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ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children, Youth and Families	
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INFORMATION MEMORANDUM

TO: State and Territorial Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act

SUBJECT: National Standards for the Child and Family Service (CFS) Reviews

LEGAL AND RELATED REFERENCES: The Adoption and Safe Families Act of 1997 (Public Law 105-89), Titles IV-B and IV-E of the Social Security Act, the Social Security Act Amendments of 1994 (Public Law 103-432), 45 CFR 1355

PURPOSE: The purpose of this information memorandum (IM) is to transmit the national standards on the six statewide data indicators that will be used in the child and family service reviews to determine, in part, whether or not States are operating in substantial conformity.

INFORMATION:

Background

The final rule, published in the *Federal Register* (65 FR 4019 - 4093) on January 25, 2000, sets forth the requirements for the child and family service reviews, including the establishment of national standards for certain statewide data indicators that will be used, in part, to determine a State's substantial conformity under titles IV-B and IV-E of the Social Security Act.¹ The determination of a State's substantial conformity is based on a review of certain outcomes and systemic factors using quantitative and qualitative data. A State that is found not to be operating in substantial conformity based on a CFS review has an opportunity for program improvement prior to the withholding of any Federal funds.

The national standards are based on information that is reported by States to the Detailed Case Data Component of the National Child Abuse and Neglect Data System (NCANDS) and the

Adoption and Foster Care Analysis and Reporting System (AFCARS).

Statewide Data Indicators

In the preamble to the final rule, we listed seven statewide data indicators under the outcomes of safety and permanency that we intended to use in the child and family service reviews.² We are using only six of those indicators in determinations of substantial conformity at this point. Those six statewide data indicators are as follows:

- Recurrence of maltreatment
- Incidence of child abuse and/or neglect in foster care
- Foster care re-entries
- Length of time to achieve reunification
- Length of time to achieve adoption
- Stability of foster care placement³

We determined that it was impossible, at this time, to use "length of stay in foster care" as a statewide data indicator for determining substantial conformity. In the preamble to the regulation, we defined this measure as the median length of time it takes for the first time entry group cohort (children entering foster care for the first time) for the year under review to be discharged from foster care, i.e., that point when 50 percent of the group is discharged from the first episode of foster care. Many States will not have achieved the median discharge point for the cohort group by the time of their first CFS review. Therefore, we plan to provide data on length of stay in foster care, where it is available, for States' use in addressing items in the statewide assessment, but not for our use in determining substantial conformity during the first round of reviews.

The statewide data indicator "recurrence of maltreatment" has been modified since the publication of the regulation. In the preamble, we defined this measure as the percentage of children who were victims of substantiated or indicated child abuse and/or neglect during the period under review who had another substantiated or indicated report within a 12-month period. We are now following children who were victims of maltreatment during the first six months of the calendar year to see if they received another indicated or substantiated report within six months of the first report. We made this change so that we could use a single year of data which would alleviate the difficulties in following children from one report year to another and using very early data to compute the standard.

Establishing the National Standards

We are not using the AFCARS reporting periods as described in the preamble and the regulation, which we had anticipated would be the April - September 1998 reporting period, the complete fiscal year of 1999 and the October - March 2000 period of AFCARS data.⁴ Rather, we selected the time periods described in the following chart to establish the national standards in order to avoid using the same data to establish the standards and to determine substantial conformity on the first reviews. We have learned since the publication of the final rule, that it would be an inappropriate methodology to use the same data to develop the standards that would be used later

to measure a State's performance; thus, we are now rectifying the matter. In light of this change, the data sources below are the most recent and complete data sets available to establish the standards as required by the regulation. We are now using the following time periods for the statewide data indicators:

Statewide Data Indicators	Time Period and Data Source
Recurrence of maltreatment	NCANDS data for calendar years 1997 and 1998
Incidence of child abuse and/or neglect in foster care	NCANDS data for January - September of 1997 and 1998; and AFCARS data for January - September of 1997 and 1998
Foster care re-entries	AFCARS data for reporting periods 1998a and 1998b ⁵
Length of time to achieve reunification	
Length of time to achieve adoption	
Stability of foster care placement	

