

## **Child and Family Services Review Technical Bulletin #7**

Announcement of the next round of reviews, changes to the review process and information on the scheduling of reviews.

March 2014

### **Section I. Overview of Next Round of Monitoring FFY 2015 – 2018**

The Children's Bureau (CB) is planning to conduct a third round of reviews under the Child and Family Services Reviews (CFSR) regulations, beginning in FFY 2015.<sup>1</sup> Federal regulations at 45 CFR 1355.32 (b)(2)(ii) require states that were not in substantial conformity in the second round of CFSRs to begin a full review two years after approval of their Program Improvement Plan (PIP). Therefore, given that no state was found to be in substantial conformity on all seven outcomes and seven systemic factors, this requirement applies to all states, the District of Columbia and Puerto Rico.

The CB has a history of revising and making improvements to how we conduct our federal monitoring of state title IV-B and IV-E program requirements. Between rounds one and two of the CFSR, we sought feedback from state administrators and subsequently instituted a number of changes. During the second round of reviews, we continued to evaluate the process by gathering informal feedback from administrators and others involved in the CFSRs on an ongoing basis. On April 5, 2011, CB issued a Federal Register request for public comment about improvements to the process for reviewing titles IV-B and IV-E of the Social Security Act through the CFSR (76 FR 18677). This technical bulletin reflects the revisions we have made to the monitoring process in advance of the third round of reviews.

While continuing to consider further improvements to our monitoring process, the CB is finalizing changes to how we conduct reviews to accomplish the following:

- Support a state's capacity to self-monitor for child and family outcomes, systems functioning and improvement practices;
- Better integrate the monitoring process with the state's five-year title IV-B Child and Family Services Plan (CFSP) and Annual Progress and Services Reports (APSR); and
- Ensure data measures and methods used to establish national standards better reflect state practices and improvement efforts.

The overall goals of the reviews remain to:

- Ensure conformity with title IV-B and IV-E child welfare requirements using a framework focused on safety, permanency and well-being through seven outcomes and seven systemic factors;

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<sup>1</sup> Child and Family Services Review Technical Bulletin #6 (TB#6) issued on February 4, 2013 notified states to wait for additional information from CB about the initiation of round 3 of the CFSRs. This bulletin makes TB#6 no longer applicable.

- Determine what is happening to children and families as they are engaged in child welfare services; and
- Assist states in helping children and families achieve positive outcomes.

The reviews also will continue the partnership of federal and state staff and involve a two-level process: (1) a statewide assessment, and (2) an onsite review as required by 45 CFR 1355.33(a). After receiving the results of the review, states that are not in substantial conformity with title IV-B and IV-E requirements must enter into a PIP to address areas that CB determines require improvement (45 CFR 1355.34 and 1355.35).

We intend to carry out the reviews in a way that creates additional efficiencies and flexibility for states when possible. Section II of this bulletin gives states general information about changes to the review process and Section III gives states instructions for how CB will schedule reviews. This technical bulletin is designed to give states a high level overview of the changes to come but states can anticipate that we will issue more specific guidance on the review process and procedures before the reviews occur as noted in Section IV.

## **Section II. Revised Features of the Review**

### *A. Statewide Assessment and Integration with the Child and Family Services Plan*

The statewide assessment is the first stage in a CFSR. The statewide assessment is the state's evaluation of its performance on CFSR outcomes and systemic factors and is used to guide the focus of the onsite review (45 CFR 1355.33(b)). The CFSP is a five-year strategic plan that sets the stage for states to accomplish the vision and goals they have for strengthening the state's overall child welfare system. The APSRs are annual updates to a CFSP (45 CFR 1357.15 and 45 CFR 1357.16).

Prior Method: The CB sent each state a data profile that contained aggregate data on the state's foster care and in-home service populations as well as its performance on national standards on safety and permanency data indicators. The state then completed the statewide assessment by evaluating its performance relative to child outcomes in the areas of safety, permanency and well-being, the national standards on safety and permanency data indicators and the state plan requirements known as systemic factors. The state also provided significant narrative and references in the statewide assessment to the policy, practice and program contextual issues that may have been relevant to the state's performance. The CFSP submission was separate from the statewide assessment although states were to provide information on progress in CFSR PIPs in the APSRs.

