



**Fostering Court Improvement:
Using Performance Measures to Improve Accountability
for Child Welfare and Dependency Cases
Updated 9/06**

Overview of Fostering Court Improvement (FCI):

Since the passage of the Adoption and Safe Families Act of 1997, increased attention has been focused on the need for improved system management and collaboration between the two custodians for abused and neglected children: the state child welfare agency and dependency courts. The ability for these agencies to work collaboratively, monitor their performance, share data, and make systemic changes when necessary has a grave impact on the safety, permanency, and well being of children in care. As the Pew Commission on Children in Foster Care noted in 2004, well-constructed performance measures and tracking reports can support best practices, help to manage operation, assist in the oversight of individual cases and the system overall, and provide stakeholders with tools to continuously improve.

Building on this momentum, *Fostering Court Improvement (FCI)* combines expertise developed at Emory University and the University of Illinois at Urbana Champaign (UIUC) to convert existing Adoption and Foster Care Analysis and Reporting System (AFCARS) data into a longitudinal data system that will support court performance reporting and data collection. Dr. Mark Testa of Fostering Results at the University of Illinois at Urbana Champaign School of Social Work and Andy Barclay of the Barton Child Law and Policy Clinic at Emory University School of Law will provide oversight for the project.

This project takes data submitted to the federal government by child welfare agencies (AFCARS data), links together the submissions so that outcomes can be looked at over time, and posts the data on a website that is accessible to both courts and child welfare personnel. The data on the web site is broken out by county which can often be mapped to judicial circuits and child welfare regions. Information for the entire state's performance is also available. The data on the website provides both the state child welfare system and the courts with a platform of data that can be used to help track and monitor progress at a systemic level. Examples of measures available on the website include:

- Average monthly removals
- Re-entries into foster care within 12 months of previous discharge
- Reasons for removal
- Median length of stay of children in care
- Median months from removal to: reunification, adoption and termination of parental rights
- Reasons for discharge

Collecting Performance Data via AFCARS:

AFCARS is a system that gathers case level information submitted by every state, the District of Columbia and Puerto Rico every six months on all children in foster care (must be in care 24 hours or longer) for whom public child welfare agencies have responsibility for their placement, care or supervision. AFCARS also includes information on children who are adopted under the auspices of public child welfare agencies along with basic information on foster and adoptive parents. This data is encrypted, so that individual child cases can not be discerned, and submitted to the federal government. As currently reported to the federal government, there is no ability to view cases over their course of stay in the system; each submission is separate and shows data for a six month snapshot. The federal government uses AFCARS data to:

- Award Adoption Incentive bonuses
- Allot Chafee Independence funds
- Produce annual reports to Congress on child welfare outcomes
- Conduct Title IV-E Eligibility Reviews
- Assess a state's compliance with the federal CFSR performance standards

How Courts Benefit from the FCI Project:

In 2004 the American Bar Association Center on Children and the Law, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges issued *Building A Better Court* a publication outlining recommended court performance and judicial workload measures. The court performance measures cover four basic outcomes: 1) safety; 2) permanency; 3) due process; and 4) timeliness. In total, there are 24 recommended court performance measures. Improved analysis of AFCARS, as recommended by the FCI project, would provide courts with data for a portion of these performance measures. The website also provides information on additional measures that are relevant to the court performance measures. Using the AFCARS system as a platform, the court will have the benefit of a nationally recognized system of court performance measures. The Deficit Reduction Act of 2005 provides additional grant money for projects that are designed to strengthen the performance of courts in relation to children in care. In order to receive funding for these grants, courts must demonstrate effective collaboration with the state child welfare agency and Indian tribes, if applicable. The courts must also demonstrate that they are tracking their performance. FCI provides the courts and child welfare agency with a shared data set that both entities can utilize to track their performance and make systemic changes.

How Child Welfare Agencies Benefit from FCI:

The Child and Family Service Review (CFSR) process was developed in response to section 203 of the Adoption and Safe Families Act (ASFA) that was signed into law in November 1997. It mandates the development of a set of outcome measures that can be used to assess the performance of States in operating child protection and child welfare programs.

National standards were subsequently developed that benchmarked performance expectations

for the states. In addition to the on-site review of individual cases, it is against these benchmarks that state performance is measured. Any state whose performance is found to fall short of substantial conformity (based upon data analysis and an on-site review of individual cases) is given an opportunity to develop and implement a Program Improvement Plan (PIP) to improve performance and avoid the withholding of federal funds. Thus far, all 50 states and the District of Columbia have failed to meet the federal standards established by HHS. States face substantial financial penalties if they are unable to demonstrate progress in achieving these standards. The data on the FCI website provides child welfare agencies with information that they can use to track their performance over time and identify systemic changes that need to be made. The federal government announced a new set of outcomes that will be used for national compliance and monitoring purposes. The FCI website is currently being updated to reflect these new outcomes. By comparing data across counties, states can determine counties that are excelling which will ultimately help them to identify practices that are working well.