

Submitted via e-mail to: [CBcomments@acf.hhs.gov](mailto:CBcomments@acf.hhs.gov)

Subject: Comments on CFSR Federal Register Notice

[DATE]

### Comments and Recommendations

#### Related to the Request for Public Comment and Consultation Meetings on Federal Monitoring of Child and Family Service Programs

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[BRIEF OVERVIEW/DETAILS ABOUT THE ORGANIZATION SUBMITTING COMMENTS—1 OR 2 PARAGRAPHS]

### **Comments**

**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 to Question 1**

ACF should promote and measure outcomes and child welfare systems' functioning by assessing child welfare systems for elements and processes that are known drivers for serving children and families well and achieving positive outcomes. Because one of the key elements of having a quality child welfare system and providing high-quality child welfare services is having culturally competent staff and service delivery models, ACF should assess how well child welfare agencies are developing and sustaining their cultural competence, including their ability to serve lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth and LGBT adults. As part of its monitoring and support of child welfare systems, ACF should assess whether, and how effectively, child welfare systems are:

- Operating with clear non-discrimination policies for clients (including children and youth, birth families, foster and adoptive families, and kinship caregivers) that are inclusive of LGBTQ youth and LGBT adults, as a reflection of the agency's commitment to operating a child welfare system that supports the well-being of children and promotes positive outcomes for children and families.
- Operating with clear non-discrimination personnel policies that explicitly prohibit employment discrimination based on sexual orientation and gender identity to create a work environment that is supportive of productivity, stability, and diversity of staff as part of broader efforts to sustain a high-quality system that is capable of achieving positive outcomes for children and families.
- Providing initial and ongoing cultural competence training for staff to ensure that the workforce is equipped with the crucial knowledge and skills to be able to serve the increasingly diverse populations of children and families who engage with child welfare systems.
  - All staff should be trained on core elements of LGBT/LGBTQ cultural competence with training that includes a basic overview of language and terminology associated with the LGBT community, distinguishes myth from fact regarding the real experiences of LGBT individuals and families, and addresses personal biases that may interfere with professional responsibilities to achieve safety, permanency, and well-being for children and families.
  - Staff should also receive more specialized training based on their professional role, on topics such as: creating unbiased, affirming environments for LGBT foster and adoptive parents and kinship caregivers; best practices for recruiting and retaining LGBT parents; the impact of relevant state and federal laws on working with LGBT adults; and the matching, homestudy or placement processes when working with LGBT adults.
  - Recognizing that staff turnover is a reality in child welfare systems, training on LGBT cultural competence should be provided on a regularly recurring basis for new staff and staff in new positions.
- Providing parent preparation training that:
  - incorporates up-to-date information and evidence-based concepts and considerations for parenting the diverse children who are in foster care, including LGBTQ youth
  - emphasizes the importance of supporting, respecting, and providing a safe environment for youth regardless of their race, ethnicity, gender, religion, gender identity, sexual orientation, and other characteristics
  - includes LGBT-headed families as examples throughout the training, just as agencies include examples of other types of prospective families as part of training materials, such as single parents or transracial families. Exercises and language should be inclusive of diverse populations of prospective parents and all trainers should be skilled in creating a safe and affirming atmosphere for LGBT prospective parents.
- Holding providers and contracted organizations and agencies responsible for having non-discrimination policies for LGBTQ youth and LGBT clients (including prospective and current parents) to ensure that services delivered on behalf of the child welfare agency are inclusive regardless of whether they are delivered directly by the agency or by a contracted

organization.

- Using inclusive forms and data gathering procedures, such as referring to “applicant 1” and “applicant 2” or “parent 1” and “parent 2” rather than “mother” and “father” as part of the agency’s effort to welcome all qualified prospective parents that can help achieve positive outcomes for youth.

In addition to assessing state child welfare systems for compliance or substantial conformity with Title IV-B and Title IV-E requirements, federal child welfare monitoring could make progress in achieving its goal of promoting positive outcomes for children and families by using the monitoring system to actively promote—and recognize states for using—best practices in child welfare services. Federal monitoring could review child welfare systems for how well they are truly serving children and families and how well their systems are designed; this review could be designed as a separate, but complementary, component of the federal monitoring reviews. This best-practice assessment would not have to be linked to any penalties or requirements for states to develop Program Improvement Plans (PIPs), but could simply be a vehicle for identifying instances and areas in which states are doing well at going beyond minimum compliance. These assessments could also provide opportunities for states to access additional services (such as training and technical assistance through the Children’s Bureau’s Training and Technical Assistance Network) in order to continue to improve their services, systems, and practices. Assessing child welfare systems for best practices as an integrated part of monitoring performance on required outcomes and systemic factors would enable ACF to identify trends and possible correlations between specific practices by states and state performance on specific outcome measures, which could inform ongoing quality improvement both for individual states and for ACF as it continues to refine its child welfare monitoring approach over the years.

**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?**

[no comments on this]

**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?**

[no comments on this]

**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 to Question 4**

Given how crucial it is for child welfare systems to partner with the communities they serve in order to provide effective child welfare services and to use insights from internal stakeholders to

support continuous quality improvement, stakeholders should play a key role in establishing targets in partnership with child welfare systems. Stakeholders should be also be involved in child welfare monitoring efforts as important sources of qualitative data and perspectives on:

- How effectively the agency is creating a welcoming, inclusive, and culturally competent environment for youth, prospective and current parents, staff, and partnering agencies and organizations, particularly with regard to LGBTQ youth and LGBT adults
- How actively and effectively the agency is recruiting and retaining LGBT foster and adoptive parents and kinship caregivers
- How effective the agency is at ensuring that LGBTQ youth in foster care are protected from discrimination and harassment from foster parents, service providers, and staff as part of a focused effort to provide for youths' safety and well-being
- How thoroughly and consistently the agency is searching for, and engaging with, LGBT adults as part of family-finding and case-file mining efforts on behalf of youth

Additional suggestions for ways that stakeholder input should be included in monitoring performance is provided in the response to Question 6 below.