Change in Method: In this round of reviews, we will more fully integrate the CFSP and the APSRs with the CFSR statewide assessment process to reduce states' burden and align federal planning and monitoring efforts. In the new statewide assessment process, states will be able to refer to their CFSP/APSR and update information only as needed. CB will also focus the statewide assessment instrument on the particular assessment questions needed for substantial conformity decisions and other regulatory requirements as opposed to more expansive narratives

on policy and contextual information. As a result, CB is revising the statewide assessment instrument.

Rationale: The instructions for the 2015 – 2019 CFSP require states to assess their performance on the CFSR's seven outcomes and seven systemic factors. See ACYF-CB-PI-14-03 issued on March 5, 2014. States will demonstrate in their CFSP how assessed levels of performance relate to the state's goals and objectives. In each APSR, states will update this information and revise and refine their goals and objectives as needed. Further, 45 CFR 1357.15 and ACYF-CB-PI-14-03 require states, in the CFSP, to use quantitative and qualitative data to the extent possible, including the most recent data profile, national standards, data related to systemic capacity, its case review data and other relevant data, to evaluate the state's current performance on the CFSR outcomes and systemic factors. As the function of this CFSP evaluation is similar to the statewide assessment for the CFSR, CB determined that the state may be able to use the CFSP/APSR content to be responsive to the statewide assessment requirements. We believe this change is responsive to requests for alignment between the CFSR and other federal planning and monitoring efforts.

#### *B. Onsite Reviews – Stakeholder Interviews*

The onsite review is the second stage in the CFSR (45 CFR 1355.33(c)). Part of the onsite review involves a joint federal-state team interviewing stakeholders in the state to inform CB's determination of the state's functioning on the seven systemic factors.

Prior Method: The state addressed each systemic factor in the statewide assessment in narrative form. Although information from the statewide assessment was used to guide the onsite review generally, each state's onsite review involved interviewing an extensive list of stakeholders. Using a guide, these interviews took place at each of the three locations in which the reviews were conducted and at a statewide level as well. CB gave equal weight to stakeholder interviews and information in the statewide assessment.

Change in Method: CB will vary the extent or scope of stakeholder interviews conducted during the onsite review based on the level to which the state demonstrates its functioning on each of the systemic factors. This means that CB may determine that the state has sufficiently demonstrated that a systemic factor is functioning as required through data the state provided in the statewide assessment and not require additional stakeholder interviews for that systemic factor. Alternatively, where the statewide assessment data is insufficient to determine substantial conformity, the joint federal-state team will determine which stakeholder interviews are necessary to gather additional information during the onsite review. As a result, CB is modifying the statewide assessment instructions and stakeholder interview guide.

Rationale: CB anticipates that the guidance in the CFSP will encourage states to provide evaluative qualitative and quantitative data that correspond with CFSR systemic factors that will in turn lead to information that more clearly demonstrates a state's level of functioning on state plan requirements. Furthermore, as a result of states' attention to continuous quality improvement (CQI) systems and increasing the use of data to understand their performance and adjust their programs, CB anticipates that the quality and scope of state data that is responsive to

systemic factor functioning may be more robust than stakeholder interviews. We believe this change is also responsive to public comments that expressed concern over the subjectivity and variability of information provided by stakeholders during interviews.

### *C. Onsite Reviews - Case Reviews*

Another function of the onsite review is to gather state performance information on the seven outcomes from a review of case files of children in foster care or receiving in home services.

Prior Method: In prior reviews, the onsite review was a one-week experience where a joint federal-state team of reviewers used a federal onsite review instrument to conduct all case reviews.

Change in Method: In this round of reviews, states meeting CB criteria may conduct their own case reviews using a revised federal CFSR onsite review instrument and submit the results to CB in lieu of conducting them during the more traditional one-week timeframe. See Appendix A for more information about the case review criteria we will use in this process. Based on these criteria, CB will discuss and review state policies, procedures and other materials as needed to make a determination of whether a state's case review process can be used. If approved, CB encourages states that have the capacity to conduct their own case reviews to do so within the context of their ongoing case review process. States will be able to submit the resulting data from these reviews to CB. We will use this data to make an initial determination of substantial conformity on the seven CFSR outcomes per 45 CFR 1355.34(a) and (b).

If a state receives approval to use its own case review process in conjunction with the federal CFSR onsite review instrument they must provide to CB its case review schedules and other relevant information. This will allow the federal team to participate in the state's case review process. At a minimum, CB participation will include observing the state's case review process while present in the state and reviewing completed instruments. As noted above, stakeholder interviews will also still be conducted jointly by the federal and state team during the period when case reviews are conducted. Federal oversight by CB may be necessary to ensure the state conforms to our case review criteria and produces reliable results for the CFSRs.

