



Jan Rothstein
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May 20, 2011

Dear Ms. Rothstein,

We are writing on behalf of the Center for Law and Social Policy (CLASP) in response to the Request for Public Comment and Consultation Meetings on Federal Monitoring of the Child and Family Service Programs published in the Federal Register on April 5, 2011 (Vol. 76, No. 65). CLASP is a non-profit organization that develops and advocates for policies at the federal, state, and local levels to improve the lives of low-income people. We focus on policies that strengthen families and create pathways to education and work. A critical part of our work involves child welfare policy and how to improve the outcomes of children and families involved in various ways with child welfare agencies across the country. We appreciate the opportunity to provide comments on the Child and Family Service Review (CFSR) and important changes that should be incorporated into the next round of reviews.

A key component to improving the outcomes children and families experience requires a robust process for collecting and analyzing critical data and then utilizing that data to make improvements from the individual case level to the national level based upon the lessons embedded in that data. In section 1123a of the Social Security Act, 42 U.S.C. 1320a-1a, Congress directed the Secretary of the Department of Health and Human Services (HHS) to develop a system for reviewing states compliance with the federal requirements in Titles IV-B and Title IV-E of the Social Security Act (Titles IV-B and IV-E) and their compliance with the individual state plans developed to implement those titles. The Child and Family Service Reviews (CFSRs) created under this statutory authority and this invitation to comment on how to strengthen those reviews provide a wonderful opportunity to develop a process that both holds states accountable for compliance with the law and, more importantly for the outcomes

children and families experience, and at the same time provides all stakeholders the data needed to make continuous quality improvements.

The goals of accountability and continuous quality improvement are sometimes viewed as in tension. The argument is that if you hold states accountable – punish them for failing to meet certain standards, for example – you will create a disincentive to collect data, analyze it and look for ways to improve, for fear that process will disclose some shortcoming on the part of the worker, agency or state. While CLASP understands that review systems and accountability mechanisms can be created in ways that discourage continuous quality improvement, we firmly believe they can be designed in ways that accomplish both goals. Our recommendations in these comments are intended to help HHS modify the CFSR process in ways that allow both goals to be achieved. Our recommendations fall into 4 sections and we indicate in parentheses the questions in the Request for Comment to which we are responding.

***Section 1: How can HHS best promote and measure continuous quality improvement?
(Combination of questions 1 and 6)***

CLASP believes the balance between accountability and continuous quality improvement can be achieved by setting national standards, which all states are required to achieve, on key outcomes related to safety and permanency. While we acknowledge that there are great differences across the states and that there may be variations in how states achieve certain outcomes, we feel strongly that the child welfare system must be expected to achieve the outcomes at the core of its mission, keeping children safe and ensuring that they have permanent families. This is not to suggest that we believe child well-being is not essential to the mission of child welfare. Rather it is that we think certain standards of safety and permanency should be achieved regardless of which state a children happens to reside within. On the other hand, many of the things that get at well-being and the quality of the interactions children and families experience are better suited to an approach that constantly assesses the processes and interim outcomes and uses that information to tweak the services and supports offered to children and families.

For example, **CLASP believes all states should be expected to meet certain standards regarding safety and permanency** that include: the rate of maltreatment that occurs, the rate at which maltreatment recurs for children known to child welfare agencies, the rate of maltreatment while in foster care, the proportion of children who come to the attention of child welfare who are safely kept out of foster care; the proportion of children who exit foster care to permanent families (through reunification, adoption or guardianship) and, conversely, the proportion of youth who leave foster care without a permanent family. On these measures we believe states should compare their progress over time, but that they should also be compared to one another. Children should not be expected to experience more abuse or linger longer in foster care without a permanent family simply because they happen to reside in state A instead of State B. Title IV-E and Title IV-B are partnerships between the

states and the federal government and we believe strongly that that this partnership warrants national standards on the most basic responsibilities of the child welfare system.

