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DEPARTMENT OF SOCIAL AND HEALTH SERVICES
CHILDREN'S ADMINISTRATION
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Washington State Comments on Statewide Data Indicators and National Standards for Child and Family Services Reviews (Federal Register Number: 2014-09001)

On behalf of the Washington State Department of Social and Health Services Children's Administration, thank you for the opportunity to comment on the proposed data indicators and national standards for CFSR Round 3. We appreciate the thoughtful and informed approach to the indicator measurement, including the use of entry cohorts, and believe these indicators and the overall system being put in place through this process is a significant improvement over the previous system. Therefore, our comments are focused on those areas where we are recommending revisions and further consideration prior to adopting final measures.

Proposed Safety Performance Area 2: Re-Report of Maltreatment

We appreciate the effort by the Children's Bureau to address the increasing difficulty in comparing state performance using the recurrence measure, as differential response systems expand across the country and the pool of cases with findings declines. The justification for inclusion states, "This indicator is included to provide an assessment of whether the agency took the necessary actions to prevent a future report of maltreatment for children previously the subject of a screened-in report to the agency." This rationale focuses solely on preventing another report, rather than preventing child maltreatment after the agency is involved with a family.

While the measure of re-reports is more inclusive of jurisdictions with differential response systems and on the surface appears to be more comprehensive and fair, at its core it presumes that a re-report of abuse or neglect is an indication that children are unsafe, rather than as a possible protective factor. It also presumes that all new screened-in reports indicate a new instance of maltreatment, rather than an additional report about the same instance. We have provided several examples to illustrate why we do not support these presumptions:

- We train mandated reporters to report any concern they have, because it is not their responsibility to determine if their concern is maltreatment; it is the agency's responsibility to investigate and determine if their report constitutes maltreatment. These re-reports become a very important protective factor in cases where court intervention is not required to assure the safety of the child, and the family refuses services designed to reduce the risk of future maltreatment. This indicator, as proposed, may unwittingly serve to discourage reports from those with knowledge of family issues and thereby reduce child safety.
- We currently record all screened-in reports separately in order to assure accurate documentation of the issues presented by referents. These separate reports, often regarding the same incident, are incorporated into one investigation with the family, but are recorded in our information system as new reports. While we attempt to gather incident dates, these reports are often of the same incident, but may not be recalled by the referent as the same

incident date. Additionally, it is difficult to determine an incident date for neglect, yet neglect is often reported by multiple referents within a short period of time and before the agency has been able to take the “necessary actions to prevent a future report”. States can change policy and adapt information systems to manage these additional reports in ways more favorable to the measurement, but this will not increase comparability between states around issues of what constitutes a new report, which is essential for this indicator to function within the overall system in a useful way.

- Each of our local jurisdictions has law enforcement protocols in place which require our staff to coordinate child interviews with law enforcement in specific situations. If we determine that a child’s safety is not compromised, we coordinate these interviews with law enforcement, which may delay contact with the child’s family. In these situations, a new report may come in before we have had an opportunity to intervene with the family and “prevent a future report”.
- Response time is determined based on the facts presented by the referent in the initial report. Particularly in cases that receive a 72-hour response, a new report may come in before we have had an opportunity to intervene with the family and “prevent a future report”.
- During the course of our investigation and subsequent interviews with the child or collaterals, we often discover additional allegations, which we document as a new report, before we have an opportunity to provide any meaningful intervention and “prevent a future report”.