If a state does not meet the necessary criteria to use their case review process or chooses not to do their own case reviews, CB will work with the state to prepare for a more traditional week-long case review conducted jointly by the state and CB.

Rationale: CB is making this change in response to public comments suggesting the use of state QA systems in federal monitoring of conformity with title IV-B and IV-E requirements. We also believe this modification will reinforce state efforts to build and institutionalize capacity consistent with CB's CQI Information Memorandum (IM) (ACYF-CB-IM-12-07). The IM advised states to maintain their quality assurance (QA) systems and enhance them through a CQI approach. We encouraged states to measure the quality of services by determining both the impact those services have on child and family level outcomes, and the effectiveness of processes and operational systems in the state and/or required by federal law. Since we issued the IM, CB Regional Offices (RO) have provided consultation and technical assistance to states

on the development and enhancement of well-functioning CQI systems. We will continue to provide such guidance with the goal of assisting states in ensuring they have CQI systems that meet their needs.

Finally, CB's revisions to the onsite review instrument will eliminate or combine some items to address a number of possible issues, including but not limited to low applicable cases, similar areas of practice reviewed in multiple items, and a need to update to reflect current laws.

#### *D. Statewide Data Indicators and National Standards*

Statewide data indicators are used to inform the determination of substantial conformity on safety and permanency outcomes. The statewide data indicators are based on data available in states' Adoption and Foster Care Analysis and Reporting System (AFCARS) and National Child Abuse and Neglect Data System (NCANDS) submissions.

Prior Method: CB used two safety related statewide data indicators. They focused on recurrence of maltreatment and maltreatment of children in foster care to assess the state's performance on the safety outcome that children are, first and foremost, protected from abuse and neglect. CB used four data composites as permanency related statewide data indicators. These indicators informed the assessment of a state's substantial conformity with the permanency outcome: *children have permanency and stability in their living situations*. CB established methodologies for calculating the national standards that varied depending on the indicator.

Change in Method: Although indicators continue to use data from AFCARS and NCANDS, we will provide a refined set of CFSR statewide data indicators based on a different approach to calculating the associated national standards. The statewide data indicators will still be associated with the same safety and permanency outcomes used above, but the indicators will be different. We will be providing more details on the statewide data indicators in a forthcoming *Federal Register* notice. The public will have 30 days to provide feedback to the CB about the indicators.

Rationale: Public feedback suggested a number of challenges with the statewide data indicators that ranged from methodological issues related to use of exit cohorts, the lack of ease in interpreting composite numbers, and concerns about the comparability of states' data. We have modified our approach to use permanency data indicators based on entry cohorts. In addition, we eliminate the composite measure approach. We also refined the safety measures to address some challenges raised by the widespread and varied implementation of differential response in states. More detailed information and rationales for the changes in the statewide data indicators and the national standards calculations will be available in the forthcoming *Federal Register* notice.

### **Section III. 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 four years (federal fiscal year (FFY) 2015-2018) and will use the order of reviews from prior rounds as a scheduling framework (see Appendix B). 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 RO Program Manager (RPM) (see Appendix C) 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 or not the state 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 to engage in effective planning and scheduling of the reviews.

Tentatively Scheduled Review Year	Letter of Intent Due	CB Decision Notification
FFY 2015	<b>No later than</b> September 1, 2014	November 14, 2014
FFY 2016	By September 1, 2014, but <b>no later than</b> July 15, 2015	October 1, 2015
FFY2017	<b>No later than</b> July 15, 2016	October 1, 2016
FFY2018	<b>No later than</b> July 15, 2017	October 1, 2017

We encourage any state to indicate to their RO if they would prefer to have the state’s review earlier in the cycle than indicated, although we may not be able to accommodate all requests.

#### Section IV. Additional Information

In addition to detail about the data measures in the forthcoming Federal Register notice, CB will provide additional information about the reviews, standards, and program improvement plans, procedures manuals, instruments, and rating and measurement information to all states prior to initiating this third round of reviews.

State child welfare administrators will receive invitations to participate in in-person information sessions on the next round of monitoring, scheduled for May and June 2014. Additionally, states will be able to access information from these sessions and general information on the reviews through the CFSR Portal <https://www.cfsrportal.org/> and the CB website at <http://www.acf.hhs.gov/programs/cb/monitoring/child-family-services-reviews/>.

