

# **Comments on Proposed Statewide Data Indicators and National Standards for Child and Family Services Reviews**

## **GENERAL COMMENTS**

The new data indicators for CFSR3 are a big improvement over the earlier indicators. However, some additional improvements are needed before they are finalized.

The Children's Bureau's decision to have a small set of indicators, yet encourage states to have additional indicators, makes sense for reporting to Congress on state-level performance and for use in the CFSR every few years. However, the CFSR3 data indicators have a big influence on how states measure themselves, manage contracts, and report success and progress to the public, the press, governors and legislatures. There are some holes in the set of CFSR3 data indicators, so there is a danger that the emphasis will be on areas that are measured and reported, and performance will be hidden and will actually decline in the areas not measured and reported.

Instead of reporting each federal fiscal year, states must measure, report, and improve performance on an ongoing basis and at lower levels, including small counties and small contract providers. States use these measures to drive performance, not simply to report performance. This impact beyond the CFSR necessitates that the CFSR3 data indicators be adaptable for state and local use for different measurement periods than the FFY, for shorter measurement periods and with smaller populations.

It is useful to compare performance among states, counties, contract providers and other entities, as the discomfort of seeing that one's own performance is lower than others is a great motivator. However, performance improvement in child welfare must consider that states (and smaller entities) are different in the populations served, laws, definitions, processes, and information systems. We must find the right balance among our goals of improving current and future performance over our own historic performance, improving in relation other entities, and improving in relation to any standards. The new approach to national standards, assessment, and program improvement plans appears to be a reasonable approach to addressing these goals. The biggest problem is that too much of the process -- especially multi-level modeling and risk adjustment -- is not described in enough detail for states to understand it and assess whether states will be treated equitably.

## RISK ADJUSTMENT

The concept of risk adjustment is sound, as there are significant differences in the sub-populations served. Some of those differences appear to explain some of the variation in measured performance. However, many of the differences in measured performance are not related to those sub-population differences and it is difficult to identify only those sub-population differences where risk adjustment is justified. It is possible that the risk adjustment process will be the latest great idea created with the best intentions that will fall victim to the law of unintended consequences and have an adverse impact on performance. Risk adjustment has the potential for being even more problematic than the composites, if states are not treated equitably and waste time and money on appeals, rather than on performance improvement.

For example, the child's age at removal might be chosen as a factor related to permanency performance, but that has the potential for unintended consequences.

- 1) If older children entering care typically have lower rates of achieving timely permanency than younger children, and
- 2) A risk adjustment is provided based on that phenomenon, then
- 3) States (and smaller entities) with larger proportions of older children entering care may not focus on the real issues that:
  - Too many older children are entering care inappropriately and nothing is being done to address this issue, and
  - Not enough effort is being made to achieve timely permanency for older children.

Another suggested adjustment is based on state variation in entry rates. The assumption appears to be that states with lower entry rates should have an adjustment to their rates of timely permanency, because they remove fewer children with more serious family problems that are more difficult to resolve within 12 months. That MIGHT be true, but we have limited data to back up that assumption of greater difficulty. The observation that some states with lower entry rates also have lower permanency performance is not sufficient to demonstrate greater difficulty in achieving timely permanency.

Treating states differently, based on factors not directly tied to performance, is not fair and invites appeals.

Rather than risk-adjust measured performance, it might make more sense and be less controversial to divide some indicators by sub-population. To use a hypothetical example, if it can be demonstrated that, in 45 states, achievement of timely permanency is tightly linked to age at removal and that 70% of children ages 0-12 achieve permanency within 12 months of removal and that only 30% of children ages 13-17 achieve permanency within 12 months of removal, and there is a rationale for the difference (NOT that states do not work hard enough to achieve permanency for the older population), then it makes sense to divide the indicator into two age groups, with standards for each. That would be a much more straightforward way to deal with the difference.

## SAFETY INDICATORS

Both indicators are improved. For maltreatment in foster care, the use of a rate per 100,000 days and ignoring perpetrator type are improvements. For recurrence of maltreatment, use of all screened-in reports eliminates the impact of state variation in substantiation rates on measured recurrence and reduces the chance that substantiation rates will be reduced to reduce measured recurrence. However, variation in both maltreatment reporting rates and screening decisions will continue to affect measured recurrence. Proper use of incident date will improve the foster care indicator.

The methods for the two indicators are not consistent on either substantiation or use of incident date, with no explanation of the differences.

- 1) The maltreatment in foster care indicator is limited to "substantiated or indicated," but recurrence of maltreatment is not. These should be made consistent or a rationale for the difference should be provided.
- 2) Incident date in the maltreatment in foster care indicator will exclude incidents before removal. Incident date should also be used in the recurrence of maltreatment indicator to exclude incidents in the subsequent report with a date prior to the original report (e.g., child discloses to therapist abuse that occurred two years ago).

# PERMANENCY INDICATORS

## **Timely Permanency**

The two revised indicators for timely permanency -- the entry cohort and the in-care 24+ months cohort – are a big improvement. Expansion to all forms of permanency is a plus. The problem is that there is a big hole in the middle. Half our children entering care achieve permanency within 12 months and half the children remaining in care after 12 months achieve permanency within an additional 12 months. We need a middle cohort at 12-23 months:

- 1) Entry cohort followed for 12 months.
- 2) In care 12-23 months cohort followed for 12 months.
- 3) In care 24+ months cohort followed for 12 months.

## **Re-Entry**

Inclusion of all forms of permanency in this indicator except adoption is an improvement. The problem is the use of entry cohorts. We should use prospective measures, but not necessarily "entry cohorts." What we need to measure here is whether the discharge to legal permanency is lasting, based on appropriate permanency decisions and appropriate supports to increase the likelihood that permanency will last. We should use the best prospective measure of re-entry -- all permanency discharges in the preceding FFY, regardless of the FFY in which the child was removed. The proposed method is incomplete, as it excludes permanency decisions that were made last FFY, but the removal was either too early or too late for selection. This is inconsistent with other indicators that are more inclusive.

## **Placement Stability**

Placement moves per 1,000 days in care adoption is an improvement. Placement moves in the first year after removal are critical, as we see too many moves in the first days, weeks, and months after removal. The problem is that there is only one proposed indicator, for the first year. We need a second indicator for children in care over one year, but limit measurement to placement moves in the current FFY, excluding moves in the first year that are addressed in the other indicator. If the indicator is limited to children in care less than one year, there will be no incentive to measure the 12+ months group and improve performance by reducing placement moves after one year in care.