For each of the six indicators, we computed the States' percentages from their NCANDS and/or AFCARS data for each of the reporting periods indicated in the chart provided above. Those percentages served as the input data for determining the national standard for each of the six indicators. For statistical purposes, the input data for each indicator were used to fit a normal probability distribution to that data set. From each of the six normal probability distributions, the 75th percentile was calculated and served as the national standard for that indicator. The 75th percentile divides the data set so that 75 percent of the data set falls below it and 25 percent of the data set exceeds it.⁶

The National Standards

The following chart describes the national standards, the data sources used for each and the method for calculating the standard:

Statewide Data Indicator	National Standard⁷	Description	Key Data Elements	Method of Calculating Standard
Recurrence of maltreatment	5%	A State meets the national standard for this indicator if, of all children who were victims of substantiated or indicated child abuse and/or neglect during	NCANDS elements: (CHID)Child ID; (RPTDT) report date; (RPTDISP), report disposition	The indicator is based on children who were victims of maltreatment during the first six months of the calendar year (January 1 - June 30) for the NCANDS

		the first six months of the period under review, 5% or fewer children had another substantiated or indicated report within six months.		reporting period used in the review. We followed each child victim for six months from the first report date during the January-June period to determine if another substantiated or indicated report was received. We divided the count of children who met the recurrence criterion by the total number of children who were victims of maltreatment during the first six months of the calendar year. The respective percentages were calculated, fitted to the normal probability distribution, and the 75th percentile was computed.
Incidence of child abuse and/or neglect in foster care	0.4%	A State meets the national standard for this indicator if, of all children in foster care in the State during the period under review, the percentage of children who were the subject of substantiated or indicated maltreatment by a foster parent or facility staff is 0.4% or less.	NCANDS elements: (CHID)Child ID; (RPTDT) report date; (PER1REL PER2REL, PER3REL), perpetrator's relationship to child; (RPTDISP), report disposition AFCARS elements: element 21, date of latest removal and element 56, date of discharge from foster care	We determined the number of children who were reported in NCANDS as maltreated by a perpetrator who was a foster parent or a residential facility staff person for the nine-month period of January 1 through September 30 for 1997 and 1998. We divided that number by the population of children served in foster care, as reported in AFCARS, for the same time period. The respective percentages were calculated, fitted to the

				normal probability distribution, and the 75th percentile was computed.
Foster care re-entries	6%	A State meets the national standard for this indicator if, of all children who entered foster care during the year under review, 6% or fewer of those children re-entered foster care within 12 months of a prior foster care episode.	AFCARS element 19, total number of removals from home to date; element 20, date child was discharged from last foster care episode; and element 21, date of latest removal from home.	We reviewed a child's placement history to see if there was a prior entry date within 12 months of the most recent entry date. The respective percentages were calculated, fitted to the normal probability distribution, and the 75th percentile was computed.
Stability of foster care placements	89%	A State meets the national standard for this indicator if, of all children who have been in foster care less than twelve months from the time of the latest removal, 89% or more children had no more than two placement settings.	AFCARS element 21, date of latest removal from home; element 24, number of previous placement settings during this removal episode; and element 56, date of discharge from foster care (needed only if child exited during the year).	We reviewed the children who were in foster care at the end of the year and the children who exited during the year to determine how many months they were in foster care. Then, for those who were in foster care less than twelve months, we determined their number of placements. The respective percentages were calculated, fitted to the normal probability distribution, and the 75th percentile was computed.
Length of time to achieve reunification	78%	A State meets the national standard for this indicator if, of all children who were reunified with their parents or caretakers at the time of discharge from foster	AFCARS data element 21, date of latest removal from home; element 56, date of discharge from foster care; and element 58, reason for discharge.	We reviewed the discharge reasons for those children who exited foster care to reunification and then determined the time between the date of discharge and the date

		care, 78% or more children were reunified in less than twelve months from the time of the latest removal from home.		of the latest removal from the home. The respective percentages were calculated, fitted to the normal probability distribution, and the 75th percentile was computed.
Length of time to achieve adoption	36%	A State meets the national standard for this indicator if, of all children who exited foster care during the year under review to a finalized adoption, 36% or more children exited care in less than 24 months from the time of the latest removal from home.	AFCARS data element 21, date of latest removal from home; element 56, date of discharge from foster care; and element 58, reason for discharge.	We determined the number of children who exited foster care to a finalized adoption. Then we determined how many months elapsed between the time of discharge and the date of latest removal from the home. The respective percentages were calculated, fitted to the normal probability distribution, and the 75th percentile was computed.