Consistent with prior rounds, CB will provide additional preparation and detailed training to state CFSR participants closer to the timeframe of the state’s scheduled review(s).

## **Appendix A: Criteria for using state case review process for CFSR purposes**

For CB to determine that the state may use its own process for case reviews, the state must demonstrate to CB in the year prior to its review that the criteria 1-3 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 *prior to 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 no later than November 15 of the *year of the review*.

States that cannot meet the criteria, as outlined in this Appendix will be scheduled for a more traditional case review conducted jointly by the state and CB.

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***Criterion 1 - The states 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.***

This means that the sampling methodology must address the following specific criteria:

- 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 is representative of state demographics. That same stratification will then be replicated for ongoing performance measurement.
- The state uses a simple random sample design but may include additional stratification to achieve an adequate representation of key program areas.
- The sample consists 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.
- The sampling frame for the state foster care population consists of the listing of children served statewide or by jurisdiction strata according to the states' 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.

- For in-home services cases, the sample frame is a state list of in-home services (including alternative 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 review period. The in-home cases should consist of the non-foster care cases served directly or through contract pursuant to the state's CFSP.
- The state has a process in place to consistently address and document case elimination related to both the sampling process and during the case reviews.

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

This means:

- The state provides consistent training of all reviewers on the case review process.
- The state adheres to instructions contained in the case review instrument for rating cases.
- The state has 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 instrument and instructions.
- The state ensures that individuals who had direct contact, supervision, oversight or consultation for the case being reviewed do not complete the case review or quality assurance.

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

This means:

- The state uses CB's onsite review instrument and its instructions to collect information on all necessary items and implements and adheres to guidance CB issues to accompany the instrument.
- The state includes 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.

## **Appendix B: Tentative Schedule of State Review Years and General Guidance on Time Periods of the Data Profiles and Samples**

All states approved to conduct their own case reviews will have six months (April 1 through September 30) to complete the case reviews.

States not selecting to conduct their own case reviews will be scheduled for the more traditional federal onsite review between May and August for states scheduled in 2015 and between February and September for subsequent years.

### *Guidance on order of states with data profile time periods and case sample periods:*

In ACYF-CB-IM-01-06 and ACYF-CB-IM-02-02, we provided the time periods from which case samples were selected and data profiles were prepared for states with onsite CFSRs in rounds one and two. We now are providing that information for states with CFSRs in federal fiscal years 2015 through 2018. As noted in this bulletin, decisions about states conducting case reviews using their own process as agreed upon by the state and CB will inform the scheduling of the traditional reviews. However, the general guidance below will be applicable to actual schedules.

**2015 Reviews:** Delaware, North Carolina, Vermont, New Mexico, Georgia, Kansas, Massachusetts, and Arizona.

The period of time covered by the data profiles is from April 1, 2013 - March 31, 2014 or October 1, 2013 – September 30, 2014 depending on the availability of data. The foster care sampling period will coincide with the six-month AFCARS submission period immediately following the data profile period. The in-home services sampling period will extend an additional 45 days beyond the foster care sampling period

**2016 Reviews:** South Dakota, Indiana, Oregon, Oklahoma, Minnesota, Florida, Arkansas, California, Texas, Idaho, Kentucky, New York, District of Columbia, Wyoming, and North Dakota.

The period of time covered by the data profiles is from April 1, 2014 - March 31, 2015 or October 1, 2014 – September 30, 2015 depending on the availability of data. The foster care sampling period will coincide with the six-month AFCARS submission period immediately following the data profile period. The in-home services sampling period will extend an additional 45 days beyond the foster care sampling period

**2017 Reviews:** Nebraska, Pennsylvania, Montana, Ohio, Tennessee, Hawaii, West Virginia, Connecticut, Colorado, New Jersey, Maine, Alaska, Missouri, Virginia, and South Carolina.

The period of time covered by the data profiles is from April 1, 2015 - March 31, 2016 or October 1, 2015 – September 30, 2016 depending on the availability of data. The foster care sampling period will coincide with the six-month AFCARS submission period immediately

following the data profile period. The in-home services sampling period will extend an additional 45 days beyond the foster care sampling period

**2018 Reviews:** Illinois, Nevada, Michigan, Louisiana, Wisconsin, Rhode Island, Mississippi, Maryland, Utah, Puerto Rico, New Hampshire, Iowa, Washington, and Alabama.

