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GOVERNOR

May 23, 2014

Miranda Lynch Thomas
Children's Bureau
Administration on Children, Youth, and Families
Administration for Children and Families
1250 Maryland Avenue, S.W., 8th Floor
Washington, DC 20024

Dear Ms. Thomas:

**SUBJECT: STATEWIDE DATA INDICATORS AND NATIONAL STANDARDS FOR
CHILD AND FAMILY SERVICES REVIEWS**

The California Department of Social Services supports many of the changes proposed for the Child and Family Services Review (CFSR) and appreciates the opportunity to provide comments in response to the proposed changes to the statewide data indicators and national standards for the CFSR outlined in the Federal Register notice dated April 23, 2014.

We believe that Administration for Children and Families (ACF) has been responsive to many of the concerns raised and input provided by states regarding the last round of CFSRs. Specifically, the State applauds the elimination of composite scores and the use of entry cohorts for some measures. Additionally, retaining indicators that are critically important to evaluating the effectiveness of child welfare services, but revising them to be clearer and easier to interpret is a huge benefit as we work with stakeholders to better understand our child welfare system. We support the reduction of the number of indicators from seventeen to six. These changes will enable public agencies and child welfare stakeholders to more readily discern the performance of state and county child welfare agencies in serving abused and neglected children and their families.

We agree in concept with the new proposed Safety Performance Area 2: "Re-report of maltreatment" defined as "Of all children who received a screened-in report of maltreatment during a 12 month period (regardless of disposition type), what percent were reported again from the 12-months from the initial date of the report." There is concern that this measure does not take into account some of the dynamics of abuse/neglect referrals that are not tied to how well the agency is serving families and protecting children. We are particularly concerned about the inclusion of all referrals and not taking into account the number of duplicate referrals received by agencies from

mandated reporters. For example, mandated reporters are encouraged to report suspected abuse and neglect to the child welfare agency. The agency may receive multiple reports on the same child or sibling group over several days from different reporters (e.g., teachers, therapists). As proposed each of these reports will be included in both the numerator and denominator thereby inflating the re-report rates. This would be exacerbated even more by large sibling groups.

We recommend that multiple reports for the same instance of abuse/neglect be counted once if they are received within thirty days of an initial screened in report. Also, we recommend that there be a similar exclusion as provided for in the maltreatment in foster care indicator for incident dates that precede the initial referral. Making these adjustments would provide states with the most accurate assessment of agency efforts.

Proposed Permanency Performance Area 2: "Permanency in 12 months for children in foster care 2 years or more." This proposed measure is preferred to the current way long-term foster care is evaluated. However, we believe that the inclusion of those who turn 18 while in foster care disadvantages states that have implemented extended foster care. States should not be penalized for affording these youth additional services designed to promote successful transitions to adulthood. We recommend adjusting this measure to exclude those youth 17 or older.

Risk Adjustments. The Children's Bureau has indicated a number of areas have already been determined to be appropriate for use in the calculation of risk adjustment. We would like to specifically suggest the following as risk adjustment variables:

- Age group for all indicators (at report, at entry, or on first day of year as appropriate)
- Foster care entry rate for the entry rate permanency and the reentry indicators.
- In addition, a dichotomous variable that distinguishes states that include juvenile justice youth in AFCARS from those who do not might be explored.

In addition, we would like clarification whether states will be required to enter into a Performance Improvement Plan (PIP) on an indicator where they meet the national standard with their raw score but do not with their risk adjusted score. Or will the risk-adjusted score be used to help states meet substantial conformity on an indicator? Absent the requested clarification California reserves the right to raise additional objections to the proposed measures at a later date.

Setting Goals and Thresholds. We appreciate the intended effort to simplify the process; however, as proposed these regulations are vague and potentially problematic. There is difficulty in determining the full effect of these changes without additional information explaining the methodology. We understand that the Register notice was written in a way that does not require extensive statistics knowledge, but this should have been available for review and comment by states. We would like a more detailed explanation of the methodology proposed for setting goals and thresholds. As such California's comments to the proposed CFSR Round 3 measures do not necessarily

raise all concerns or objections we have and we reserve the right to raise additional objections to the proposed processes at a later date.

The proposed language in the register does not identify whether states will continue to have the ability to negotiate performance improvement targets or if they will be set solely by ACF. California would encourage ACF to continue to allow for targets to be mutually negotiated between states and ACF.

Secondly, the register did not identify whether states would be allowed to utilize alternative data sources (qualitative or quantitative) for setting targets that are achievable and reasonable. California would encourage the continued opportunity to submit alternative data sources for the CFSR.

The regulations propose to sample a state's past three years of performance estimates to construct a larger sample, and from that sample the calculation of a grand mean and standard deviation. It notes that the grand mean reflects that state's "average" performance and the standard deviation reflects how much normal fluctuation in performance. Given this methodology we have the following concerns and request for clarification.

- If ACF has all of the historical NCANDS and AFCARS data for a state available for analysis, why would just 3 data points be used, and not more of the available data and appropriate statistical techniques?
- It is unusual to use 4 standard deviations as the distance required for improvement and it does raise concerns--since failure to meet goals can result in a large fiscal penalty. The purpose of these targets is to determine improvement suggesting there should be a focus on a one-tailed distribution, making 4 standard deviations quite restrictive.

To address our concerns, we recommend that ACF:

- Utilize additional available data to more accurately represent performance rather than using just three data points and standard deviation.
- Allow states to identify additional factors that may be considered in setting goals and thresholds for targeted performance improvements, in addition to the risk factor adjustments.

Thank you again for this opportunity to submit comments.

Sincerely,



ELLIE JONES, MSW
Chief, Children's Services Operations & Evaluation Branch