Criteria for Using State Case Review Process for CFSR Purposes

Purpose:

Technical Bulletin (TB) #7 outlines the criteria for states using their own process for case reviews for purposes of the Child and Family Services Reviews (CFSRs). This guidance provides more detail on how states and the Children's Bureau (CB) will work to verify each state's ability to meet the case review criteria in that bulletin.

Scheduling State Reviews and Request for State Letter of Intent

As in prior rounds of reviews, CB will stagger the monitoring of all states over 4 years (federal fiscal years (FFYs) 2015-2018) and will use the order of reviews from prior rounds as a scheduling framework (see Appendix B of TB #7). We will schedule the reviews over each FFY in a manner that allows CB and states to manage the review process effectively for all states.

We can only schedule reviews for the year once we have determined whether states can use their own case review processes consistent with CB's criteria. Therefore, we request that each state submit a letter of intent to the CB's Regional Program Manager (RPM) (see Appendix C) in the year preceding its tentatively scheduled review in accordance with the table below, to facilitate the development of each year's review schedule. The state should indicate whether it would like to pursue the use of its own case review process for CFSR purposes, and may provide information relevant to the criteria or timing that would be helpful to CB as it plans and schedules the reviews.

Tentatively Scheduled Review Year	Letter of Intent Due	CB Decision Notification
FFY 2015	**No later than** September 1, 2014	November 14, 2014
FFY 2016	By September 1, 2014, but **no later than** July 15, 2015	October 1, 2015
FFY 2017	**No later than** July 15, 2016	October 1, 2016
FFY 2018	**No later than** July 15, 2017	October 1, 2017

Additional Guidance:

CB will work with each state before and after a letter of intent is submitted to ascertain the appropriate onsite review path for the state. At the culmination of this process, CB will provide the state with written notice of the type of review to be conducted and the relevant dates for review.

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For the CB to determine that the state may use its own process for case reviews, the state must demonstrate to CB in the year before its review that criteria 1 through 3 below are either in place or will be in place by the beginning of and throughout the case review period.

States that meet the criteria must:

- Use a sample period of April 1 to September 30 of the year *before the year* in which the state is scheduled to be reviewed;
- Conduct the case reviews during the months between April 1 and September 30 of the *year of the review* and provide CB information to allow federal staff to participate in the state's case review process; and
- Report results of their reviews to CB by November 15 of the *year of the review*.

States that cannot meet the criteria will be scheduled for a more traditional case review conducted jointly by the state and CB.

Additional Guidance:
When a state demonstrates that it meets the criteria or demonstrates that it cannot meet the criteria by the deadlines noted, CB will send a letter either approving the review path for the state or providing the dates of a traditional review. In some situations, CB may send a letter noting the remaining criteria to be verified before CB can approve the state to use its own case review process for CFSR purposes.

Criterion 1—The state operates an internal case review process at least annually that assesses statewide practice performance for the key child welfare areas using a uniform sampling process and methodology.

Additional Guidance:
States must be operating an internal case record review process at least annually that looks at key performance areas of safety, permanency, and well-being. States must either:

- demonstrate that a case review process is operating before the CFSR 6-month review period begins; or
- provide a plan to implement a case review process by the time of the CFSR 6-month review period.

To demonstrate an operating case review process, TB criteria must be met, including use of the federal onsite review instrument. If the state is not currently using it, the state must provide a plan to transition to its use.

A plan to implement all or any aspects of the requirements for case review must include time frames and should demonstrate the state's capacity to actually implement; e.g., indicate staffing and resource capacity, and training. The plan must address any specific issues or concerns raised about the state's case review process.

States using contracted services to conduct case reviews must ensure that the contractor adheres to all requirements for the case review process.

Acceptable Evidence/Method of Verification:
States operating a case review process must submit the documentation required in each section of this document. CB staff will review materials and have discussions and/or onsite meetings to determine the operation of the case review process. If any aspect of the case review process is found not to be operational, including use of the federal onsite review instrument, the state can provide a written plan to address issues.

States not operating a case review process, but that plan to implement one before the CFSR 6-month review period, must submit a plan to meet all aspects of the requirements, including time frames, and should demonstrate the capacity to implement; e.g., staffing and resource capacity, and training.

