



# CHILD WELFARE



NATIONAL  
CONFERENCE  
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LEGISLATURES

## Innovations in State Policy

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### Focusing on Child Welfare Systems: Collaborating With State Legislators on Reform

Across the nation, state child welfare administrators are engaged in reforming systems designed to protect children and to foster stronger, healthier families. Such reform does not come easily, as any experienced child welfare professional knows.

The focus on child welfare reform, in fact, often stems from a specific tragedy involving a child, changes in political leadership, or the hiring of a new agency administrator. The result is incremental change, some of which, while well intended, can lead agencies in the wrong direction. Moreover, child welfare leaders are expected to undertake reform while collaborating with other social service providers and community groups, balancing the goals of child protection and parental choice, addressing rampant staff turnover, and operating under budget constraints and within the scope of other new social service policy directives.

Yet, even in the face of these challenges, child welfare administrators are focusing on the long term, creating reform from the ground up, and emphasizing data analysis, systems change, and accountability to the children and families engaged in child welfare services. They are using the federal child and family services reviews (CFSRs) either as a vehicle to drive reform or as a component of existing reform efforts. The goal of these efforts: to develop action strategies for improving not just child welfare systems but outcomes for the children and families that they serve. Integral to that process has been the need to engage the myriad players involved in setting policy, designing programs, and providing services in the child welfare arena.

State legislators clearly are key participants in these reform efforts. In setting the framework for state government, legislators provide policy and programmatic direction and operational funding. They also can help promote collaboration across state government, educate the public about the value of child welfare reform, oversee agency progress, and provide a crucial sounding board for agency staff.

This report provides information to state child welfare agency administrators on effective strategies for using the CFSRs to work more closely with legislators to improve child welfare systems.

#### **The Importance of Legislative Engagement in Child Welfare**

Systems reform demands a “systems” perspective, and control over the legal and policy framework governing child welfare. State legislators bring both of these to the table as they address the roles and responsibilities of child welfare agencies and system reform efforts. For child welfare agency leaders, understanding this context is just as vital as having the funding to make program and policy improvements.

Because state legislators view child welfare reform within the context of other state programs, services and systems, they bring a unique perspective to their child welfare oversight function. Yet, the fact that legisla-

### The Reviews at a Glance

- ◆ Congressionally authorized review of state child welfare systems.
- ◆ Launched in 2000; administered by the central and regional offices of the Administration for Children and Families, U.S. Department of Health and Human Services.
- ◆ States conduct their own statewide assessment with support from the federal government.
- ◆ Federal and state teams conduct an onsite review of three sites in the state, examining outcomes for a sample of children and families served by the state child welfare agency.
- ◆ The state prepares a Program Improvement Plan to develop or enhance policies, training and practice identified as needing improvement to increase positive outcomes for children and families.
- ◆ Federal penalties apply when states do not make the required improvements.

### Child Welfare Outcomes Assessed by the Reviews

- ◆ **Safety:** Children are protected from abuse and neglect and are safely maintained in their homes whenever possible and appropriate.
- ◆ **Permanency:** Children have permanency and stability in their living situations and continuity in their family relationships and connections.
- ◆ **Child and family well-being:** Families are better able to provide for their children's needs, and children are provided services that meet their educational, physical health and mental health needs.

### How Performance Is Assessed Through the Reviews

- ◆ State child welfare data are compared with national standards.
- ◆ Qualitative information on state performance is collected through reviews of actual case records and interviews with children, families and others.
- ◆ State performance is evaluated with regard to how well critical components of the child welfare systems function ("systemic factors," such as the agency's responsiveness to the community and the training of child welfare staff).

More information about the reviews is available at <http://www.acf.hhs.gov/programs/cb/cwrp/index.htm>.

tors must address a range of issues, often during very short time frames, makes it critical that they have objective, easily accessible information about child welfare systems, such as that produced through the CFSRs. State child welfare administrators can use the reviews to provide legislators with the information that they need to enact policy changes that strengthen child welfare systems.

By engaging with legislators regarding the reviews and child welfare reform more broadly, child welfare agencies are able to do the following.