At the same time, CLASP understands that for some quality of care measures there is no clear cut standard, or at least we do not yet know enough to set a reasonable standard. For example, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) recognized the importance of stability for children and generally requires that siblings be placed together and that children be kept in their same schools. However, the law also recognized that in some instances it is not best for a child to be placed with siblings or remain in his same school. At this point, there is no obvious “right” or “ideal” or “reasonable” proportion of children who should be placed with their siblings or proportion who should remain in their schools. With safety and permanency, the ideal is clear – no children should be harmed and no children should go without permanent families. While national standards will of course take into account that achieving that goal for every child is not possible, we can set standards close to that ideal number and hold stakeholders accountable for achieving them. In the case of well-being measures like sibling placement or remaining in the same school, however, where there is a subjective element about what is best for a particular child, it may be difficult to set national standards.

Length of time in foster care has similar challenges. If a state does a good job at reducing the number of children it takes into care, it may find that the children it does place in foster care remain longer because they and their families have the most significant challenges. Setting an arbitrary standard for the proportion of children who must achieve permanency by a certain time period, may create unintended consequences of punishing a state that reduces its foster care caseload to those children and families most in need while rewarding states who bring in children who need not come into care at all, because those children go home quickly and bring down the average length of stay.

Therefore on these type of measures – which CLASP sees as impacting the quality of care children receive and how their well-being is impacted by their interactions with child welfare – we believe the appropriate approach at this point is to gather information on the relevant measures and analyze how those measures change over time and with varying interventions.

Examples of some of the types of information that should be collected and analyzed include: the proportion of siblings placed together, the proportion of children remaining in their same schools, the proportion of children placed with relatives, the length of time in care, the average number of moves children have while in foster care, and the proportion of children in congregate care. Stakeholders at every level, from front line workers to federal officials can then began to connect changes and trends in those measures with various strategies that are being employed. This analysis may, over time, lead to the creation of additional standards or it may not, but in the meantime, the child welfare system at all levels can continuously use the data to improve the experiences of children and families.

Finally, to encourage more of a continuous quality improvement approach where everyone in the system finds value in collecting and analyzing data to better do their jobs and serve the children and families involved with child welfare, **CLASP recommends moving away from a penalty approach to accountability**. On the “quality of care” and “well-being” measures, we recommend no penalties. Rather accountability and continuous quality improvement will be maintained through the federal-state partnership of creating and utilizing the data system(s) and monitoring processes described below in section 3. On the safety and permanency outcome measures, CLASP recommends, as we did in our October 21, 2010 comments, that the penalties be reinvested back into strategies that the federal-state teams determine are most likely to improve those outcomes.

Section 2: What data should be used in the CFSR process? (Combination of questions 2 and 3)

On October 21, 2010, CLASP submitted comments regarding the Adoption Foster Care Analysis and Reporting System (AFCARS) and the Statewide Automated Child Welfare Information System (attached as appendix A) that set forth recommendations to strengthen those data systems. We incorporate by reference the suggestions there into our suggestions about how to improve the CFSR process, recognizing that a review process is only as good as the data on which is it based. In addition, we suggest that you add two additional categories of information for use in the CFSR process. First, CLASP believes the process must examine what happens at the front end of the system before children are removed from their families and placed in foster care. Some of that data can be obtained through the National Child Abuse and Neglect Data Reporting System (NCANDS) – though it would then need to be a mandatory data reporting system. We are particularly interested in learning more about what happens to children who touch the child welfare system – whether they are investigated and substantiated or not, whether they are provided an alternative or differential response or not. CLASP strongly believes we need to know what happens when a child is reported to child welfare or otherwise comes to the attention of child welfare as needing assistance. We do not purport to be experts at designing or modifying the data system(s) to capture the needed information. Rather we will outline what we think states need to be able to answer both in terms of the standards on maltreatment and recurrence, but also in terms of the continuous quality improvement component of the CFSR. When a child comes to the attention of child welfare, the system needs to know (1) has this child ever come to the attention of the system before; (2) if so, what response did they receive in the way of investigation, differential/alternative response, and services (foster care and other). It seems most logical to build off of NCANDS, but we defer to the researchers and data experts on the best way to reliably gather this information.