The state's sampling methodology must have a statewide schedule that selects cases randomly from the entire state universe; or a stratified schedule of counties or jurisdictions, which consists of a cross-section of state child welfare practice and includes the largest metropolitan area and significant Tribal or other populations that are representative of state demographics. That same stratification will then be replicated for ongoing performance measurement.

Additional Guidance:
States must provide their statewide review schedule that extends through the CFSR 6-month review period using either a statewide random sample or a sample stratified by jurisdiction schedule. Any stratified schedule must include the largest metropolitan area and significant Tribal or other populations that are representative of state demographics.

Acceptable Evidence/Method of Verification:

- A copy of the state review schedule that covers the CFSR 6-month review period and detail concerning the projected number of cases by geographic area and any other significant state populations.

- CB staff will discuss with the state its proposed review schedule and sampling methods. CB staff will raise the state's proposed sampling approaches to a CB sample/measurement group, who will ensure consistent guidance to states regarding adherence to TB criteria.

The state must use a simple random sample design but may include additional stratification to achieve an adequate representation of key program areas.

Additional Guidance:
States must be able to select a random sample from foster care and in-home sample frames using a simple random design. The sampling frame coincides with the population of interest, which for in-home cases is by family unit and for foster care cases by individual children in foster care.

Note: A sampling frame is the actual set of units from which a sample will be drawn. In the case of a simple random sample, all units from the sampling frame have an equal chance to be drawn and to occur in the sample.

Acceptable Evidence/Method of Verification:
A description of the state's methodology to produce a random sample using the state-identified sample frames, including any proposed stratification.

The sample must consist of a minimum of 65 cases served during the sample period with a minimum of 40 foster care cases and 25 in-home cases, inclusive of alternative response cases. Samples larger than 65 should reflect the state ratio of foster care and in-home cases as long as the minimums are met for both case types.

Additional Guidance:
States must be able to identify their planned sample size meeting minimal requirements and identify and sort by jurisdiction and case type.

Acceptable Evidence/Method of Verification:
A copy of the planned review schedule, for the CFSR 6-month review period, including number of cases by jurisdiction, case type, and dates of review.

The sampling frame for the state foster care population must consist of the listing of children served statewide or by jurisdiction strata according to the state's AFCARS-defined reportable cases for the CB-defined sample period. To allow for ongoing review to occur timely, a state may use its AFCARS-defined reportable cases for each day in a quarter.

Additional Guidance:
States need to identify and extract a sampling frame for the state foster care population consisting of all children served statewide or by jurisdiction strata according to the states' AFCARS-defined reportable cases for a defined sample period.

Acceptable Evidence/Method of Verification:
A copy of an actual sample frame or the set of information used to identify the sample population for a recent AFCARS file period. Sample frame should include a numerical identifier for each child plus other identifying information about characteristics of the child to aid in further stratification or for more in-depth analysis. Other required identifiers may include the child's date of birth, date of latest removal from home, most recent case plan goal, and local agency (FIPS code).

For in-home services cases, the set of information used to identify the sample population must be a state list of in-home services (including alternative or differential response) cases opened for services for at least 45 consecutive days during the sampling period and in which no children in the family were in foster care for 24 hours or longer during any portion of the sample period. The in-home sample population should consist of the non-foster care cases served directly or through contract to ensure that all program areas are represented pursuant to the state's CFSP.

Additional Guidance:
States are to identify and extract the set of information used to identify the sample population for the state for in-home services cases opened for services for at least 45 consecutive days during a defined sampling period in which no children in the family were in foster care for 24 hours or longer during any portion of the period under review (PUR). The in-home cases should consist of the non-foster care cases served directly or through contract ensuring that all program areas are represented pursuant to the state's CFSP (including alternative or differential response cases).

Acceptable Evidence/Method of Verification:
A copy of an actual in-home sample frame or the set of information used to identify the sample population aligned with a recent AFCARS file period plus an additional 45 days. Sample frame must align with the state's defined in-home services cases according to CFSP. The sample frame is by family and includes a numerical identifier for each family plus other identifying information, including: case open date, case closure date if applicable, case type, and FIPs code.

The state must have a process in place to consistently address and document CB-required and state-specific case elimination requirements.

