



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

May 13, 2008

Christine Calpin, Associate Commissioner
Department of Health and Human Services
Administration of Children and Families
Children's Bureau
Portals 8th Floor
1250 Maryland Ave SW
Washington, DC 20024-2141

Subject: Child and Family Services Review and Program Improvement Plan Processes

Dear Ms. Calpin:

The American Public Human Services Association (APHSA) and its affiliate organization, the National Association of Public Child Welfare Administrators (NAPCWA), respectfully submit concerns and suggestions for improvement regarding the Child and Family Services Review (CFSR) and Program Improvement Plan (PIP) processes. APHSA is a non profit, bipartisan organization representing state and local chief executive officers of human service agencies and public child welfare administrators in the 50 states, the District of Columbia and Puerto Rico.

Background

Since the CFSR/PIP processes were implemented in 2001, the Administration for Children and Families (ACF) has worked to ensure that these processes are effective in improving outcomes for children and families. The first round of CFSRs served as a catalyst for national public child welfare reform. In many cases, the CFSR/PIP processes also contributed to more collaborative relationships between the federal and state governments.

State administrators share the ACF's goals of safety, permanency and well-being for all children and families and they are working to achieve these goals. They also want to ensure that the CFSR/PIP processes are as effective as possible, and they are interested and concerned in how these processes have been implemented and what measures are being evaluated.

Two issues of most concern to states are the financial penalties associated with the reviews and the inconsistencies from region to region in both the implementation of the onsite reviews and the PIP requirements. After the first round of reviews was completed in April 2004, all 50 states, the District of Columbia and Puerto Rico then had to complete Program Improvement Plans (PIPs) and comply with ongoing monitoring that carried the possibility of financial penalty. We are in the second year of the second round of the CFSRs, but some states are still coping with PIP penalties or risk of penalty from the first round. Attempting to implement necessary program improvements with even fewer resources than they had prior to the review inhibits states in their ability to advance their systems. Another issue affecting states is that there seem to be a number of inconsistencies between states in the implementation of the onsite reviews and the expectations for PIPs. After the first round of reviews, the Children's Bureau made changes in the process to ensure greater consistency across the nation. So far in the second round of reviews the states do not believe that the changes are resulting in a higher level of consistency.

As we continue to see the effects that the reviews have prompted thus far, we also look at how we can use the second round and other future reviews to achieve even more impressive outcomes for children and families. Based on a series of web and phone based interviews conducted with the states from February 2008 – April 2008, NAPCWA has developed a list of potential administrative improvements to the CFSR-PIP processes. We have also developed a list of long term goals that we feel would improve the processes, but that may require changes to federal laws, rules and/or regulations.

This is the second comments letter regarding the CFSR/PIP processes submitted to the ACF by APHSA on behalf of the states. The first was submitted on December 8, 2005 in reference to the Proposed Data Composites and Potential Performance Areas and Measures for the second round of CFSRs.

Administrative Improvements

Workload

Current situation. With few exceptions, states feel supported by their federal partners in the CFSR planning process, but they also noted that the volume of work the process generates for the states is high. Currently, the federal government provides no resources to states to allow them to add staff to the effort. At the same time, while the CFSR process unfolds, the regular work of child welfare departments must go on.

The CFSR preparation requires extensive state investment. Staff from the selected sites, usually with assistance from the state's central office, must:

- 1) Devote large amounts of time to reviewing the case samples to ensure that all of the cases are applicable.

- 2) Review and tag the cases and set up specialized pass code access to enable the federal consultants and review team pairs to locate and print electronic documents.
- 3) Select and schedule both stakeholder and case related interviews.

Some states have been able to hire retired employees to lessen staff workloads. For other states this is an expenditure they can not afford.

Recommendations.

- 1) Provide federal funds that do not require an additional match and are not already allotted for another purpose to cover the cost of hiring additional staff to assist with review activities or assume necessary non-CFSR duties which would free up experienced state staff to work on review-related tasks.
- 2) Allow more stakeholders on the state team. In some states, stakeholders are participating in internal quality service reviews (QSRs) and are familiar with the state case recording system, location of documents, automated systems, and laws and policies.
- 3) Identify sites and cases early in the planning process to enable states to create flexible and effective approaches to planning and distributing the work.
- 4) Coordinate timeframes and combine plans and reports that states are required to provide to the federal government. The CFSR Statewide Assessment and PIP development and quarterly reports should flow as unified parts of the Child and Family Services Plan and the Annual Progress and Services Report.