Second, CLASP believes we must know more about what services children and their families receive if we are to be able to make continuous quality improvements. Commissioner Samuels has recently been presenting data on the social, emotional and mental health conditions of children in foster care, the challenges their parents are facing and the life-long social, emotional and mental health consequences of children who experience foster care. The picture is not a pretty one and suggests we need to do

more to meet the needs of children and families. However, we cannot begin to know how to improve in this area if we do not even know what services and supports they are receiving now. This information is vital. It may be available in existing case management information systems or it may be that we need to add new data elements to AFCARS, SACWIS, NCANDS or we need to integrate with other data systems at the state and local level. Again, CLASP does not profess to be an expert at designing or modifying these data systems. We defer to others about the most effective and efficient ways to gather reliable data on what services are being provided. CLASP strongly believes, however, that without that information we will not be able to identify what works and what does not; we will not be able to determine if states are using practices, services and supports that are based in research and show evidence of effectiveness; and ultimately we will make little progress on the well-being outcomes of children who have experienced or are at risk of abuse or neglect. We may be able to keep them from being harmed again and we may be able to get them into a permanent family. That is essential, but it is far from sufficient. We must also treat the conditions they have, allow them to heal and prepare them for a successful adult life.

Section 3: How should a continuous quality improvement structure be developed and utilized? (Combination of questions 4 and 5)

As we alluded to in section 1, CLASP recommends that there be essentially two parts to child welfare oversight. First there need to be a set of national standards regarding safety and permanency. Second, robust continuous quality improvement systems need to be developed and utilized.

CLASP recommends that the national standards be developed initially through consultation, which we understand to be underway, with data experts, and then presented for public comment through a Notice of Proposed Rule Making. The data for national standards needs to be collected consistently across all states, both so progress within states can be measured but also so that comparisons across states can be made. We defer to those with more expertise in structuring data systems to make initial recommendation about needed changes to the current data systems. We also defer to those who have worked closely with existing data to guide your initial thinking about needed modifications to the current standards so they provide fair and reliable measures of the core elements we outline in section 1 [the rate of maltreatment that occurs, the rate at which maltreatment recurs for children known to child welfare agencies, the rate of maltreatment while in foster care, the proportion of children who come to the attention of child welfare who are safely kept out of foster care; the proportion of children who exit foster care to permanent families (through reunification, adoption or guardianship) and, conversely, the proportion of youth who leave foster care without a permanent family]. We would then envision these proposed changes being open for public comment before finalization.

CLASP recommends that virtually all other oversight activities from developing, refining and monitoring well-being and quality of care measures to monitoring service delivery and other processes to conducting eligibility reviews be rolled into one continuous quality improvement

process. CLASP believes it is critical to engage many stakeholders in the process of developing and utilizing such continuous quality improvement mechanisms. We envision that the state would engage stakeholders, including front line workers, supervisors, birth parents, foster parents, adoptive parents, relative guardians, foster youth and former foster youth, court personnel, guardians ad litem, Court Appointed Special Advocates, state and local policymakers and advocates and others, to come up with the set of questions that the continuous quality improvement system will need to answer. Different stakeholders will have different questions on which they are more focused. Front line workers may want to be able to answer questions about how best to serve the families in their caseloads. Policymakers and advocates may want to know how effectively different strategies appear to be affecting certain outcomes. Birth parent and foster youth may want to be able to see the range and types of services available and what needs they address.

Once each state determines the questions that they want to constantly ask and answer they can put together a proposal of how they would modify existing data systems and review procedures to accomplish that task. The plan would also include proposed frequencies for collecting, analyzing and publicly reporting various components of the data. Once the state has developed an initial plan for creating and utilizing a continuous quality review process, the federal-state teams that currently come on-site to review individual cases and gather information from stakeholders should come to the state to provide technical assistance around the plan. They could meet with stakeholders to refine the critical questions when needed and make recommendations about the frequency of the data collection, analysis and reporting. They could ensure that information is shared across states as these continuous quality improvement systems are implemented so no state has to reinvent the wheel. The federal-state teams could ensure that certain core questions, such as those outlined in section 1, are addressed in each state – even if the mechanisms for doing so vary somewhat. Finally, and perhaps most importantly, this joint development of the system from the outset can set the stage for a more productive working relationship between the federal and state governments such that oversight is not seen as a burden to be borne, but an opportunity for constant learning and improvement for everyone, at every level, of the child welfare system. The on-going CFSR process should involve the federal-state teams periodically coming on-site to review and assess the system, to discuss and analyze the data together with the state and to ensure that any new questions from the state or other stakeholders can be incorporated into the continuous quality improvement process.

