

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES



Brian Schweitzer
GOVERNOR

Anna Whiting Sorrell
DIRECTOR

STATE OF MONTANA

www.dphhs.mt.gov

PO BOX 4210
HELENA, MT 59604-4210
(406) 444-5622
FAX (406) 444-1970

May 19, 2011

Jan Rothstein
Division of Policy
Children's Bureau, Administration on Children, Youth and Families
1250 Maryland Avenue, SW, 8th Floor
Washington, D.C. 20024

Dear Ms. Rothstein:

On behalf of the State of Montana, Department of Public Health and Human Services, Child and Family Services Division, I would like to take this opportunity to comment on the "Request for public comment and consultation meetings regarding Federal Monitoring of Child and Family Service Programs" published in the Federal Register on April 5, 2011.

We have structured our comments as responses to the specific questions set forth in the Federal Register:

- 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?
 - Montana has developed an internal case review system to promote and measure continuous quality improvement in child welfare outcomes, using a tool that mirrors the federal CFSR, with some enhancements to capture additional data that Montana has identified as important and meaningful with relation to some of the outcomes. Therefore, it would be a significant burden for Montana to have to change the tool and process used to evaluate cases. In light of this fact, Montana believes that ACF should redesign the CFSR to work with the existing continuous quality improvement systems already in place in any given State. The CFSR would look different in each state but would support and enhance the state's internal review process to ensure that the focus is on improving outcomes in real time. This would also allow longitudinal data to be collected and analyzed over time.
 - This approach to promoting states' continuous quality improvement would be best implemented through a strength-based model of review. Given the national economic downturn, subsequent budget cuts, and increased maltreatment reports; states need incentives, not sanctions. Consultation, training focused on skill development, and true collaboration will promote continuous quality improvement. Providing guidance on how to work smarter, with fewer resources, and within the state's capacity to sustain the changes are critical elements to consider when designing a review to promote continuous improvement. Change has been, and will continue to be, impacted by legal, financial and economic constraints that vary state-by-state, and these factors should be fully understood and considered by ACF when working with a particular state.

An Equal Opportunity Employer



- More effective functioning would also result from eliminating requirements for reporting duplicative information (for example on the PIP and the APSR). Furthermore, the CFSR composites are complex and have little meaning for states in their day-to-day work. Data must be made more understandable, which would improve information sharing with stakeholders. States look to ACF for guidance and perspective in these areas. Better definition of the overarching goals for ACF and linking required data to those goals/outcomes would help states better define how we can more efficiently support them and improve outcomes. The data that States are required to collect and maintain must allow for practical application of data that result in cost benefits, time savings, and improved outcomes for families.
 - In order to gather accurate data, the case sampling method used by the CFSR must also be revised. Children in care the longest are often the most seriously emotionally disturbed, may have a history of sexual acting out behaviors, and have undoubtedly had multiple placements. These are the children least likely to meet the national standards, and they do not represent a valid sample of the work done by states. Yet, these are the typical types of cases pulled for the federal on-site CFSRs. This sample, small in size and taken from three city sites, does not reflect statewide demographics, and it puts states in a more negative light with the legislature, public opinion, stakeholders, and others. This is not necessary and takes away from the positive strides made by the agency. A small sample dramatically impacts statistics and adds to the negative perception of the agency. The results end up decreasing morale among the case workers and harms the agencies efforts to retain employees and support them in their difficult work.
 - In regards to the use of stakeholder meetings as part of the CFSR, comments gathered during this process should be documented as such and considered separately. Due to the fact that stakeholders are not required to back-up their comments with facts or data, and yet the state is cited in the final report per anecdotal information, a state may end up spending time and resources addressing issues that do not actually exist. For example, in Montana a comment was made about court delays based on stakeholder meetings, and when the state spent considerable time and effort to research the comment to identify ways to address and resolve it, court delays were not found to be the most significant reason for delays in achieving permanency for youth.
 - As the CFSR continues, it must also be revised to address competing measures that need to be accounted for; such as, a decline in adoptions due to fewer children placed and reunification/prevention services being improved and increased. The data gathered must be extracted and analyzed in a more multi-dimensional way.
 - Safety, permanency and well-being are important areas to be assessed; however, the well-being items are currently not measured in federal data collected (with the exception of case worker visit location and frequency). If these items continue to be required by a redesigned CFSR, the individual items need to be revised, with input from all states instead of only a selected team of a few states to represent all. For example, the items don't reflect areas such as timely completion of investigations, re-entry is measured differently in AFCARS than in the CFSR instrument, measuring agency efforts to achieve both the primary and concurrent permanency goals in a case is not done, there is no definition of a diligent search, and item 17 should be broken into more than one item.
- 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 Systems) be used in a Federal monitoring process and what measures are important for State/Tribal/local accountability?
- Stakeholders and staff cannot easily interpret this federal data. Montana was appropriated monies for an improved case management system, but with the economic downturn, the cutbacks will prevent these changes from occurring in the foreseeable future. Data and feedback in our day-to-day work (e.g., 'dashboard' technology) would go a long way in assisting field staff, supervisors, and upper management to stay on top of critical issues and timelines as they are occurring in any given case. Under the current system, the data collected is not timely and results in a focus on correcting data errors to re-run those reports instead of using the data to help improve practice.
 - Sanctions are associated with error rates in the current measures. Therefore, they are perceived as punitive and inflexible and are counter-productive to creating a positive state/federal collaborative relationship. The mandate for child welfare workers in every state is to be innovative, motivational and supportive of families and children in order to achieve successful outcomes with families. Promoting change with families is not different than promoting changes with states. Therefore, ACF should adopt a

