

## Comments on 45 CFR Part 1355: Statewide Data Indicators and National Standards for Child and Family Services Reviews

The following comments are in response to the invitation for public comment on the CFSR data indicators and methods proposed in the Federal Register/ Vol. 79, No. 78 / Wednesday, April 23, 2014 / Proposed Rules.

I would first like to thank the Children's Bureau for the good work done on these proposed measures. Overall, the changes represent a significant improvement from the prior CFSR rounds. In general the greater use of entry cohorts, fewer measures, and elimination of the composite scores represent useful changes.

Evaluating the proposed measures requires one to look at both individual measures and across the set of measures. The following were evaluation criteria that emerged for me as I reviewed this proposed set of measures. The task at hand was to consider each of these and balance the pros and cons presented by these criteria.

### Review Criteria for Evaluating Measures

1. Methodologically sound
2. Easily understand
3. Provides timely feedback
4. Positively oriented (aspirational)
5. Unintended incentives
6. Balanced set of measures
7. Lean (Parsimonious) yet comprehensive set of measures

### Comments by Review Criteria

#### 1. Methodologically sound

Overall the proposed measures represent an improvement from a measurement methods perspective. In general, it is the major strength of this set of measures.

#### 2. Easy to understand

The proposed measures are largely easy to understand. Rates are somewhat challenging for some folks but I think are a good way of doing some of these measures. **Re-entry** is going to be difficult because only it only looks at kids who entered care in a Federal Fiscal Year, achieved permanency in 12 months, and re-entered in the 12 month observation period following discharge to permanency. **Placement stability** is a little challenging in that it only includes children entering care in a Federal Fiscal Year and only counting the days and moves regardless of how long they had been in care. The **Permanency in 12 months for children in foster care 2 years or more** presents some challenges for some also, and this is as good as any for maintaining a focus on long stayers.

#### 3. Provides timely feedback

Data are largely provided back on a timely basis with the exception of Re-entry measure. I think the data on the **Re-entry** measure will be easy to dismiss for some folks because these are children that entered 2-3 years prior to having these data. It requires two 12 month observation periods - one following their entry into care and the other after discharge. A suggested measure is provided below

since this measure has other problems. **Permanency in 12** and **Re-report** measures require a 12 month observation period but it is necessary.

#### 4. Positively oriented (aspirational)

Four of the six proposed measures (two-thirds) are negatively oriented. The only two positively oriented measures are **Permanency in 12 months** and **Permanency in 12 months for children in care 2+ years**. The proposed measures **Maltreatment in foster care**, **Re-report of maltreatment**, **Re-entry to foster care**, and **Placement stability** are negatively oriented by title or by definition.

I would advocate for positively oriented measures when possible for two major reasons. First, child welfare has major public relations problems. When the outcomes system is set up to report on negative occurrences (i.e. re-report, abuse in care, re-entry and placement moves) it reinforces this negative perception. Secondly, outcomes are important statements to child welfare staff, stakeholders (including legislative bodies) and the public for what child welfare is striving to achieve - what we aspire to. On a practical front I find people more engaged when they are part of something positive. When I have had the opportunity to work with groups on developing improvement strategies, inevitably more ideas and better ideas emerge when a goal/objective is positively stated. While the **Placement stability** measure is stated positively, the measure itself is in reality moves per 1,000 days of care – negatively oriented.

I would like the Children's Bureau to consider re-orienting the three indicators stated below. Placement stability has some challenges in re-orienting positively but it can be done and can be easier to understand.

**"Re-report of maltreatment"** may be re-oriented to **"Safety following report of maltreatment"**. The definition would simply change the numerator to look at those without a re-report occurrence within 12 months. One other modification is suggested below.

**"Re-entry to foster care"** could be re-oriented to **"Permanency maintained"**. It could be the same definition as proposed except the numerator would be those not re-entering. Other modifications in the measure are suggested below to broaden the numerator as well.

**"Placement stability"** is already positively stated but is really negatively defined as placement instability. A state would not want to increase the number of moves per 1,000 days of care. To positively orient this measure would require redefining the measure to calculating days of care per placement move. This is calculated by swapping the proposed numerator and denominator - the total days of care (numerator) divided by total moves (denominator). The more days of care provided per move the more stability. There may be a problem with dealing with zero moves when computing this in smaller management units but should not be a problem on a state level.

The exception to my comment on positive orientation is **Maltreatment in foster care**. Any fraction of a percent is important and a very high positive number of safe in care rate just glosses over these serious occurrences. Every incident is important and should be taken seriously.

#### 5. Unintended incentives

There is some concern on the proposed measure of **re-report of maltreatment**. The concern is that this would discourage screening-in reports that come to the agency's attention. I would think we want our child welfare agencies to err on the side of caution and look into as many reports as possible where there is some legitimate concern. The concern over this proposed measure could be remedied if the numerator of the measure was a substantiated or indicated report within 12 months of the initial report (instead of just a re-report).