Section 4: CLASP recommends that HHS move as quickly as possible to implement the revised CFSR process.

Although many questions are raised in the request for comment, CLASP believes it is imperative that HHS move quickly to put the changes in place. The second round of the CFSRs has been completed and the third round is already scheduled. It would be wasteful in time and resources to have states begin going through the old process only to begin anew when these and other comments are synthesized and decisions are made about how to revise the process. The statutory authority in Section

1123a of the Social Security Act gives HHS to make these changes and we encourage you to act quickly.

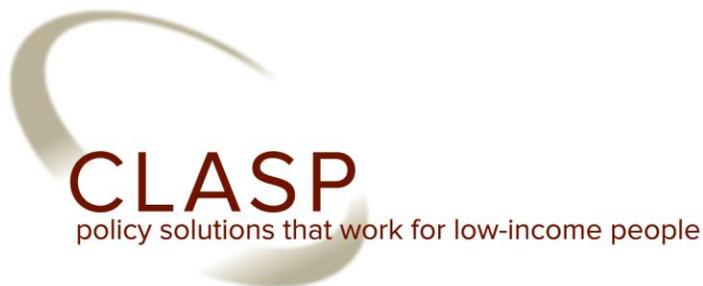
CLASP appreciates your consideration of our comments and would be happy to provide any further detail that would be helpful. We encourage you to think about modifying the CFSR process in conjunction with the changes to AFCARS and SACWIS you are already reviewing. We believe child welfare oversight needs to be approached in a more comprehensive way that holds states accountable for certain outcomes but also strengthens federal-state partnerships, and partnerships with other child welfare stakeholders, in a way that promotes continuous quality improvement so that all of us in the field are working together to improve the outcomes that children and families experience when they touch the child welfare system.

Sincerely,



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APPENDIX A



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October 21, 2010

Dear Director Watt and Ms. Rothstein,

We are writing on behalf of the Center for Law and Social Policy (CLASP) in response to the Request for Public Comment and Consultation Meetings on the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the Request for Public Comment Concerning the Redesign of Statewide Automated Child Welfare Information System (SACWIS) Requirements published in the Federal Register on July 23, 2010 (Vol. 75, No. 141). CLASP is a non-profit organization that develops and advocates for policies at the federal, state, and local levels to improve the lives of low-income people. We focus on policies that strengthen families and create pathways to education and work. We appreciate the opportunity to provide comments on AFCARS, SACWIS and important changes that should be incorporated into the forthcoming Notice of Proposed Rule Making (NPRM) to modify the data collected in these systems.

Quality, timely and accurate child welfare data is critical for a number of reasons. First, data is an essential part of the accountability system for ensuring that children are receiving the services and

protections they are guaranteed under title IV-E of the Social Security Act (Title IV-E), including those recently added through the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections). Second, with quality, timely and accurate data, child welfare agencies can identify evidence of particularly effective practices or problematic trends that can help them shape practice in ways that better meet the needs of children involved with the child welfare system and their families. Finally, the data can help provide important information to policymakers and advocates to help better understand how well existing policies are working and ways in which they may be improved.

CLASP believes that the need for comprehensive data must be balanced with the realities of child welfare work on the ground. If data collection mechanisms are not well designed, they can interfere with, rather than promote, good casework with children and families. On the other hand, well designed data systems can provide useful information to front line workers, supervisors and administrators that help them effectively carry out their daily work at the same time that they provide policy makers and federal officials with the information they need for effective oversight. Particularly in the current economic climate, when states are struggling with budget cuts and workers are struggling with high caseloads, it is essential to think carefully about each new data reporting requirement to ensure that it provides useful information and doesn't create unnecessary burdens on those doing the challenging work of helping children and families in crisis.