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

[no comments on this]

**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?**

**Response to Question 6**

*Strategies*

ACF should use its child welfare monitoring efforts to partner with states to continuously break down barriers to achieving safety, permanency, and well-being for children and families, including identifying barriers that child welfare systems may themselves be creating or reinforcing. For example, child welfare agency policies and practices that exclude—explicitly or in subtle ways—entire communities of prospective foster, adoptive, and kinship parents are potentially denying opportunities for children in foster care to have placement stability and permanence by limiting the pool of potential parents.

- Reviewing state policies—ACF should review state policies and policy guidance to assess whether existing state policies that limit people who are eligible to be foster, adoptive, or kinship parents (e.g., restrictions on single adults, unmarried couples, LGBT adults, etc.) are creating barriers that delay or deny permanence for children in foster care by categorically ruling out qualified prospective parents.
- Assessing agency functioning, climate, and culture in order to monitor what is actually happening to children and families as they engage with the child welfare system (which ACF identifies as one of the features of the current CFSTRs as mentioned in the Federal Register notice)

- Use stakeholder input (e.g., interviews, focus groups, surveys, etc.) from both internal and external stakeholders to identify experiences and perceptions of the child welfare agency’s processes, policies, and practices to identify:
  - concerns about cultural competence/appropriateness of agency staff and procedures
  - strengths in partnering with relevant community organizations
  - trends in the demographics and needs of the populations (both youth and adults) served by the agency
  - possible differences between formal policies and actual practices (e.g., in prospective parent assessment and matching/child placement, etc.), particularly for specific groups of prospective parents such as LGBT adults, single adults, and unmarried couples
- Gather stakeholder input on internal agency operations, policies, and practices related to the agency’s capacity and effectiveness at providing culturally competent and respectful services, particularly to LGBT adults and LGBTQ youth.

*Supports*

ACF should reinforce and support the achievement of positive outcomes for children and families by providing the following supports to jurisdictions:

- Funding opportunities specifically focused on promoting the development or application of intensive efforts to improve the competence and capacity of child welfare systems to serve the increasingly diverse populations of children and birth, foster, adoptive, and kinship families that interact with child welfare systems, including efforts to improve the capacity of agencies to serve historically excluded or poorly served populations, including LGBT individuals.
- Field-initiated funding opportunities that encourage creative approaches to continuously improving the quality of child welfare systems and the outcomes of the children and families they serve. By having field-initiated grants available, ACF would empower jurisdictions to respond to emerging trends in the diversity of populations they are serving, identify and test innovative programs and strategies for child welfare services, and highlight areas in which individual child welfare systems are seeking additional assistance in building their capacity to serve the diverse and evolving needs of children and families.

**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?**

[no comments on this]

**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?**

[no comments on this]

## **Additional Comments**

- Federal child welfare monitoring should promote best practices in child welfare service, both in terms of systemic components and day-to-day practice within agencies. ACF has the opportunity to use a monitoring process to express a vision for high quality, comprehensive child welfare services, not simply a set of individual performance standards against which to measure child welfare systems. In other words, the child welfare monitoring approach can be a tool for promoting excellence, not just compliance.
- As stated in ACF's Information Memorandum (IM) 11-03: "every child and youth who is unable to live with his or her parents is entitled to a safe, loving and affirming foster care placement, irrespective of the young person's sexual orientation, gender identity or gender expression." Any federal child welfare monitoring effort should ensure that child welfare systems are providing all children in foster care safe, respectful placements in which children are free from harassment and discrimination. LGBTQ youth are at high risk of being harassed, bullied, and discriminated against and should be a particular focus for agencies. Child welfare systems have a responsibility to protect the youth in their care from those threats to youths' safety and well-being, and federal monitoring systems should assess how effective each child welfare system is at implementing protections for youth. This assessment should examine the agency's policies and practices regarding training and licensing of foster parents, contract requirements for service providers, and requirements for staff as indicators of the infrastructure that the agency has in place to ensure that youth are in safe, welcoming environments in any situation under the responsibility of the agency.
- As part of its efforts to promote continuous quality improvement and assess child welfare systems' performance, ACF should invest in studying effective and appropriate strategies for demographic data collection on LGBTQ youth in care and LGBT parents that interact with the child welfare system. Demographic data about the number of LGBTQ youth and LGBT parents involved with child welfare systems will be important information as part of ongoing assessment of child welfare systems' effectiveness at delivering culturally competent services to youth and families and as agencies seek to comply with diligent recruitment requirements. As reflected in ACF's IM-11-03, data on LGBT youth in the child welfare system is limited and difficult to obtain; systems currently must rely on research studies to develop estimates of the number of LGBTQ youth served by child welfare agencies in general and generally do not have accurate agency-specific data on LGBTQ youth in care. Because there are potentially complicated trust and privacy issues involved in collecting such data, we recommend that ACF explore options for researching appropriate options for identifying LGBT adults and LGBTQ youth in the child welfare system so that those options can be pursued in the future in order to provide valuable data to inform child welfare monitoring and assessment efforts.