supportive and helpful role and collect data that makes a difference in our day-to-day work worlds. Positive feedback, provided from a strength-based approach, and resources to carry out the changes recommended, would increase case worker morale. Currently, these data collection systems are viewed as a heavy burden by case workers who believe that these data collection requirements require significant time and energy that takes away from the time any given worker has to spend with families and children doing actual case work that will result in the better outcomes we all strive to achieve.

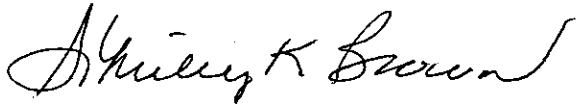
- States need to be supported in directing federal funds to priority areas for improvement. Field supervisors need improved technology to constantly monitor important aspects of case work. Currently, supervisors are manually attempting to manage their staff and provide clinical supervision in a day and age where there are so many technology resources that manual extraction and assessment of information has become obsolete and inefficient. If a state could direct resources toward this type of technology, instead of having to constantly use its limited resources to try to correct errors in old data and fix problems within the case management system that cause these errors in an effort to avoid penalties, Montana believes the result would be a marked improvement in timeliness and outcome measures.
 - Furthermore, measuring states against where they've been (through the creation of state-specific baselines) would depict a more accurate and accountable picture than the current method that simply compares states in all the same areas of safety, permanency, well-being, and the 7 systemic factors.
 - Tribal governments need to be recognized as sovereign nations and the ACF should engage with them as such instead of trying to go through the States to solicit input regarding Tribes.
- 3) What role should the child welfare case management information systems or systems that States/Tribes/local agencies use for case management or quality assurance purposes play in a Federal monitoring process?
- As previously stated, Montana believes that ACF should work with states to improve their case management and quality assurance systems currently in place instead of creating a new and standardized CFSR that would look identical in all states.
 - The role of the case management information systems for States should be to collect and analyze accurate, reliable, valid, and real time information about children and families served in child welfare. Federal guidance for minimum standards ensures consistency and integrity of data gleaned, but continued flexibility is needed to allow states to review non-mandated areas of service, as well as more restrictive policies and laws. The education, judicial, mental health, and health systems within each state are not regulated by child welfare, and states should not be held to the same high standard of substantial conformity in those areas.
 - Federal collaboration, technical assistance, and positive incentives would assist states to achieve continuous improvement in making the necessary changes and enhancements to the systems already in place.
- 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?
- States have always collaborated with the courts, clients, stakeholders and other child-serving agencies. Child welfare agencies should be directly involved in establishing targets for improvement, actively monitoring performance, and reporting the results. States should be permitted to set improvement goals utilizing their own data (both qualitative and quantitative) based on past outcomes and realistic and attainable goals instead of using the results from a small number of cases chosen from only three communities.
 - The CFSR review tool needs to be further assessed to consider measuring graduated progress in a particular area, rather than a pass/fail focus. Although the 7 outcomes bring a minimal amount of this, they are not helpful when extracting specific causal factors underlying a broad set of issues that overlap into other outcomes. For example, safety issues impact well-being and permanency measures/outcomes.
 - States were required to use a more evaluative approach for Round 2 CFSRs. Given the few resources available at the time, Montana sought out and evaluated the federal software obtained by JBS, International, and used by ACF to conduct on-site reviews. We found the conditions of use to be very restrictive and not supportive of Montana's needs to have the flexibility to edit the review tools.

