

Proposed Rule: Notice Of Statewide Data Indicators And National Standards For Child And Family Services Reviews, ACF-2014-0002

Miranda Lynch Thomas, Children's Bureau, 1250 Maryland Ave. SW., 8th Floor, Washington, DC 20024

These comments are submitted regarding on the Proposed Rule: Notice of Statewide Data Indicators and National Standards For Child and Family Services Reviews. The opinions expressed herein do not represent a specific organization or entity, but rather are based on observations made throughout the course of my professional involvement in the field of child welfare spanning 25+ years.

I will preface my comments by saying that I am extremely pleased to see the Child and Family Service Reviews (CFSRs) and the National Standards guided by sound statistical methodology. I believe this will provide a more accurate and comprehensive view of child and family outcomes in child welfare systems. The CFSRs have created a dramatic shift in a positive direction with the focus on outcomes for children and youth. However, the approach in the first two rounds of CFSRs has highlighted several challenges in both the delivery of services and measurement of progress in child welfare.

I. Safety Outcomes

In **Safety Performance Area 2 (Re-report of maltreatment)**, I would question the inclusion of reports regardless of disposition. Since states differ in their definitions of child abuse, an investigated report (screened-in) in one state may not be included in the count in another state. This inconsistency in child abuse/neglect definitions across states may result in bias against states with broad definitions of child abuse/neglect and may skew the calculation of the national standard. For example, the areas of emotional, psychological, and medical neglect can be particularly problematic, with vast inconsistencies across states. Another example of systematic bias is compulsory education laws. Not only do these laws vary by state, the response when there is failure to comply by the parent/guardian may or may not involve the child welfare system, depending on the state's child welfare laws.

An additional concern is the calculation of the numerator. As I read this, the numerator would include all child abuse/neglect reports made after the first report, regardless of disposition. This number may be influenced by several factors, some of which may not include safety issues and are *not under the control* of the child welfare system. For instance, some states include only certain job classifications as mandatory reporters while other identify *all adults* as mandatory reporters. This may result in differences across states in the reliability, thoroughness, and appropriateness of reports received. The sheer volume of reports received by child abuse hotlines (3.4 million reports involving over 6 million children, with 2.1 million investigated reports in 2012) highlights the challenge for child welfare systems in identifying credible reports of maltreatment.

Jurisdictions that exercise caution in making a determination regarding the need for investigation may be unduly penalized for this diligence, especially jurisdictions with small child populations.

A final concern regarding this standard involves differences in the manner in which multiple child abuse/neglect reports are handled across child protection systems. In some states, multiple reports may be ‘folded into’ or ‘added to’ an initial report, rather than treated as a new report. For instance, information gained in subsequent reports may be added to that collected in the initial investigation, especially if the report is received shortly after the initial report. Conversely, some jurisdictions may treat all reports as separate investigations, even if they reference the same incident of alleged abuse/neglect.

I would propose that the numerator include only those subsequent reports that are substantiated. This would address some, although not all of the concerns identified. I would suggest that there be further discussion regarding this outcome measurement.

II. Permanency Outcomes

In the area of **permanency**, I am pleased to note that the criteria to achieve permanency within 12 months would be expanded to include adoption and guardianship, in addition to placement with relatives or reunification. I believe this will provide an improved measure of states’ ability to secure suitable, permanent placements for children in a timely manner. In addition, the linking of permanency within 12 months with the re-entry into foster care outcome will address concerns that children may be prematurely reunified and/or cases closed without necessary supportive services. In light of recent media exposure regarding concerns of ‘re-homing’, I believe that it is especially important to monitor the provision of high quality, supportive services to ensure the safety and well-being of children served by the child welfare system.

In the area of **placement stability**, I would note that in some limited circumstances, a move in foster care might actually produce better outcomes for children. For instance, if a child is moved in order to receive specialized treatment for behavioral or emotional *care with a goal of returning to the original foster care placement*, a temporary move may be appropriate. Additionally, moving a child in an effort to place siblings together may result in better outcomes for all children involved. For clarification purposes, I would add that temporary placement into respite care is appropriate in certain circumstances. These situations may not be adequately explained by the data; however, they would likely be captured within a quality assurance or case review process.

Overall, I believe the use of an entry cohort is likely to provide a clearer picture of the permanency outcomes achieved within the child welfare system. However, I am concerned about the proposed exclusion of children that fall into the time frame of being in foster care for more than 12 months and less than 24 months. I would propose that there be further consideration of how to best capture a sampling of children who fall into this category. My concern is that this is a critical juncture in the life of a case, and exclusion (and/or lack of attention) may produce an unintended consequence of children who do not achieve placement within 12 months lingering beyond the two-year mark in their involvement with child welfare systems. If one subscribes to the “what gets measured, gets managed” adage, this exclusion could create systems that promote children lingering in care. I believe that 15 or 18 months might result in a more comprehensive picture of the case history and outcomes achieved. I would propose that the Children’s Bureau explore this further with input from public child welfare agencies and stakeholders.

III. General Comments

I have three final comments that were not addressed in the proposed change regarding the overall CFSR process. Many advocates, including myself, have noted the limitations of a sample size of 50 or 65 children per review site. This can create a scenario in which a state meets the national standard for a data indicator but is required to include it in their Performance Improvement Plan (PIP) because the small sample size fell below the threshold for substantial conformity. This can result in states/jurisdictions using limited resources to address outcome areas that may not be problematic. I would ask for clarification regarding how such discrepancies will be handled in the third round of CFSRs.

Secondly, I would encourage the Children's Bureau to explore opportunities to better evaluate systemic issues. Two in particular have a clear and direct impact on outcome achievement. One is the ability of the agency to maintain a cadre of well-trained, dedicated foster parents to ensure placement stability and child well-being. Similarly, the ability to recruit and retain a highly qualified workforce is critical to the success of child welfare systems. Recruitment and retention in child welfare has been the topic of numerous studies for decades, including evaluations by the Government Accountability Office. Furthermore, turnover has been directly linked to achievement of permanency. (Flower, C., McDonald, J., & Sumski, M., 2005) Because of the well-documented connection between these human resources and outcome achievement, thorough and systematic evaluation is warranted. Until these issues are successfully addressed, child welfare systems will continue to struggle with adequately providing for the safety, permanency, and well-being of the children and youth in their care.

The last issue I would raise is related to the ability of public child welfare systems to address emerging trends that significantly affect children and youth in their care. For example, although it has received a great deal of attention from advocates, researchers, and stakeholders, there is no measure of disproportionality in the CFSR process. More recently identified issues include the use of psychotropic medications in foster care, re-homing (particularly among adoptive children/youth), child (or human) trafficking among current and former foster children/youth, and the financial abuse of children/youth in care. I do not believe it is possible, within the parameters of the current CFSR process, to address ALL such trends. Rather, I raise this as a topic for on-going discussion and consideration to ensure that child welfare systems are responsive to the evolving needs of children in care.

I appreciate the opportunity to provide feedback regarding the proposed changes in the CFSR process. I would reiterate that the changes proposed are positive enhancements to the process of monitoring and evaluating outcomes for children served by child welfare agencies. The thoughtful consideration and collection of feedback by the Children's Bureau allows for the continuous improvement of this important process and ultimately contributes to positive outcomes for vulnerable children and youth.

Comments submitted by Connie K. Hayek, MS