Workforce

Current situation. One of the concerns most frequently expressed by states relates to the long working hours during the onsite component of the CFSR. During the week of the onsite, days are typically 10 to 12 hours long and follow weeks of intense agency preparation. The potential fatigue resulting from the long days may lead to clouded judgment and diminished work quality which could compromise the validity of the onsite component of the reviews. Inaccurate ratings, in turn, may lead to ineffective PIPs that adversely affect the focus of the child welfare system for years.

Recommendations.

- 1) Add review pairs to each team. Federal funds should be made available to contract for the necessary space for selected sites that cannot accommodate the additional staff.
- 2) Extend the review week.

- 3) Conduct federal quality reviews of the state's preliminary assessment of the cases prior to the onsite.
- 4) Conduct stakeholder interviews in the office.

State Site Leaders Involvement

Current Situation. The state level state team leader's role is defined by the state level federal team leader, and the state local site leader's role is defined by the federal local team leader. Because there is no centrally defined role for state site leaders, there are often inconsistencies across sites regarding their involvement during the onsite case reviews. The most prevalent inconsistency involves whether or not state site leaders are involved in the first level review of case instruments and whether or not they are able to engage in-- rather than just observe--stakeholder interviews.

State local site leaders can be particularly useful in these activities because they have the knowledge of state laws and policies and of local terminology. They can improve the validity of the reviews by clarifying any questions that may arise throughout the process. The ability to review the case instruments onsite would also ensure that the state had more nuanced and reliable information regarding the findings.

Recommendations.

- 1) Engage state site leaders as equal participants in the first level quality review of case instruments and in the stakeholder interviews.
- 2) Provide an additional state site leader at each site. States would prefer this option, despite the fact that it may be an added workforce strain.
- 3) Provide written guidelines on the roles, responsibilities, and options of the state local site leaders.

PIP Development

Current situation. States begin developing PIPs while they are conducting their Self Assessments. Though states are generally very pleased with the assistance provided by the National Resource Centers (NRCs), particularly the NRC for Organizational Improvement, they report that instructions from various federal representatives and the PIP Instructions and Matrix that appear on the Children's Bureau website may be in conflict with one another regarding the level of detail required in the PIP. This confusion results in time and labor intensive rewrites.

Final reports are often received months behind schedule and not in time to be useful in the PIP development. These delays create difficulties in PIP development and in the ability to sustain the involvement of stakeholder groups. Engaging stakeholders to work with materials that may not align with the Final Report is difficult. They are often

concerned that their involvement will ultimately be irrelevant to improving services in their state since the Final Report may differ from the verbal report presented at the State Exit Conference. Similarly, statewide exit conferences are generally found to be more positive than either the Courtesy Report or the Final Report and this difference is difficult to explain to stakeholders and legislative representatives, whose participation in the process of change is essential.

Case instruments are not available until after the Final Report is issued. Without the detailed information available in the case instruments, it is difficult to develop detailed plans to address areas most significantly in need of improvement. Making the instruments available for review onsite would not only provide the detail needed for the state to effectively work on specific PIP strategies, but it would also enable them to take action in a timely manner to address practice issues for children and family.

Another major issue for states is the fact that PIPs can be driven by the findings of a single case or comments of an individual stakeholder that are not reflective of statewide practice or systems most in need of improvement. These case specific findings and stakeholder comments are sometimes given significant weight in review findings and can lead to PIP strategies that do not address the state's needs for improvement.

Each state has the option of addressing inaccuracies in the Courtesy Report before the Final Report is issued. Changes are generally limited to correcting data errors. The case specific outcomes and stakeholder comments are retained by the regional offices in the Final Report. The capacity of states to add clarifying policy statements varies. Unfortunately, when inaccurate statements are included, even when clarified, they may result in the media and other interested parties drawing and carrying forward incorrect information and conclusions when the Final Report becomes public.

