

May 23, 2014

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Administration on Children, Youth, and Families  
Administration for Children and Families  
1250 Maryland Avenue, S.W., 8th Floor  
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RE: 45 CFR Part 1355

## Statewide Data Indicators and National Standards for Child and Family Services Reviews

The County Welfare Directors Association of California (CWDA) represents the 58 county welfare agencies which administer the child protective services program on behalf of the state. We are pleased to support many of the changes proposed for the Child and Family Services Review (CFSR) and appreciate the opportunity to provide comments in response to the proposals contained in the Federal Register of April 23, 2014.

We specifically endorse the elimination of composite scores and the use of entry cohorts for some measures. We also support the reduction of the number of indicators from seventeen to six, as we believe this 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 provide the following input regarding the proposed regulations:

1. **Safety Performance Area 2: "Re-report of maltreatment" measure:** The proposed regulations would define this 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."

By counting any and all reports from the initial date of the report, we are concerned that this would not take into account the number of duplicate referrals received by agencies on behalf of the same child. 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) before finalizing its investigation. Therefore, 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. It is also important to allow child welfare agencies time to complete its investigations. Also, we would recommend that there be a similar exclusion as the provided for in the maltreatment in foster care indicator for incident dates that precede the initial referral.

One suggested approach to address this concern is for the measure would be to revise as follows:

- 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 report within 12 months from the disposition date of the previous referral.

2. **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 with additional services designed to promote successful transitions to adulthood. We recommend adjusting this measure to exclude those youth 17 or older. We also note that there is a federal disincentive to permanency for youth who are in care and age 16 and older as federal law limits extended guardianship and adoption under Fostering Connections to only those youth whose adoption or guardianship was established at age 16 or older in order.

3. **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

4. **Setting Goals and Thresholds:** We have the following comments:

- 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. We understand that the Register was written in a way that does not require extensive statistics knowledge, but this should have been available for review. 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 3 measures don’t necessarily raise all concerns of objections we have and we reserve the right to raise additional objections to the proposed processes at a later date.
- The regulations propose to sample a state’s past three years of performance estimates to construct a larger sample, and from that sample there would be a 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. If ACF has all of the

data for a state, why would just 3 data points be used? Are there additional data and more appropriate statistical techniques that can be used?

- The register did not identify whether states would be allowed to present utilize alternative data sources (qualitative or quantitative) for setting targets that are achievable and reasonable.
- The proposed language in the register does not identify whether state will continue to have an 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.

To address these 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 data and/or factors that may be considered in setting goals and thresholds for targeted performance improvements, in addition to the risk factor adjustments.

Thank you for the opportunity to submit comments. For any questions, I can be reached at (916) 443-1749 or [dboyer@cwda.org](mailto:dboyer@cwda.org).

Sincerely,

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