Characteristics of an Effective Child Welfare Data System

Effective data systems can be constructed in many different ways. The key is that the data be able to provide useful information to all who need it. CLASP believes that for the data to be useful – both in terms of monitoring the on-going progress of a case and in terms of assessing the overall performance of a child welfare system – the data must be longitudinal.

The current data reporting does not provide a representative picture of the population of children in out-of-home care. Instead, it provides point in time data which is likely to reflect information on only certain subgroups of children rather than the child welfare population as a whole. Longitudinal data is also necessary if we are to understand, comprehensively, the experiences of children in care. Such information is important for numerous reasons, as mentioned before, including allowing for assessment at the national level of how policy changes are impacting the safety, permanence and well-being of children in care and, at the state level, for identifying trends that can inform practice improvements. Decisions informed by limited, non-representative data run the risk of being too narrow. Comprehensive data is needed for comprehensive solutions.

CLASP does not purport to be an expert at structuring databases or designing the appropriate software to run useful analyses. Rather, we will devote our comments to describing what information the system needs to provide and what questions it needs to answer. We leave to others the question of

whether the most effective way to accomplish this end is to create a large database with many unique elements or to create a relational database that links critical information in various files so that data can be analyzed to produce needed information without requiring multiple inputs to specific questions. The latter approach seems more user-friendly and less burdensome, but we defer to those with expertise in designing and utilizing such systems.

As we think about what sort of information is needed, it is important to keep in mind that AFCARS and SACWIS are just parts of the broader child welfare accountability system that also includes the National Child Abuse and Neglect Data System (NCANDS) and the National Youth in Transition Database (NYTD). In addition to these data systems, accountability on the part of states is maintained through the Child and Family Services Review (CFSR) process and Title IV-E eligibility reviews. Additional accountability, at the individual case level, is maintained through the case review system required in Section 475 of the Social Security Act as courts ensure that children are receiving the services and supports to which they're entitled and, more broadly, that the state is in compliance with federal and state program requirements. Given the interrelated nature of the various components of the accountability system, it is a challenge to think about any one piece independently of the others. We therefore appreciate that ACF is soliciting comments on both AFCARS and SACWIS. However, especially in light of changes that are needed in response to Fostering Connections, it is critical to also think about the CFSR process. In fact, we believe the starting point is to determine what outcomes will be assessed in the CFSR process before deciding what data elements will be needed to measure those outcomes and before deciding how those data elements will be collected and reported. CLASP looks forward to opportunities to offer feedback on the broader system and how the CFSR process can be improved to allow for more efficient and useful accountability.

In the meantime, we focus our comments on the questions that any child welfare data system should be able to answer. We particularly focus on new information that will be needed in light of the provisions of Fostering Connections.

Information Needed to Assess the Impact of Fostering Connections

Fostering Connections was the most significant child welfare legislation in over a decade and includes a number of critical provisions designed to improve outcomes for children and families. In order to track the impact of these provisions and to provide states with the information they need to best manage their programs, it is important that data relevant to the Fostering Connections provisions be captured. Consistent with our comments on the characteristics of an effective child welfare data system we are not proposing specific data elements at this time but, instead, identifying information that is needed. Our comments will focus on the additional information we believe is needed in the following areas: kinship/guardianship; siblings; older youth; education; and, tribes.

Kinship/guardianship

Fostering Connections included a number of provisions related to children being raised by relatives in foster care including requiring that relatives be identified and receive notice when a child is removed from his or her parents, clarifying that states may waive non-safety related licensing standards for relatives on a case-by-case basis and giving states the option to operate a subsidized guardianship program using Title IV-E dollars. It is important to gather information on each of these. Specifically, CLASP recommends that the following information be made available:

Identification and notice of relatives

- Which relatives were identified?
- Which relatives were notified?
- When were relatives notified?