Recommendations. To improve the process of PIP development and stakeholder and public engagement:

- 1) Final Reports need to be issued in a timely and accurate fashion. Confusing, pejorative or inaccurate statements made by single individuals should not be included.
- 2) Copies of the case review instruments should be provided onsite to the state. States should understand that these instrument ratings are not final until there is a review by the Children's Bureau Regional Office.
- 3) The PIP Instructions and Matrix that appear on the Children's Bureau website need to be reviewed for viability and adapted as needed to enable states to develop PIPs that concur with the posted guidelines and are consistent with the assistance from the NRCs and the regional offices.
- 4) The structure and required content of PIPs needs to be clearer, simpler, and consistent for all states. PIPs that focus less on minute details (such as meeting

dates and notes and persons assigned to tasks, which require extensive amounts of time when updating the quarterly reports) free up time and energy to improve practices and outcomes. States view the PIP as part of their statewide internal quality assurance process and unnecessarily complicated report requirements tend to produce site-specific findings and recommendations that are difficult to integrate into a statewide plan.

Long Term Goals

States understand and accept that there is a need for monitoring and other forms of accountability in the expenditure of federal monies. However, there are concerns that the current mix of review requirements, which are ultimately duplicative, may not be the most effective or constructive way to attain the goal of improving outcomes for children and families.

The Case-Related Review

Current situation. States have identified concerns that need to be addressed to ensure that the onsite component of the CFSR process contributes to improved outcomes at the state level.

- 1) As noted earlier, preparing for the onsite component of the review is labor intensive. It takes extensive amounts of time and energy away from other activities that states could be pursuing to improve their own systems.
- 2) The CFSR case sample is too small to be a reliable reflection of a state's case practice or demography, yet it is a critical factor in developing PIPs.
- 3) Despite efforts to avoid it, outcomes of the review are often influenced by the subjective perspectives of individual reviewers. There are also times when cross state federal consultant reviewers use their own state's standards as a basis for evaluation rather than the standards set forth in the instrument.
- 4) The current CFSR case related review instrument is not applicable to the assessment of all the cases in the CFSR case sample. State child welfare systems serve a range of populations. Some states provide services to children who come in through the juvenile justice system, children who enter the system that need to have mental health needs addressed and/or children and families that request and accept voluntary services that are frequently preventative in nature. Some states have developed relevant instruments to assess these cases.
- 5) States, thanks in part to the first round of CFSRs, have implemented ongoing and intensive quality review systems to assess their child welfare systems. Their ability to construct larger, longitudinal samples more reflective of their demography and practice enables them to exceed the CFSRs' capacity to

accurately assess systems and practice to uncover problems and develop effective improvement plans.

Recommendations.

For the CFSRs to continue to contribute to improved outcomes at the state level, the following changes to the process are recommended:

- 1) Use the states' ongoing intensive quality review systems to replace the onsite component of the CFSRs rather than duplicating it on a restricted level. Suggestions to ensure the reliability of state reviews include the following
 - a) Establish federal guidelines for state quality review systems to ensure federal monitoring requirements are met
 - b) Federally review select state case review instruments on a routine basis to ensure that federal guidelines are accurately and uniformly applied
 - c) Send federal representatives periodically to assist with a state case review to ensure the integrity of the review process
- 2) Use quantitative data drawn from a standardized population wherever possible and limit qualitative data
- 3) Use state assessment tools that take into account the needs of children and families who were never or are not currently part of the protective service population
- 4) Use portions of the federal funding currently set aside for the CFSR onsite to enhance states' internal review systems and to provide additional technical assistance for program improvements.

Measures

Situation. As described above, state child welfare systems serve a range of populations; however, the measures in the case review tool are created for children who come into the system through the traditional child protective services route. This is a problem because children and families who enter the system voluntarily or through systems such as juvenile justice or mental health are held to the same standards as child protective service cases, despite the fact that they require a different service array and guidelines for interventions. Setting a reliable national standard for comparison across states is not viable given the variation in the populations served.

Another issue is that the current measures are assessed linearly without taking into account how an improvement in one service area impacts another. A few examples are:

- 1) keeping siblings together may require a longer period of time before permanency is achieved because finding the right home for a sibling group requires a broad, intensive

search that must take place over time; 2) improvements in re-entry rates may increase the average length of stay in out of home placements and ultimately the number of children in out of home care because concern about the possibility of re-entry may take precedent over timely reunification; and 3) kinship care is an effective strategy, but it can hurt permanency ratings because it usually increases the amount of time it takes to get children placed.