Additional Guidance:
The state has a written protocol to apply the state's additional case elimination procedures consistently. The case elimination procedures will also address when to eliminate cases when the state is unable to arrange key participant interviews. Following are required case elimination criteria:

- In-home services case open for fewer than 45 consecutive days during the period under review.
- In-home services case in which any child in the family was in foster care for more than 24 hours during the period under review.
- A foster care case in which the child is in foster care for fewer than 24 hours during the period under review.
- A foster care case in which a child was on a trial home visit (placement at home) during the entire period under review.
- A foster care case that was discharged or closed according to agency policy before the sample period.
- A case open for subsidized adoption payment only and not open to other services.
- A case in which the target child reached the age of 18 before the period under review.
- A case in which the selected child is or was in the care and responsibility of another state, and the state being reviewed is providing supervision through an Interstate Compact on the Placement of Children (ICPC) agreement.
- A case appearing multiple times in the sample, such as a case that involves siblings in foster care in separate cases or an in-home services case that was opened more than one time during a sampling period.
- A foster care case in which the child's adoption or guardianship was finalized before the period under review and the child is no longer under the care of the state child welfare agency.
- A case in which the child was placed for the entire period under review in a locked juvenile facility or other placement that does not meet the federal definition of foster care.

Acceptable Evidence/Method of Verification:
The state provides a copy of the written process and policy or procedures for case elimination, including CB and state specific criteria for eliminating interviews during sampling or when arranging interviews.

Criterion 2—The state has a process in place for ensuring accurate and consistent case review ratings.

The state must provide training on a regular basis for all reviewers on the case review process.

Additional Guidance:
The state provides training for all reviewers examining cases for the federal review sample used to determine substantial conformity. The training must include:

- an overview of the review process,
- conflict-of-interest guidelines,
- conducting case-related interviews,
- an overview of the process for addressing safety concerns identified in a case under review; and
- in-depth instructions on the federal onsite review instrument.

The state provides training for all individuals completing third-party quality assurance of cases reviewed for accuracy of ratings. The training must include:

- in-depth instructions on the federal onsite review instrument,
- an overview of the written processes for ensuring consistency of ratings, and tracking questions and issues on application of the federal onsite review instrument.

Acceptable Evidence/Method of Verification:
The state provides a copy of the curriculum and explains the process to ensure all reviewers (including individuals completing third-party quality assurance of cases) are trained.

Time permitting, CB staff may attend a state training.

The state must adhere to instructions contained in the federal onsite review instrument for rating cases.

Additional Guidance:
The state provides training for all reviewers and individuals completing third-party quality assurance of cases.

The state has a written process for tracking questions that arise among reviewers and individuals conducting third-party quality assurance; the process includes a feedback loop to all reviewers and individuals conducting third-party quality assurance that updates all participants on questions and answers in the federal onsite review instrument. Questions and issues on the instrument ratings and/or case review process should be tracked centrally by the state to ensure that issues are resolved, questions answered, and information is provided to all reviewers and third-party quality assurance staff.

Acceptable Evidence/Method of Verification:
The state provides a copy of the written process. The state should demonstrate that the process for tracking and resolving federal onsite review instrument questions and/or case review process issues is done centrally, and all information is shared with reviewers and third-party quality assurance staff.

The state must have a process in place to ensure consistency of ratings across multiple sites and reviewers, and includes third-party (i.e., someone who has not reviewed the case) quality assurance of cases reviewed for accuracy of ratings in accordance with the federal onsite review instrument and instructions.

Additional Guidance:
The state provides training for all individuals completing third-party quality assurance of cases.

The state has a written process for consistency of ratings across multiple sites and reviewers, and requires third-party quality assurance of cases.

The state has a written process for selecting individuals to complete third-party quality assurance of cases, including a plan for training and supervision of third-party quality assurance.

Acceptable Evidence/Method of Verification:
The state provides a written copy of the process for consistency of ratings and the process for selecting individuals conducting third-party quality assurance.

The state must have a process in place to address safety concerns identified in a case under review.

Additional Guidance:
The state has written instructions that outline the process for reviewers to follow when a safety concern is identified in a case under review.

Acceptable Evidence/Method of Verification:
The state provides a written copy of the process for addressing safety concerns identified in a case under review.