The National Standards in Context

States should be aware that meeting the national standard for the period under review is one of a number of factors that determine substantial conformity. In designing the CFS reviews we have endeavored to balance our use of statewide quantitative indicators with case-specific qualitative observations in our decision-making. For the outcomes with data indicators where national standards are assigned, a State must meet both the national standard for the statewide data indicator and substantially achieve the outcome in 90 percent (95 percent in reviews subsequent to the first round of reviews) of the cases on-site to be considered in substantial conformity. We will resolve any discrepancies between the Statewide data and on-site review findings so that substantial conformity does not rely totally on one or the other information source.⁸

A State whose data do not meet the national standard in a review will be required to implement a program improvement plan (PIP) designed to improve the States' performance on the data indicators. The program improvement plan allows the State the opportunity to identify the issues that may contribute to nonconformity and plan action steps and technical assistance to improve State performance. In accordance with 45 CFR 1355.35(a), the State and the Regional Office may negotiate a percentage of improvement to be made in the statewide data indicators over the course of a PIP that takes into account the unique circumstances of the State.

While our intention is that all States eventually will be able to attain and surpass the national standards, the negotiated improvement may in fact be less than the national standard. In those circumstances, if the State achieves the level of improvement agreed upon in the PIP, the State will not be penalized for nonconformity on the basis of the statewide data. With a goal of continued quality improvement, States whose data remain below the national standard in subsequent reviews will be required to establish new benchmarks of improvement to be made toward the eventual attainment of the national standard.⁹

INQUIRIES TO: ACF Regional Offices

/s/

James A. Harrell
Acting Commissioner
Administration on Children, Youth and Families

Footnotes

¹ Note: For a complete overview of the child and family services reviews, please consult the final rule and the Child and Family Services Reviews Procedures Manual, which are both available on the Children's Bureau website at <http://www.acf.hhs.gov/programs/cb>.

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² See the discussion on the seven statewide data indicators at 65 FR 4024 - 4025. In the final rule (45 CFR 1355.34(b)(4) and (5)), ACF preserved the ability to add, change or suspend data indicators as appropriate as well as periodically review and revise the standards as necessary.

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³ The first two statewide data indicators fall under Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect. The last four statewide data indicators fall under Permanency Outcome 1: Children will have permanency and stability in their living situations. The names of some of the statewide data indicators have been modified somewhat from how they appeared in the preamble to the final rule to be consistent with those used in the annual Child Welfare Outcomes Report.

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⁴ See 65 FR 4025 and 45 CFR 1355.34(b)(5).

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⁵ "1998a" refers to the AFCARS reporting period from October 1, 1997 - March 31, 1998, and "1998b" refers to the AFCARS reporting period from April 1 - September 30, 1998.

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⁶ We used generally acceptable statistical processes related to fitting data to a normal probability distribution to arrive at the standards which, for some indicators, meant transforming the input data. For more detailed information on the computation of the national standards, please contact John Hargrove at (202) 205-8634.

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⁷ After calculation, the national standards were rounded to whole numbers using typical rounding procedures. The incidence of child abuse and/or neglect in foster care is very small and was rounded to one decimal place, rather than a whole number, so that it would be a meaningful standard.

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⁸ See 65 FR pp. 4028 and 4039, CFR 1355.33(d), and pp. 53-54 of the CFS review procedures manual for a discussion of the process for resolving discrepancies.

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⁹ More information on developing program improvement plans can be found in chapter 7 of the CFS review procedures manual.

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