- ◆ Keep legislators informed about agency progress and issues through routine communication, including informal meetings and regular briefings.
- ◆ Proactively address commonly held misconceptions about child welfare operations that can hinder reform efforts.
- ◆ Hear from legislators about the perspectives of the communities that they represent with regard to child and family issues.
- ◆ Support legislators in keeping their constituents informed about the positive effect of child welfare reform on children and families so that, if tragedy does strike, they are able to help the public understand what the state is doing to minimize the potential for such incidents to recur.
- ◆ Help legislators determine the most effective process for streamlining the myriad state services to children and families. Legislators can help minimize regulatory and other barriers to interagency planning and collaboration.
- ◆ As invited, provide an evidence-based analysis of the need for new or revised legislation in response to changing community issues and circumstances and agency-identified needs.
- ◆ Get input from legislators about enhancing the agency's overall planning and program improvement process, and learn what the legislature will be able to do, now and in the future, especially when overall system reform is necessary.

By involving state legislators in the reviews, child welfare agency administrators can more easily enlist their support for the changes identified as necessary to ensure agency conformance with national child welfare standards. The reviews, in turn, provide legislators with an important resource for conducting oversight of child welfare.

### The Child and Family Services Reviews: A Resource for Legislators

State child welfare agencies know that one of the challenges for any state legislator is staying informed about the status of state government programs, particularly in relation to the expanding knowledge base and new perspectives at the national level. The CFSRs provide legislators with that information through a set of national child welfare standards and an analysis of individual state child welfare agency performance.

State agencies, therefore, can use the reviews as a tool to continually engage state legislators about agency successes in protecting children and supporting families, their challenges in doing both, and their plans for making improvements. State legislators are then better positioned to support legislative initiatives that respond to the needs of child welfare agencies and, more important, the children and families that they serve. The reviews offer the following information of interest to legislators.

- ◆ **National benchmarks:** The reviews establish a set of national standards against which agency performance is assessed.

### Building Partnerships With Legislatures Through the CFSRs: State Progress in 2004

Child welfare agency staff in several states report using the CFSRs to work more closely with state legislators on child welfare reform.<sup>1</sup> Although each state's circumstances are different, and no model is applicable to all states, the following are examples of the results of agency engagement with state legislators on CFSR-related issues.

- ◆ **Briefing state legislatures:** In Alaska, the state child welfare agency staff reported a high level of legislative interest in the CFSRs and the state's PIP. The agency made formal presentations about the CFSR to the committees in both the House and Senate that are responsible for agency oversight. Agency staff reported that legislators reacted positively to the agency's candor about the review findings and the agency's commitment to improving performance. In support of the state's PIP, the Legislature approved funding for 26 new positions to help lower caseloads. The agency also requested an additional 30 positions in the governor's fiscal year 2006 budget package.
- ◆ **Engaging legislators in the review process:** In Utah, the state child welfare agency engaged legislators in the review process and related quality assurance efforts in numerous ways. The agency works closely with members and staff of the Child Welfare Legislative Oversight Panel, a standing legislative committee charged with oversight of the agency and dependency courts. According to the state PIP contact, the agency has kept the oversight panel informed about the reviews at each step in the process. Two panel members, for example, were included on the CFSR committee that prepared the statewide assessment and planned the onsite review. In addition, the legislative staff member assigned to the oversight panel has developed specialized expertise in child welfare and regularly analyzes and presents child welfare outcome and performance data to panel members. Five state legislators also have participated in the state's quality assurance activities, including case reviews. Legislators are offered the opportunity to participate in these reviews every year. They also have attended meetings of local quality improvement committees, consisting of community partners, and have participated in local meetings of the state child welfare agency's board.
- ◆ **Building legislative support in addressing fiscal realities:** In West Virginia, the state child welfare agency made a concerted effort to build grassroots support for the state's PIP and approached the Legislature for additional resources for PIP implementation. In doing so, the agency explained to legislators that the reviews showed several areas of challenge, that the state risked losing federal funds if performance did not improve, and that the loss of such funding would make it even more difficult for the state to reach its improvement goals. The agency reported receiving a positive response from lawmakers. One influential legislator became a champion for the agency and convinced the Legislature to appropriate \$2.9 million for new staff.
- ◆ **Involving legislators in program improvement planning:** When Wyoming's CFSR Final Report was issued on April 1, 2003, after adjournment of the regular legislative session, state agency staff provided legislators with copies of the report, reviewed the findings with legislators and other stakeholders in meetings and videoconferences throughout the state, and promised to return with a comprehensive plan to address the areas of concern noted in the review. According to state agency staff, legislators were surprisingly receptive to information about the state's performance because the agency "didn't hold anything back." Instead of blaming the agency for the deficiencies noted in the final report, legislators asked, "How can we help?"