In addition to these pieces of data, important information contained in a child's case file can help provide a picture of how the identification and notice provisions are being implemented and ways in which they could be improved. For example, case plans should contain information on the means by which relatives were notified and, where applicable, the ways in which the relatives play an ongoing role in the child's life. This information can help states and ACF, if examined as part of the CFSR process, identify effective means of providing notice and opportunities for better engaging relatives. This information will also be important in the context of the case review system, allowing judges to verify that reasonable efforts were made to both identify and provide notice to all adult relatives. If such efforts were not made, the judge can ensure that the appropriate steps are taken.

Licensing status

- For children in family foster care, is the caregiver a licensed foster parent?

Fostering Connections reiterated that states have the flexibility in licensing relatives to waive non-safety related standards on a case-by-case basis. We recommend gathering information that identifies the extent to which foster parents are being licensed. This information may be particularly important in relation to children being raised by relatives since being licensed is an essential component of eligibility for the federal Guardianship Assistance Program (GAP) in states that take the option. It is also important for children in foster care with non-relatives because licensure is an eligibility requirement for title IV-E foster care maintenance payments for both relatives and non-relatives.

Additional information on licensing should be captured in the child's case file. For example, consistent with recent (ACYF-CB-PI-10-11) and pre-existing guidance, states are required to document in the licensing/approval record, the reason for any waiver that is provided and its applicability only to the specific relative child. This information may be extremely useful as a program management tool for

states thinking about how they may want to change their approach to licensing in response to the licensing waiver option codified in Fostering Connections. Courts can also put such case plan information to good use by asking questions about the extent to which a waiver has been explored or may be appropriate for an unlicensed relative foster parent.

Guardianship

We believe that the subsidized guardianship data elements proposed in the 2008 NPRM (1355.44(d)) are too limited. In general, we believe that the information currently captured by the adoption data elements (Appendix B to Part 1355) is very much the same information that is needed for children who exit foster care to guardianship. There are some exceptions, for example, there is currently an adoption data element regarding special needs. This is important in the context of adoption due to requirements in Section 473 of the Social Security Act but irrelevant to guardianship. Additionally, some of the information captured by the existing adoption data elements would have to be augmented somewhat to reflect guardianship arrangements rather than adoption – for example, demographic information on “guardians” rather than “adoptive parents”.

In addition to information that parallels the information presently available for children in adoptive homes, it is important to have the following information for children in relative guardianships:

- When was the guardianship finalized?
- How long had the child lived with the relative before the guardianship was finalized?

This information could be obtained through the inclusion of a series of data elements or it may be more easily obtained with fewer elements in the context of a relational database that provides longitudinal data.

Siblings

There are not currently data elements that identify siblings or when they have been jointly placed. The 2008 NPRM proposed to give each child in out of home care a family-record number (1355.43(a)(5)). This would allow for identification of siblings and, if data is structured and analyzed in the ways discussed above, to identify when they are jointly placed in foster care, adoptive homes or with relative guardians. The 2008 NPRM also included the following sibling data elements that would provide important information: number of siblings living with the child at removal (1355.43(b)(11)) and number of sibling placed together (1355.43(e)(8)).

Regardless of whether the information is obtained via specific data elements or through data analysis, it is important to have the following information related to siblings:

- Number of siblings the child was living with at removal
- Number of siblings that were removed with the child and the number of siblings who were subsequently removed from the home
- When each sibling was removed
- Number of siblings the child was placed together with in foster care and through adoption and guardianship
- If not placed together because it was determined that joint placement would be contrary to the safety or well-being of the children, the dates on which the child visited with and had contact with his/her siblings

Additional, more qualitative information on sibling connections should be documented in each child's case file. For example, 42 U.S.C. 475(1)(F) requires that, for children not jointly placed with their siblings, the reason such joint placement was contrary to the safety or well-being of any of the children be documented in the child's case plan. The court has an important role in reviewing such information and can help ensure that the provision is being fully implemented. Children's case files could also include more detailed information on the setting, content and duration of visits between siblings who could not be safely placed together. Such information may be considered in the case review part of the CFSR process to help states identify and build upon particularly useful strategies for supporting quality sibling connections.