Additionally, the federal software was not designed to collect longitudinal information. Efforts to provide incentives would motivate innovative ideas and produce more timely improvements than sanctions alone.

- Montana's internal case review system conducts comprehensive peer case reviews of 150 cases annually, and the sample is chosen in a manner that spreads cases more equitably statewide than the federal CFSR. In addition, Montana pulls between 5-10 in-home services cases where one or more of the children in the home have experienced an out-of-home placement in substitute care during the period under review and one or more children were in the home for at least 60 consecutive days in the period under review. This varies from the in-home services pull made for a federal on-site review, which requires no foster care episode of any child in the home to have occurred during the period under review. Montana found that the methodology of the federal pull essentially eliminated families from the pull. In addition, it does not allow for assessing the children still left in the home. Montana feels strongly that these children and families require the most intensive child welfare services to prevent the remaining children in the home from being removed and an assessment of the in-home services provided to all children in the home is critical.
- 5) In what ways should targets and performance goals be informed by and integrated with other Federal child welfare oversights?
- Integrated targets and performance goals should eliminate duplication of efforts and avoid developing one oversight document or set of regulations that would be too cumbersome and labor (resource) intensive to successfully implement nationwide.
 - The APSR and the PIP could be integrated into one process. Currently in Montana we are in the last 6 month period of our 2 year program improvement plan. We are duplicating some efforts for the APSR update (due in June), and we just submitted some of that same information in a program improvement plan update. States essentially provide self-assessment, develop a 5 year plan and report back annually. The CFSR could incorporate and eliminate duplicative reporting, goals and objectives. By eliminating reporting requirements, it would allow our limited state staff to spend more time focusing on implementing practices identified as those that improve outcomes for families instead of just trying to keep up with the onerous, repetitive, and never ending reporting requirements associated with all federal funds received by the state. (For example, reporting requirements for CAPTA, CJA, the PIP, the CFSR, AFCARS, and NCANDS take up an excessive amount of staff time that could be better spent if a state could somehow report all necessary information one time per year and ACF was instead involved, on an ongoing basis, in using data collected by the State's internal case review process to assist in continuous quality improvements rather than just getting written reports.)
- 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?
- Overall, positive, strength-based strategies that provide for technical support; as well as, financial incentives to help states attain continuous quality improvement as needed in their states should be adopted by ACF. Penalties should be saved for repeated failure to make progress, rather than penalizing states in spite of their efforts. Flexibility to respond to states' needs as appropriate ensures effective use of state and federal resources rather than creating a chase for unattainable goals that results in the use of funds for compliance instead of actual change. This flexibility could result from partnering with states to enhance their current internal continuous quality improvement systems as previously suggested.
- 7) In light of the ability of Tribes to directly operate title IVE programs through recent changes in the statute, in what ways, if any, should a Federal review focus on services delivered to children?
- The state has no jurisdiction on Tribal lands and ACF should engage in direct government-to-government discussions with Tribes on this topic. States appear to be viewed as liaisons for ACF to work with Tribes, and Montana believes this is inconsistent with the fact that Tribes are sovereign nations.

Thank you for the opportunity to comment on the Federal monitoring of Child and Family Service Programs.

Sincerely,

A handwritten signature in cursive script that reads "Shirley K. Brown". The signature is written in black ink and is positioned above the typed name.

Shirley K. Brown, M.A., J.D.
Administrator, Child and Family Services Division

cc: Anna Whiting Sorrell, DPHHS Director
Hank Hudson, DPHHS Branch Manager