During the following legislative session, agency staff briefed numerous committees, including appropriations committees in both legislative chambers, on the PIP that was approved on January 1, 2004. In line with a new focus on family-centered practice, the PIP provided for shifting resources from the "back end" of the system (high-cost placement services) to the "front end" to prevent the need for removals and out-of-home care. Accordingly, although some legislators were reluctant to expand the size of state government, they authorized the agency to hire 16 new caseworkers and three supervisors, using \$1.8 million in re-allocated funds. They also appropriated \$200,000 to partially fund the Children and Family Initiative, which includes a comprehensive statewide needs assessment and recommendations for legislation and funding.

1. The text of these examples is based on interviews conducted by the National Conference of State Legislatures (NCSL) with state child welfare agency contacts. The NCSL obtained approval from those interviewees and/or state child welfare administrators of the description of their state.

- ◆ **Comprehensive results:** As part of the reviews, each state analyzes its child welfare data, and an onsite review is conducted by a joint federal and state team. The team examines child welfare case records and interviews children, families, and professionals involved in each case under review. The reviews therefore provide legislators with an overview of how children and families are faring within a state's child welfare system.
- ◆ **Emphasis on both results and process:** The reviews provide information about both outcomes for children and families and the underlying systems (such as staff training or foster parent licensing and recruitment) that affect those outcomes.
- ◆ **A framework for reform:** The final report on a review offers legislators a summary of the state's key child welfare issues; they then can support the state in addressing those through the required Program Improvement Plan (PIP) process.
- ◆ **Information on the state's progress in improving conditions for children and families:** Because states are required to measure and report quarterly to the federal government on their progress in achieving the goals outlined in their PIPs, they are more easily able to provide legislators with information about agency efforts to improve outcomes for the children and families engaged in child welfare services.

This focus on achieving improved outcomes, not simply enhanced policies or procedures, fits well with state legislators' need to demonstrate the success of social programs funded with taxpayer dollars. Child welfare agency administrators are likely to find legislators more receptive to their proposed changes or requests for additional funding when they can provide a comprehensive analysis of agency performance and a plan for making and reporting on improvements.

## Supporting Legislative Engagement in Child Welfare Reform

As states implement their PIPs and begin preparing for the second cycle of reviews, child welfare administrators are more knowledgeable than ever about the important role that state legislators can play in child welfare reform. During the first cycle, many state agencies adopted a proactive approach to engaging their legislators in the CFSRs and so benefited from their support and guidance throughout the process. Child welfare administrators, working within the hierarchy established by their state government, can expand their use of the reviews during the second cycle to further engage state legislators in the process by doing the following.

- ◆ Request to brief the legislative committee with oversight responsibility for the child welfare agency about the findings of the first review, the PIP progress, and plans for the next review. Highlight both the value of the process and the potential for penalties if the state is unable to achieve its goals and meet the required standards.
- ◆ Invite legislators to attend the statewide CFSR exit conference at the conclusion of the onsite review, during which the federal review team leader briefs the state child welfare agency on the preliminary review findings.
- ◆ Share the review findings through both the final report and a briefing that provides the agency's analysis of those findings and the implications for the state's children and families. Offer legislators information about how the state's outcome and performance data compare with those of other states and the nation as a whole, and provide context for those comparisons, including outlining the differences between state child welfare systems.
- ◆ Invite key legislators or their staff to participate in the PIP development process, as appropriate.
- ◆ Develop vehicles for providing regular updates on the state's progress toward achieving the goals outlined in the PIP.

Child welfare agency administrators also can provide greater context for the review findings and data by explaining to state legislators how the review process was developed and how it has evolved. It will be helpful for legislators to understand that, throughout the development and implementation of the reviews, the federal government has continually sought the input of state child welfare administrators and other experts regarding strategies for enhancing the process. This includes gathering input on how to refine the review data to improve how the reviews measure state performance and support state efforts to promote better outcomes.