Older youth

The data and information collected on older youth in foster care and adoptive and guardianship homes should be the same as it is for children under age 18. Importantly, this means that data should be collected on all older youth including those who are not IV-E eligible, just as is the case for children under 18.

There are a couple of existing foster care data elements that should be updated to ensure accurate data reporting for older youth. These include the following:

- Youth who are on "trial independence" should be included in the reporting population just as those children who are on "trial home visit" currently are. Related to this, the existing data element related to Current Placement Setting should be revised to include "trial independence". Again, this is consistent with the approach to "trial home visit" which is currently included as a distinct placement setting.
- It should be clarified that foster care settings include "supervised independent living" (45 CFR Pt. 1355, Appendix A, Section II).
- "Emancipation" and "Long Term Foster Care" are not permissible case plan goals under Title IV-E as suggested by existing data elements (Appendix A to part 1355, Section I, element VI) nor is "independent living" as suggested by the 2008 NPRM (1355.43(f)). In the existing data

element, “another planned permanent living arrangement” should replace “emancipation” and “Long Term Foster Care” in order to be consistent with 42 U.S.C. Sec. 475(1)(E). This would not preclude reporting on children and youth who remain in foster care for extended periods of time nor would it preclude reporting that a youth ultimately was discharged to emancipation. Such a change would simply reflect federal policy regarding permissible case plan goals.

Beyond this, there is additional information unique to older youth and the requirements under Fostering Connections that should be gathered including the following:

- What activities is the young adult engaged in? Specifically, which, if any, of the Title IV-E eligibility activities specified in Fostering Connections is the youth participating in (completing secondary education or in a program leading to an equivalent credential; enrolled in an institution that provides post-secondary or vocation education; participating in a program or activity designed to promote, or remove barriers to, employment; employed for at least 80 hours per month; and, unable to do any of these activities due to a documented medical condition)?
- For those youth who emancipate, the date upon which their transition plan was begun and when it was completed

Additional detail included in the youth’s case file will provide critical information on how older youth are faring and how practice can be improved to best meet their unique needs. For example, in states that take the option to extend foster care beyond age 18, otherwise eligible youth are entitled to receive a title IV-E foster care maintenance payment if they are unable to participate in educational or vocational activities due to a documented medical condition. For such youth, information verifying their incapacity must be regularly updated in their case plan. This information provides courts with the opportunity to ensure that such youth are being provided with services and supports they need to address their medical conditions. This information will also be important to review in the context of Title IV-E eligibility reviews and in the case review portion of the CFSR. States could also benefit from further assessment of the information perhaps by identifying particularly prevalent medical conditions and, in turn, enhancing the availability of relevant services and treatments.

Education

A child’s educational experience while in care is an essential component of his or her well-being and stability. Existing foster care and adoption data elements do not address educational stability or attendance. However, particularly in light of the educational requirements under Fostering Connections, it is important to start gathering information on children’s educational experiences. Specifically, the following information is needed:

- Was the foster care placement in the same school attendance area as the one the child was removed from?
- If not, did the child remain in his or her original school?
- If the child did not remain in his or her original school was he or she quickly enrolled in the new school?
- What was the date of enrollment for each school the child attended?

These pieces of information really point to the need for longitudinal data. We know that, unfortunately, children with lengthier stays in foster care often experience multiple placements and consequent school changes. By tracking their experiences longitudinally, we can get a picture of children's educational stability over time.

The information needed on education also highlights the possibilities of more efficient data analysis. Using encrypted geographic location data for the child's original home and school and any subsequent schools they attend would allow for much needed information through data analysis rather than the addition of multiple new data elements.