The state must ensure that individuals who had direct contact, supervision, oversight, or consultation for the case being reviewed do not complete the case review or quality assurance review.

Additional Guidance:
The state has a written policy that defines what constitutes a conflict-of-interest and resolves such conflicts so that they are not permitted during the review. The written process must require that:

- State team members not be assigned as site leaders, reviewers, or conduct third-party quality assurance in the same site in which they work or have oversight responsibilities.
- Individuals not review or conduct third-party quality assurance on any case in which they participated or consulted in any way.

- Individuals having a conflict-of-interest report to the site leader; the Leader immediately will re-assign the case.
- Any individuals having a conflict-of-interest will not participate in any team or reviewer debriefing of cases, which affects ratings of cases.

Acceptable Evidence/Method of Verification:
The state provides a written copy of the conflict-of-interest policy and process for resolving conflicts.

Criterion 3—The state uses the federal onsite review instrument and instructions using the sample and method established above to collect data to be used for the initial determination of conformity.

The state must use the federal onsite review instrument and instructions to collect information on all necessary items and implements and adheres to guidance CB issues to accompany the instrument.

Additional Guidance:
At a minimum, the state uses the federal onsite review instrument for the federal review sample used to determine substantial conformity for CFSR purposes. All reviewers are provided training on the use of the instrument. For approval, states must either:

- demonstrate use of the federal onsite review instrument before the CFSR 6-month review period, or
- provide a plan to implement use of the federal onsite review instrument for the federal review sample used to determine substantial conformity.

If a state is already using the federal onsite review instrument, CB staff may attend prior state reviews and/or review completed instruments. If a state is not using the federal onsite review instrument, the state must submit a plan to CB that includes time frames for training and implementation.

Acceptable Evidence/Method of Verification:
If a state is already using the federal onsite review instrument, CB staff should attend prior state reviews and/or review completed instruments for rating concerns and adherence to instructions. (Review of completed instruments could be done remotely).

If a state is not using the federal onsite review instrument before the federal onsite review, the state must submit a plan to CB for transition to the federal onsite review instrument that includes time frames for training and implementation that demonstrate that the state will be operational by the time of the 6-month CFSR period.

The state must include case-specific interviews of key informants on every case to inform the ratings, including all of the following individuals: child (if age and developmentally appropriate), parents, caregiver/foster care provider, and caseworker or supervisor, and follows a written protocol for acceptable case-specific exceptions to an interview.

Additional Guidance:
The following individuals related to a case will be interviewed unless they are unavailable or completely unwilling to participate:

- The child (school age).
- The child's parent(s).
- The child's foster parent(s), pre-adoptive parent(s), or other caregiver(s), such as a relative caregiver or group home houseparent, if the child is in foster care.
- The child and/or family's caseworker(s) or such a worker's supervisor, if the caseworker is unavailable. (When the caseworker has left the agency or is no longer available for interview, it may be necessary to schedule interviews with the supervisor who was responsible for the caseworker assigned to the family.)

Acceptable exceptions to conducting interviews:

- Only school-age children are interviewed, unless other arrangements are made. Cases involving children younger than school age, or children who are developmentally younger than school age, may be reviewed but do not require an interview with the child. Instead, the reviewers might observe the child in the home while interviewing the birth or foster parent(s).
- The parents cannot be located, or are outside of the United States.
- There is a safety or risk concern in contacting any party for interview.
- Any party is unable to consent to an interview due to physical or mental health incapacity.
- Any party refuses to participate in an interview and the agency can document attempts to engage them.
- Any party is advised by an attorney not to participate due to a pending criminal or civil matter.

Unacceptable exceptions to conducting an interview:

- An age cut-off that does not take into account a child's developmental capacity; e.g., a policy of not interviewing children under age 12.
- A party refuses to participate in an interview and the agency did not attempt to engage them beyond a letter/or telephone call.
- A party has a pending criminal, civil, or procedural matter before the agency; e.g., appealing a TPR.
- The agency has not made attempts to locate a party for an interview.
- Any party speaks a language other than English.

Acceptable Evidence/Method of Verification:
The state provides a written protocol for conducting case interviews, including acceptable and unacceptable exceptions for interviews. The protocol includes conditions under which a case will be eliminated—or kept in the sample—based on the inability to complete all interviews.