elements could best be used to determine levels of ICWA compliance and to identify specific areas where improvements are needed.

QUESTION #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?

RESPONSE: The federal government could review various existing case review instruments and processes.

The Administration for Children and Families / Children's Bureau could request and examine existing qualitative service review instruments, processes, and reporting formats, currently being used in order to obtain additional information on approaches to reviewing child welfare practice.

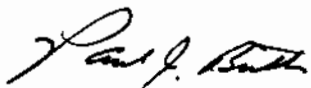
Additionally, the manner in which some individual states and Tribes (within the states' borders) have collaborated could be reviewed to assess what has been done to establish review and monitoring systems.

The ASDHR continues to be committed to delivering quality services to the children and families of our state, with the goal in mind of achieving the desired outcomes of safety, permanence and well-being.

We believe the CFSR process can be redesigned such that there is a balance between federal oversight / accountability and affirmation for state/tribal ownership for their child welfare program and practices.

Thank-you for the opportunity afforded to states to provide comments on proposed improvements to the CFSR and PIP processes. If you have any additional questions, please contact Larry Dean at larry.dean@dhr.alabama.gov or by phone at 334-242-1472.

Sincerely,



Paul J. Butler, Director
Family Services Division
Alabama State Department of Human Resources