Tribes

Fostering Connections extended important opportunities to tribes for the first time. For tribes operating Title IV-B/IV-E programs, the data collected should be largely the same both in AFCARS and NCANDS. There are additional pieces of information, unique to American Indian children, which will be important to incorporate for both states and tribes. For example, data that helps determine the extent of compliance with the Indian Child Welfare Act is critical and should be incorporated into the child welfare accountability system. Tribal representatives and those they work closely with should be actively engaged in developing the specifics of such information but, at a minimum, the following is needed:

- Is the child Native American or Alaskan Native?
- Does the Indian Child Welfare Act apply to the child?
- What is the child's tribal membership or eligibility?
- Date of notice to tribes or other relevant parties of report of child abuse or neglect or other state intervention
- Upon report of child abuse or neglect, who was notified?
- Did the tribe intervene?
- Was the case transferred to tribal court?

Funding sources

Information on the sources of funding for foster care, adoption and guardianship payments as well as the sources of funding for services provided to children and families in such settings is relevant not only in the context of Fostering Connections but also more broadly. Currently the adoption data elements only address whether or not a monthly financial subsidy is being paid, the monthly amount of any such payment and whether or not the subsidy is paid under Title IV-E adoption assistance. The foster care data elements take a slightly broader look by gathering information on the source(s) of federal financial support for the child (including IV-E, TANF, Medicaid and so on) and the amount of the monthly foster care payment regardless of the source of the payment (Appendix A to part 1355, Section I, Elements XI and XII).

CLASP believes that it's important to have a more complete picture of the sources of financial support both in terms of program management and ensuring that children and families are receiving the support they need. In addition to the amount of any monthly payment being made on the child's behalf, for foster care, adoption and guardianship, we think it's important to gather information on the sources of financial support – local, state and federal – for that payment. We also think it's important to gather information on the local, state and federal funding streams used to provide services to the child and family. This information should be reported for children in foster care and also for those children placed with relative guardians or in adoptive homes for as long as such children are receiving a guardianship or adoption subsidy. Under current regulations AFCARS elements are only collected for adoptions finalized in the previous reporting period. While this makes sense in regards to the majority of the adoption data elements, continued reporting on just the funding source elements for those children and youth receiving a subsidy would be appropriate and provide important information.

Federal oversight and penalties

Ultimately the data collected for AFCARS, NCANDS and NYTD should be informed by the outcomes that states are held accountable for through the CFSR process and Title IV-E eligibility reviews. Fostering Connections necessitates some changes but also presents an opportunity to take a step back and think about what child welfare outcomes states should be held accountable for, what information should be made available but not tied to national standards and how case file level data can be assessed to better shape practice and evaluate compliance with Title IV-E requirements. CLASP believes that these overarching conversations are needed to inform more specific changes to any one component of the child welfare accountability system. The role and structure of penalties and incentives should be part of these overarching conversations.

In thinking about penalties and incentives, we would encourage ACF to consider incorporating an element of reinvestment. While it is critical to hold states accountable for reporting high-quality and timely data, fiscal penalties may have the unintended consequence of negatively impacting children by pulling funding out of an already underfunded system. A better strategy in the context an oversight structure that includes penalties, from our view, would be to require that the fiscal penalties be

reinvested into the state system for the specific purpose of improving the quality of the data. This approach is similar to that taken in the Supplemental Nutrition Assistance Program.

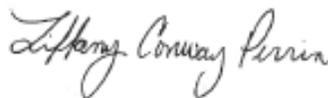
Finally, in addition to federal oversight, HHS plays a vital role in making child welfare data and information available to the public through the Child Maltreatment and Child Welfare Outcomes reports as well as through other means. As part of the broader conversations around the child welfare accountability system, we urge HHS to consider how this public reporting may need to be changed to reflect the information gathered in response to Fostering Connections. There may be other opportunities for making child welfare information more readily available to consumers in an appropriate way. We would welcome the opportunity to be a part of any such conversations.

CLASP appreciates your consideration of our comments and would be happy to meet with you to discuss them in further detail. We hope that as you develop any regulations related to AFCARS or SACWIS that you think about the child welfare accountability system as a whole. We believe that a comprehensive approach is needed and will yield a system that will: ensure that children are receiving the services and protections they are guaranteed under title IV-E; allow child welfare agencies to identify evidence of particularly effective practices or problematic trends that can help them shape practice; and, provide important information to policymakers and advocates to help better understand how well existing policies are working and ways in which they may be improved.

Sincerely,



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