The period of time covered by the data profiles is from April 1, 2016 - March 31, 2017 or October 1, 2016 – September 30, 2017 depending on the availability of data. The foster care sampling period will coincide with the six-month AFCARS submission period immediately following the data profile period. The in-home services sampling period will extend an additional 45 days beyond the foster care sampling period.

**Appendix C: The Children’s Bureau’s Regional Office Program Managers Contact Information**

I	<p><b>Region I - Boston</b>          Bob Cavanaugh  <a href="mailto:bob.cavanaugh@acf.hhs.gov">bob.cavanaugh@acf.hhs.gov</a>          JFK Federal Building, Rm. 2000          Boston, MA 02203          (617) 565-1020  <b>States:</b> Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</p>	VI	<p><b>Region VI - Dallas</b>          Janis Brown  <a href="mailto:janis.brown@acf.hhs.gov">janis.brown@acf.hhs.gov</a>          1301 Young Street, Suite 945          Dallas, TX 75202-5433          (214) 767-8466  <b>States:</b> Arkansas, Louisiana, New Mexico, Oklahoma, Texas</p>
II	<p><b>Region II - New York City</b>          Alfonso Nicholas  <a href="mailto:alfonso.nicholas@acf.hhs.gov">alfonso.nicholas@acf.hhs.gov</a>          26 Federal Plaza, Rm. 4114          New York, NY 10278          (212) 264-2890, x 145  <b>States and Territories:</b> New Jersey, New York, Puerto Rico, Virgin Islands</p>	VII	<p><b>Region VII - Kansas City</b>          Kendall Darling, Acting  <a href="mailto:kendall.darling@acf.hhs.gov">kendall.darling@acf.hhs.gov</a>          Federal Office Building          Room 276          601 E 12th Street          Kansas City, MO 64106          (816) 426-2262  <b>States:</b> Iowa, Kansas, Missouri, Nebraska</p>
III	<p><b>Region III - Philadelphia</b>          Lisa Pearson  <a href="mailto:lisa.pearson@acf.hhs.gov">lisa.pearson@acf.hhs.gov</a>          150 S. Independence          Mall West - Suite 864          Philadelphia, PA 19106-3499          (215) 861-4030  <b>States:</b> Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia</p>	VIII	<p><b>Region VIII - Denver</b>          Marilyn Kennerson  <a href="mailto:marilyn.kennerson@acf.hhs.gov">marilyn.kennerson@acf.hhs.gov</a>          Federal Office Building          999 18<sup>th</sup> Street---South Terrace          Suite 499          Denver, Colorado 80202          (303) 844-3100  <b>States:</b> Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming</p>
IV	<p><b>Region IV - Atlanta</b>          Paul Kirisitz, Acting  <a href="mailto:paul.kirisitz@acf.hhs.gov">paul.kirisitz@acf.hhs.gov</a>          Portals Building          8<sup>th</sup> Floor, Suite 8110 West          1250 Maryland Avenue          Washington, DC 20224          (202) 205-6733  <b>States:</b> Alabama, Mississippi, Florida,</p>	IX	<p><b>Region IX - San Francisco</b>          Douglas Southard  <a href="mailto:douglas.southard@acf.hhs.gov">douglas.southard@acf.hhs.gov</a>          90 7<sup>th</sup> Street - 9<sup>th</sup> Floor          San Francisco, CA 94103          (415) 437-8425  <b>States and Territories:</b> Arizona, California, Hawaii, Nevada, Outer Pacific—American Samoa</p>

	North Carolina, Georgia, South Carolina, Kentucky, Tennessee		Commonwealth of the Northern Marianas, Federated States of Micronesia (Chuuk, Pohnpei, Yap) Guam, Marshall Islands, Palau
V	<b>Region V - Chicago</b> Angela Green <a href="mailto:angela.green@acf.hhs.gov">angela.green@acf.hhs.gov</a> 233 N. Michigan Avenue Suite 400 Chicago, IL 60601 (312) 353-9672 <b>States:</b> Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	X	<b>Region X - Seattle</b> Tina Minor <a href="mailto:tina.minor@acf.hhs.gov">tina.minor@acf.hhs.gov</a> 2201 Sixth Avenue, Suite 300, MS-70 Seattle, WA 98121 (206) 615-3657 <b>States:</b> Alaska, Idaho, Oregon, Washington