## 6. Balanced set of measures

There is a good balance between permanency and re-entry measure. One of the major problems with the first two rounds of measures is that there was a perverse incentive to placement child who when home quickly. There was not a counterbalance to placing kids in foster care. A rate for **Placement per 1,000 child population** needs to be in the mix somewhere. We should be doing everything possible to work with families to prevent placement thus preserve permanency. I would be in favor of adding a new measure if it were not for the potential for assessing penalties. A new measure or an addition to the Data Profile would bring this measure more out front and would be the only measure of preventing out-of-home placement. I understand that a placement rate would likely be used by the risk adjustment calculation and it should. My concern is that without reporting this as a separate measure, it will get buried in a statistical calculation for which is difficult for most to understand and thus obscures its importance.

## 7. Lean (Parsimonious) yet comprehensive set of measures (inclusive of all children being served)

The set of proposed measures are lean (parsimonious direction) but it is at the expense of leaving many children off the radar screen in a given year in a few critical areas. One example of this is the **Placement stability** measure which only looks at stability for an entry year cohort only during the fiscal year they enter. The denominator is the number of days of care provided for kids entering during each fiscal year regardless of how long they were in care – 9 days to 364 days. Given the most movement is for children in the first 12 months of care, the measure should perhaps stand. This is such an important measure. To include the long stayers in this measure could reward states that have a higher proportion of kids staying in care for longer time period. States should be advised to examine stability for all children in care regardless of their length of stay.

I understand the advantage of following an entry cohort through permanency, re-entry and placement stability (but only partially). Entry cohort measures are the strongest from a measure construction point of view. The measure **Permanency in 12 months** is a good measure and should remain. Off the permanency outcomes radar screen are those kids in care between the 12 and 24 months. Again, if it were not for the penalties that states face, an argument could be made for another measure looking out another 12 months - **Permanency in 24 months of entry**. States should be encouraged to supplement the federal measures by a measure that would bridge the gap between the Permanency in 12 months and the Permanency for kids in care 24+ months.

The definition of entry cohort used in this set of measures is an admissions entry cohort. There are other types of entry cohorts. I would like to see the **Re-entry** measure based on a cohort of all children tracked for 12 months from entering permanency status (discharged to reunification, other relative, and guardianship) regardless of the time they were in care. The data could be disaggregated for different time-in-care groups and provide a richer set of information. If the choice is only one group, the first 12 months in care would be best but should not be constrained by the fiscal year time markers. Having a re-entry measure based on all kids achieving permanency (except adoption) regardless of the time in care would put more kids on the radar screen, provide a well-constructed measure, provide more timely feedback than the proposed measures, and is easy to understand.

## Summary of Recommended Changes

### Summary of recommendations on the proposed measures

1. Re-report of maltreatment – Change it to be positively oriented such as “safety maintained for 12 months” and change the denominator to substantiated or indicated reports. Thus the measure would be no substantiated report within 12 months of an initial screened-in report.
2. Maltreatment in foster care – no changes suggested
3. Permanency in 12 months for children entering foster care – No changes suggested
4. Permanency in 12 months for children in foster care 2 years or more – No changes suggested
5. Re-entry to foster care – Change the measure to a positive oriented measure of “Permanency Maintained”. Change the denominator to all children entering permanency (discharged to reunification, other relative, guardianship) during the year and the numerator the number of children who did not re-enter care in the 12 months following discharge.
6. Placement stability – No changes to the name of the outcome, but positively orient the calculation of the measure to be the number of “days of care per placement move”. States should track placement stability for all children regardless of the federal measure.

### Other Comments

Two measures were suggested above that would complement the proposed measures. These could be either new measures, additions to the Data Profile or measures that states are encouraged to include as supplementation data.

1. Permanency in 24 OR Permanency for children in care 12-23 months – There is a gap between the proposed measures *Permanency in 12 months for children entering foster care* and *Permanency in 12 months for children in foster care 2 years or more*.
2. Placement rate per 1,000 children in population – This measure is the number of children entering foster care during the year divided by the child population times 1,000.

### Risk Adjustment:

Risk adjustment makes a lot of sense; however the methods need to be very transparent and understandable to states. They should be able to re-create them or it will receive the same reviews as composite measures. Certainly factors such as age, placement rate per 1,000, and re-entry indicators should be used in the risk adjustment.

### Companion Measures:

I suggested a placement rate per 1,000 children which would be a good companion measure to the permanency measures.

### Setting Goals and Thresholds:

This again has good promise but will need to be clearly explained and reproducible within a state.

### Submitted by:

**Terry Moore**

Director of the Results Oriented Management (ROM) Project

Center for Children & Families

University of Kansas School of Social Welfare

785.864.8938 (office)

terrym@ku.edu