

TO: Miranda Lynch Thomas, Children's Bureau

FROM: Rosalind Walter, Ruben Ferreira, Mary Kennedy, Liz Skinner-Reilly and Anand Kasthuri,
Massachusetts Department of Children and Families

DATE: 5/19/14

RE: Response to request for comments on the proposed Statewide Data Indicators and National Standards for Child and Family Services Reviews

- A. Permanency in 12 months for children entering foster care and Permanency in 12 months for children in foster care 2 years or more.
1. Will the measures "Permanency in 12 months for children entering foster care" and "Permanency in 12 months for children in foster care 2 years or more" have an adjustment for Trial Home Visits (THVA)? The chart comparing the old to new measures does not mention dropping THVA. These measures will be influenced by both the THVs recorded as the current location and the THVs which are lost either in the construction of the annual file or because they started and ended during a reporting period. If there was sufficient data to support a THVA for the last set of measures, surely the appropriateness of that adjustment pertains to these measures as well.
 2. The "Permanency within 12 months" measures continue to create a perverse incentive to discharge youths prior to their 18th birthday whether that is appropriate or not. Youths who turn 18 during the reporting period and who are not discharged prior to turning 18 should be dropped from the denominator of these measures.
- B. Maltreatment in foster care
1. The description of the "Maltreatment in foster care" measure indicates, "If a state provides incident dates, records with an incident date occurring before the date of removal will be excluded." NCANDS "Element #146 Incident Date" is not included in Appendix C as a Primary data element required for calculation.
 2. There should be a risk adjustment based on the length of time a state takes on average from date of report (NCANDS Element #6) to date of disposition (NCANDS Element #10). The current measure of Maltreatment in Foster Care excludes reports which occurred prior to the reporting period. If this practice is continued, it results in the exclusion of a larger number of reports for states with long investigations as compared to states with short investigations. This gives the appearance there is less maltreatment in foster care in state A with a 90 day investigation period as compared to state B with a 20 day investigation period even if the same number of investigations are supported during the reporting period and the states have the same number of children in foster care.
 3. When calculating the number of placement days for the "Maltreatment in foster care measure", how will children who turn 18 while in placement during the reporting period and who remain on the AFCARS file after their 18th birthday be handled? Will only the days up to their 18th birthday be included?
- C. Re-report of maltreatment
1. We believe a more accurate measure of risk for maltreatment would be to determine of all children with a screened-in report of alleged maltreatment in a 12-month period, what percent had an indicated or substantiated allegation of alleged maltreatment within 12 months.

2. We believe this measure both creates the likelihood of whipping a state when it's down and a perverse incentive to manipulate screening decisions to game the measure. For instance, in response to a tragic event a state begins screening in all reports of alleged abuse/neglect for children under 5, significantly increasing the re-reports; or, in order to decrease the measured rate of recurrence a state increases the threshold for screening-in a report or eliminates a category of alleged abuse such as "risk of neglect", significantly decreasing the re-reports.
3. In states where certain reports are always screened-in (physical abuse, sexual abuse, infants), does the research support the notion these intakes are linked to subsequent substantiated/indicated allegations?
4. Will children with no allegations – those included because they are in the household – be excluded from this measure because of the absence of any allegation? If not, is every state consistently reporting the non-reported children?
5. There should be a "risk adjustment" based on the state's screen-in rate. States with a low threshold for screening decisions will have much higher rates of "re-reports" without the children actually being at a higher risk of maltreatment. The difference in screening rates is wide. In 2012 Pennsylvania had a rate of 8.6 per 1000 compared to West Virginia's rate of 96.6 per 1000.

D. General

1. Does the term "national performance" mean the same thing as "national standard"? Both terms are used in the proposed rule.
2. Does a state "pass" if they are in the "No different from national standard group"?