In light of these examples, we make the following recommendations:

1. We recommend excluding reports of maltreatment where the incident date of the second and subsequent reports occurred on or before the referral date of the first report, if a jurisdiction provides incident dates.
 - This is consistent with Proposed Safety Performance Area 1: Maltreatment in Foster Care.
 - This will appropriately exclude reports that occurred prior to the agency’s knowledge of the alleged maltreatment and will exclude them from the calculation of whether “the agency took the necessary actions to prevent a future report of maltreatment”.
2. We recommend excluding subsequent reports that occur within 30 days of the date of the first report because the investigation is still in process and the agency has not necessarily had the opportunity to intervene “to prevent a future report of maltreatment”.
 - This is consistent with the exclusion of reports in Proposed Safety Performance Area 1: Maltreatment in Foster Care, for what we assume are similar issues of duplicate reports.
 - Excluding reports that occur while the investigation is underway will exclude reports related to the same incident, where the incident date cannot be determined, and thus is not accounted for in Recommendation #1.
 - We recognize that 30 days is quite a long time; however, a shorter time period may not serve to equalize the variances between states in how re-reports are handled in their information systems. Considering re-reports after 30 days will provide a better understanding of the stated intent of this indicator, “to provide an assessment of whether the agency took the necessary actions to prevent a future report of maltreatment for children previously the subject of a screened-in report to the agency.”
3. We recommend developing a method to incorporate a review of re-reports of maltreatment in the case review to determine whether re-reports were new or duplicate incidents, indicators of appropriate protective factor, or incidents that because of the agency’s in-action placed a child at further risk. We further recommend applying the rate of re-reports that were related to duplicate

incidents and protective factors from the case review to the state's re-report indicator rate in determining if the state must improve on this indicator during the PIP.

- This would allow states to focus improvement on areas that they should appropriately address to "prevent a future report of maltreatment" in order to support child safety rather than undermine it (e.g. in-action versus duplicate reporting).
4. As an alternative to a case review adjustment (Recommendation #3), we suggest a modified measure that would address some of the potential unintended consequences of counting all re-reports, some of which the child welfare system appropriately should encourage. A modified measure would retain the denominator as proposed, but adjust the numerator to include only substantiated re-reports. This modified measure would be more targeted toward cases the agency had an opportunity to intervene with and where abuse subsequently occurred. While the numerator would not fully account for the lack of findings in differential response cases, it is likely to include some of the differential response cases that escalate to investigation when the differential response intervention is not successful. Our recommendation for a modified measure is: 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 with a substantiated disposition within 30-365 days from the date of initial report?

Proposed Permanency Performance Area 1: Permanency in 12 Months for Children Entering Foster Care and

Proposed Permanency Performance Area 2: Permanency in 12 Months for Children in Foster Cared for 2 Years or More

CFSR Round 2 contained a Trial Home Visit Adjustment (THVA) for children who were returned home on a trial home visit for more than 30 days and were subsequently discharged to reunification. The THVA set the discharge date at the date the child was placed at home on the trial home visit plus 30days. The THVA required AFCARS element #23, which is marked as NA in Attachment C, indicating it will not be used in Round 3. We recommend this adjustment be included in Round 3 in calculating the Permanency in 12 Months for Children Entering Foster Care and for Permanency in 12 Months for Children in Foster Care for 2 Years or More for children who exit to reunification. The THVA is essential in comparing Washington practice to other states in timeliness of reunification, as our statute requires a mandatory six-month trial home visit before care and supervision authority can be dismissed by the court.

Risk Adjustment

Risk adjustment makes sense and we generally support the concept, but we need more detail to comment specifically. We request that additional information about the risk adjustment calculations be transparent and made available to states as early as possible. It would be helpful if the Children's Bureau would provide calculations about how the planned risk adjustment would have impacted our performance in a previous year. This would allow us to work with stakeholders in understanding the concept.

It will be critical to provide actual risk adjustment data as early as possible so we will know where our relative strengths and weaknesses are after applying the risk adjustment. We would additionally request updated syntax for NCANDS and AFCARS as soon possible following the finalization of the data indicators.

Companion Measures

We strongly support the use of companion measures. We would suggest technical assistance be made available to states to support our work in translating these concepts to our staff and stakeholders. The described method for determining the allowable threshold for a companion measure's performance decline is not easily explained to a lay person.