By using the reviews to build a strong partnership with state legislators during the CFSR process, agency leaders help ensure legislative engagement in the resulting PIP and broader child welfare reform efforts.

## Building on the CFSR Experience

For each child welfare administrator, the road to successful working arrangements with the state legislature will be different, depending on a range of variables such as existing relationships, the number of legislative child welfare “champions,” the schedule and priorities of the legislature, and the degree of flexibility that the agency administrator has in contacting legislators directly. In addition to taking a proactive approach to sharing information about the CFSRs, state child welfare administrators might find the following useful in working with their state legislators.

- ◆ Determine the process (and degree of flexibility in that process) for working directly with the legislative committee that oversees child welfare services; develop an action plan on the basis of the prescribed boundaries and opportunities.
- ◆ Assess what has worked (and what has not) in maintaining positive working relationships with the state legislature in the past.
- ◆ Create a legislative outreach strategy, including, as appropriate, developing working relationships with legislators, beginning with those who are interested in child and family issues.
- ◆ Get to know each key legislator’s jurisdiction. Find out about local concerns relevant to child welfare and become knowledgeable about the child welfare outcome and performance data in the jurisdiction that the legislator represents. Consider how the agency can help legislators address issues relevant to their district while supporting statewide child welfare reform.
- ◆ Learn about the other key issues facing legislators and how legislatively supported improvements in child welfare systems might help to address those issues.
- ◆ Acknowledge legislators who support child welfare reform initiatives by sharing the credit for agency successes both privately and publicly.
- ◆ Be prepared to respond to constituent concerns regarding, or interest in, child welfare and other child and family issues.
- ◆ Brief legislators about what the agency needs besides resources. This might include increased collaboration from state agency partners, more outreach to communities regarding the need for citizen involvement (for example, the need for more foster parents), or changes in state systems that might improve agency functioning (for example, changes in state law that might improve outcomes, such as timelines for investigating reports of child abuse).
- ◆ Help legislators support the agency in addressing media inquiries by keeping them informed about child-welfare related issues and events. Let them know both what the agency is doing to address challenges and the agency’s related achievements.

State child welfare agencies that have proactively engaged their legislators in these and other ways are creating the conditions for lasting child welfare reform. Child welfare reform most often occurs when leaders are able to recognize and act on their common interests and objectives.

## Toward Stronger Child Welfare Systems

Children who are safe, living in permanent homes, and growing up in communities that promote their well-being; these are the shared goals of state child welfare administrators and legislators. The CFSRs offer both administrators and policymakers a new vehicle for enhancing their ability to work together to achieve those goals.

As child welfare agencies use the reviews to continue to engage and inform legislators, both sides will benefit from the partnership. State legislators will be better able to provide the child welfare agency with the resources and policy guidance necessary to plan, implement and evaluate continual improvements to child welfare services. In turn, child welfare agencies will be better attuned to the interests and concerns of legislators and their constituents and able to provide legislators with the information they need to build support for ongoing child welfare reform.

### Working Effectively With State Legislatures

Child welfare agency staff know that even the simplest interactions with legislators and their staff can significantly affect how the agency is viewed. The following actions have worked well for state agencies in enhancing their relationships with state legislators and their staff.

- ◆ Prepare agency staff to respond quickly and comprehensively to every legislative request for information about the agency and the children and families it serves.
- ◆ Let legislators and their staff know how the agency can be a resource for them.
- ◆ Proactively share information about new and ongoing agency initiatives, trainings and reports, as appropriate, with legislators who have oversight responsibility for, or interest in, child welfare.
- ◆ Alert key legislators when child welfare issues are likely to be reported on by the media, and provide background information that enables them to respond appropriately.
- ◆ Focus on providing information to busy legislators in concise and well-organized formats that allow them to quickly grasp key issues.
- ◆ Stay informed about child welfare-related issues of interest to legislators, so that agency outreach efforts more directly respond to areas that concern them and their constituents.
- ◆ Be prepared to deal with times when the agency might reach an impasse with the legislature; continue to be open about agency challenges, discuss what the agency is doing to address those, and invite the input of legislators on how to move forward in partnership to create a child welfare system that appropriately supports children, families and communities.

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