



State of New Jersey

DEPARTMENT OF CHILDREN AND FAMILIES

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May 19, 2011

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

RE: Comments on CFSR Federal Register Notice

Dear Ms. Rothstein:

Please accept the following comments on the Child and Family Service Review (CFSR) Federal Registry Notice dated April 5, 2011 from the New Jersey Department of Children and Families (NJ DCF). The NJ DCF recognizes the importance of oversight and monitoring by the Federal Government and is pleased to offer comments to improve and enhance the CFSR process.

First, please note that the NJ DCF has participated in the preparation of the "States' Child and Family Services Review and Program Improvement Plan (PIP) Redesign" process facilitated by the American Public Human Services Association (APHSA). The comments within may be reflective of those offered by APHSA; however, these are areas where we feel particularly strong about the opportunity for change.

Federal Registry Questions:

Q1. 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?

The NJ DCF understands that the Administration for Children and Families (ACF) has many resources at their disposal that could be leveraged to enhance the continuous quality improvement activities occurring in the States and Tribes. For example, the National Resource Centers (NRC), which offers technical assistance to States and Tribes, could be refocused to be leaders in evidenced based practices for child welfare systems. The NRC could identify opportunities for collaboration between states with similar systems and similar issues, as well as being a repository for methods and measures for continuous quality improvements.

The ACF has the ability to offer resources to strengthen and support current quality activities occurring naturally in child welfare systems. Technical assistance can be offered through the staff in the regional offices to ensure that States/Tribes are developing their continuous quality improvement (CQI) systems in a manner that is likely to yield thorough assessments of compliance and practice issues.

The ACF can also impact effective functioning of child welfare systems to improve outcomes for children and families through a more consistent application of federal policy and regulations. States and Tribes are often challenged by their ability to collaborate both formally and informally because the ACF regional offices do not uniformly interpret regulations.

Q2. 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?

To the extent that AFCARS and NCANDS could be redesigned to support the use of one integrated data set able to generate longitudinal data, then AFCARS and NCANDS utilization would be acceptable. However, as presently configured, we don't see these databases as being able to support this process. They would require modification and enhancement. This would include, but not be limited to, making them a single data set. In addition, as there may well be costs involved for the states to rework these, federal funding should be available to support any changes.

Elements not necessary for the measures selected as part of the CFSR process should be eliminated/optional with regards to AFCARS and NCANDS. It is suggested that data be collected for those 18-21 and reported on, regardless of IVE status. That population could be a subset segregated out from the overall performance, but available for further analysis to support policy and programming for this vulnerable population. It is strongly recommended that data be able to be disaggregated to at least the county level, so geographical or organizational disparities in performance are not masked by statewide level data.

NJ continues to have concerns over the proposed revisions to AFCARS issued by ACF in 2010, and hope that these changes are not being reconsidered as part of the CFSR revisions. NJ's comments, as well as those of APHSA in 2010, outlined the many objections to the suggested revisions to AFCARS.

The term "out of home placement" should be used to represent the population of children in state custody not living in their own home, as opposed to ACF's generic use of "foster care".

NJ believes the use of national standards has not worked well given the many differences among states in practice, population served, and definition of data elements. Any measures used for the CFSR should be based on the state's own baseline, and improvement measured against the

state's own performance as opposed to a "national" standard. However, we do appreciate the value of some national indicator for comparison purposes. This is an area that requires more attention to improve the approach currently used ACF.

Any measures selected for the CFSR should not stand alone, but rather make provision for the counter movement, or counter balancing of measures. For instance, decreases in entries to placement, may increase length of stay while also decreasing the number of adoptions. Measures need to be seen in context, but not in such a complex and incomprehensible way as the current composites.

Measures suggested for the CFSR process are:

- Number of investigations
- Time to initial face to face contact with child victim following a report
- Victimization rate – looking at both the number of child victims as well as the percentage of substantiation, the latter of which needs to be taken in context of the number of reports.
- Types of maltreatment resulting in victimization
- Maltreatment in out of home care
- Re-reports within 6, 12, and 24 months of the preceding report (and the sequence of findings – substantiated to substantiated, unsubstantiated to substantiated, etc.)
- Re-reports within 6, 12, and 24 months of closing, on a case that was previously opened for services (and the sequence of findings – substantiated to substantiated, unsubstantiated to substantiated, etc.)
- Number of cases opened for services as a result of an investigation
- Number of reports received on cases opened for services, by results of the investigation
- Monthly contacts with children, both in-home and out of home, but not following the current federal methodology
- Entry rate to placement
- Exit rate
- Types of exits
- Time to exit
- Median length of stay
- Placement stability
- Educational stability
- Rate of reentry to placement – 6, 12 and 24 months
- Children returning due to disruption of adoption or legal guardianship
- Children receiving medical evaluations within 60 days of placement
- Children receiving mental health evaluations within 60 days of placement
- Children over age 3 receiving a dental exam within 3 months of placement
- Time to adoption or legal guardianship
- Number of TPRS on appeal
- Number of children in placement more than 3 years

States should be allowed to supplement the measures with other data that is available to them on an optimal basis.

Q4. 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?

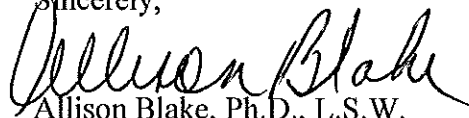
The NJ DCF strongly supports the ability of child welfare systems to establish individualized baselines specific to the outcomes required to improve a particular system. Child welfare systems could assess progress against their own prior outcomes, thereby making the results more meaningful. Different than comparing States against national benchmarks, it would track change based on prior performance in areas that the State and Tribe identify as critical to their success in providing positive outcomes for children. Both quantitative data analysis and qualitative reviews would allow States and Tribes to measure for both compliance and quality. Additionally, any improvement plans could include steps that account for both desired increases or decreases in quantitative data, but also ensured quality was addressed.

Q6. 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?

The NJ DCF strongly encourages the use of incentive-based improvements and the discontinuation of the use of penalties. The current use of penalties to punish States and Tribes that fail to achieve the desired outcomes further disadvantages the children and families served by those child welfare systems.

Additionally, the penalty process withholds funds needed to make the necessary improvement to move into substantial conformity. An incentive-based system motivates States and Tribes to achieve positive outcomes and would allow successes to be built upon and sustained. The ACF could identify with States national targets/percentages of improvement that would warrant incentives; thereby continuing a level of oversight and making the improvements meaningful to the individual child welfare system.

The NJ DCF appreciates the opportunity to provide comments on the CFSR process and is hopeful that meaningful changes can be made.

Sincerely,

Allison Blake, Ph.D., L.S.W.
Commissioner

c: Christine Norbut-Mozes
Elizabeth Bowman
Donna Younkin
Joseph Ribsam
Charlene Womack