The current measures may no longer be valid for today's child welfare population. The reasons children enter care have changed in many states. For example, the use of and type of illegal substance that affect caretakers ability to provide adequate care has changed and there is an increase in the immigration population which carries new and significant barriers to locating parents and relatives. Constant changes in the target population and/or demographics require ongoing evaluation of the measures.

Recommendation. The states believe the following would contribute to valid measures of performance and achievement:

- 1) Limit the use of the current measures to evaluating improvements within a state and not for the purpose of comparing states to each other or to a national standard.
- 2) Review the current measures to ensure that they are valid predictors of desired outcomes.
- 3) Look at aggregate data to assess the effectiveness of statewide child welfare systems as a whole. Data attached to specific outcomes must be considered in conjunction to linked outcomes.
- 4) Develop measures that are capable of accounting for interactive effects.
- 5) Recognize that target populations may change over time and give states the flexibility of adjusting systems, practice methods, and measurements as trends emerge.
- 6) Do not impose penalties without carefully reviewing the reason(s) for non-compliance.
- 7) Give more weight to the Self-Assessment in PIP development.
- 8) Give more weight to states' internal data when monitoring the PIPs for improvements and conformity.

Penalties

Current situation. It is difficult to understand how financial penalties further the purpose of the CFSR goals. Penalties compound problems. They do not increase states' motivation to improve outcomes. All states, along with the federal government, want to

provide optimal services to every child and family that comes to the attention of the system. States are willing to improve their systems without the threat of losing the very funds they need to do so. States that have been unable to improve outcomes to the satisfaction of the CFSR may be those most in need of additional resources. Withholding funds can not help families. Moreover, penalties encourage states to hold back from setting high achievement expectations for themselves, because they do not want to reach for anything they are not sure they can accomplish.

As the Children's Bureau does not publish CFSR penalties, the states do not know the reason that penalties have been imposed. There is concern that penalties have not been uniformly imposed but subject to the determination of different federal staff.

Recommendations. States suggest that if funds are to be withheld:

- 1) ACF Children's Bureau Central and/or Regional offices exercise discretion to convert all of the penalty into a plan that would result in an improvement in the identified area.
- 2) The option of investing in specific activities to improve performance as is allowable in other federal programs, e.g. food stamps, should be available.
- 3) Additional technical assistance should be offered by the Children's Bureau through the National Resource Centers to develop or re-design a programs improvement plans(s) for the area(s) in need of improvement. Technical assistance should continue throughout implementation and monitoring of the plan(s) to ensure that that the strategies are leading to the intended results.
- 4) Penalties should not be imposed if all PIP strategies and action steps agreed upon with the federal government have been completed by the state, since outcomes of new programs can never be guaranteed.

If the ACF Children's Bureau does not have the discretion to implement these suggestions, APHSA and NAPCWA would be interested in working with the ACF toward obtaining it.

Conclusions

We all acknowledge the need for monitoring and the benefits of a federal review to ensure that the momentum of child welfare reform throughout the nation continues. Our members are committed to strengthening families and improving outcomes for all children. Their ability to do so has evolved significantly since the first round of CFSRs and PIPs.

We suggest that the Children's Bureau hold a meeting as soon as possible with all of the states that have been reviewed to date in order to gather their impressions on the process and hear suggestions for improvement. NAPCWA's survey results can serve as a

foundational document for this process. The Children's Bureau held such a meeting at the end of the first year of round one of the CFSRs, and NAPCWA would be willing to help develop the plans and an agenda for a similar meeting.

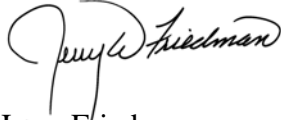
The administrative changes which could potentially occur during round two should be made with a provision that states that have already completed their round two review be provided with the option to have the findings of their review adjusted accordingly. States that have completed the onsite component of round two would work on an adjustment plan in partnership with federal staff.

The states would welcome the opportunity to work in partnership with the federal government to establish valid measures of performance and achievement.

We would welcome the opportunity to meet with you so we may work together toward making the CFSR and PIP processes more effective. To that end we have attached the summary analysis of our 45 state survey and we are available to discuss the findings.

Thank you for the opportunity to provide you with our comments on proposed improvements to the CFSR and PIP processes. If you have any additional questions, please contact Anita Light, NAPCWA director at (202) 682-0100 or anita.light@aphsa.org.

Sincerely,



Jerry Friedman
Executive Director
American Public Human Services Association



Ken Deibert, President
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