



MICHIGAN SUPREME COURT
LANSING, MICHIGAN

MARY BETH KELLY
SUPREME COURT JUSTICE

May 20, 2011

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

Dear Ms. Rothstein:

We are writing on behalf of the Michigan Supreme Court's State Court Administrative Office in response to the request for public comment listed in Federal Register, Volume 76, Number 65, dated Tuesday April 5, 2011, regarding 45 CFR Parts 1355, 1356, and 1357, Federal Monitoring of Child and Family Services Programs. This letter is written in support of, and in agreement with, the comments and recommendations stated by the Michigan Department of Human Services in a letter authored by Director Maura D. Corrigan in regards to needed modifications to the Child and Family Services Review process.

Director Corrigan recommends, and we support, the following changes:

- Blending the current federal review and planning processes, the Child and Family Services Review and Child and Family Services Plan, into an integrated state planning process. This will eliminate redundant or overlapping elements in the current mix of federal reviews and accountability requirements. From the Court's perspective, the current duplicative federal and state efforts are very costly in terms of resources and staff time that could be better used in service delivery to children and families.
- Utilization of qualitative data from the state's case review system, rather than the historical AFCARS and NCANDS data profiles employed in the current CFSR process.

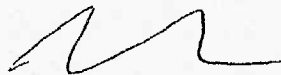
- Utilization of case specific and county specific longitudinal data that has a higher degree of reliability in capturing the experiences of children and families from the time they are investigated by CPS through multiple follow-up points, and consideration of the interdependent nature of the CFSR outcomes of safety, permanence, and well-being. This will enable states to examine their performance on these indicators over time, as well as to compare the performance of counties of similar size. This will also allow them to more quickly assess the impact of changes to the policies and processes they implement.
- Modifying the role of federal involvement from one of identifying weaknesses and dictating process driven corrections, to that of being consultative and instructive, providing technical assistance and support to improve outcomes and related processes.
- Maintaining accountability to national outcome and performance standards, with the state program improvement plan focused on no more than three key practice areas at any one time wherein the state would be responsible for its efforts to achieve sustainable improvement in those targeted areas.
- Require an independent external review process that augments internal quality assurance efforts. This would both enhance and validate internal quantitative data and qualitative information. External review can be established to provide objective monitoring of any number of critical decision points in a case including the decision to bring a child into care, effectiveness of out-of-home care, and decisions to change placements and permanency goals. In Michigan, the State Court Administrative Office operates a Foster Care Review Board Program that targets key components related to child safety, permanency, and well being throughout the life of the case. We believe that this external review is critical to the development of a system of comprehensive continuous quality improvement, and to the ongoing integrity of that system.

The Michigan Supreme Court recognizes the need for strong accountability within our child welfare system to help ensure just and positive outcomes for the children and families served, while assuring our public constituency that our system is receiving the level of oversight required by such complex institutions.

We agree with the Michigan Department of Human Services that these modifications are fundamental if state child welfare systems are to benefit from, and not be burdened by, federal review. States should be able to develop the ability to be self-evaluating, self-correcting, and accountable for our outcomes.

Our courts work in very close collaboration with the Michigan Department of Human Services to continually improve our ability to process and superintend cases of abused and neglected children who are brought under the court's jurisdiction. We welcome a process of review that will raise the bar of accountability and lead to states receiving the resources and technical support they need to provide the services and support that their most vulnerable children and families deserve.

Sincerely,



Mary Beth Kelly
Justice



Chad C. Schmucker
State Court Administrator