



CHILD WELFARE



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Focusing on Child Welfare Systems: The Role of State Legislators

Children, youth, families and communities; the well-being of states and the nation depends on whether they are thriving. Yet, far too often, parents struggle to ensure their children's well-being, be it for economic, social or personal reasons.

States and communities typically offer a range of supports to promote healthy families. Moreover, in all states, a child welfare system stands ready to intervene when children are more specifically at risk of harm. Those systems investigate abuse and neglect allegations, assist families in caring for their children, and provide alternative care for children, when necessary. The ultimate goal of those services is to ensure children's safety, permanency and well-being and to strengthen families' ability to nurture and protect their children.

The success of these child welfare systems often depends on state legislators, who play an invaluable role in conducting ongoing child welfare agency oversight and in guiding program improvements through a systems reform approach. Today, as a result of a new federal monitoring system, the child and family services reviews, state legislators have more information than ever to support them in assessing the performance of state child welfare agencies.

This report provides information to state legislators about how they can use the child and family services reviews to enhance their role in creating effective child welfare policy and overseeing child welfare agency practice.

The Child and Family Services Reviews

In keeping with today's emphasis on performance standards for social programs, the congressionally authorized child and family services reviews examine state child welfare agency performance in helping children to grow up safely, in permanent homes and in communities that are focused on their well-being. In other words, the reviews evaluate whether states actually are improving outcomes for the children and families whom they serve through child welfare agency programs. States then are assisted through training, technical assistance, and ongoing federal support in developing and implementing Program Improvement Plans.

In doing so, they are encouraged to incorporate practice principles that are believed to support positive outcomes for children and families. These include working with and addressing the needs of the entire family, providing easily accessible services that are community based and tailored to the needs of the child or family, and helping families learn how to best care for their children. The reviews also are designed to assist states in creating their own processes for continually evaluating the effectiveness of their child welfare systems.

Child and Family Services 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.
- ◆ States prepare 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 child and family services reviews is available at <http://www.acf.hhs.gov/programs/cb/cwrp/index.htm>

The first round of reviews took place between October 1, 2000, and early 2004; all states now have undergone a first review and are in various stages of developing or implementing their Program Improvement Plans. The next round of reviews will begin during summer 2005.

As with most new monitoring systems, the reviews have evolved through pilot testing and an initial round of reviews. Moreover, 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.

The Role of Legislative Oversight in Child Welfare

The primary task of state legislatures is to frame the structure and policy priorities of state government through legislative and funding decisions. The legislative oversight role, however, is critical to effective, ongoing state operations. Many state legislators recognize that child welfare systems, although usually a relatively small part of state government funding, require policymakers' sustained attention because child abuse and neglect have lasting human and financial costs, and the consequences of failure can be tragic.

In fact, it typically is during times of tragedy that the media, the general public and policymakers focus on the roles and responsibilities of child welfare systems. At such times, the emotional context can lead to reforms that are driven by the circumstances of a specific case rather than by thoughtful analysis of the system's goals and resources. As state legislators know, a more proactive approach to governance requires their involvement in an ongoing reform process that is rooted in an objective assessment of state systems. The child and family services reviews can be a key tool in that reform process.

The Reviews: A Resource for Legislative Oversight

Today, the child and family services reviews offer states a new process for managing child welfare systems by focusing on continuous quality improvement. Through the reviews, state performance in achieving child safety and permanency and child and family well-being is assessed; the state then designs plans for making needed changes. Several characteristics of the reviews make them important resources for legislators in overseeing child welfare policy and practice.

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

Child Welfare: An Investment in Families

At a time of budget shortfalls across the nation, most states are re-examining how to best target new child welfare resources and creatively redistribute existing ones. To do so effectively requires viewing child welfare agency resources as investments in children, families and communities; the return is measured in both a reduction in costly negative outcomes (incarceration; long-term, publicly funded services) and an increase in positive contributions by healthy citizens (employment, payment of taxes, civic engagement). By investing in effective child welfare systems, for example, states can reap long-term savings in:

- ◆ **Mental health services:** Intervening early with children suffering the trauma of child abuse and neglect can mitigate against a lifetime of mental health problems.
- ◆ **Health care:** Preventive health care for children and youth can contribute greatly to a reduction in the state's overall long-term, health-care costs.
- ◆ **Delinquency prevention:** Early investments in services to children, young people and families can reduce the need for more costly strategies—such as intervention by the juvenile or criminal justice systems—to address the problems that result when troubled families in distress are left unattended.

- ◆ **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 state is required to develop a Program Improvement Plan to improve conditions for children and families served by its child welfare system. The state must focus its plan on areas in which it did not meet the national standards or fare well during the onsite review.
- ◆ **Information on the state's progress in improving conditions for children and families:** The state is required to measure and report quarterly on its progress in achieving the goals outlined in its Program Improvement Plan, which must be completed within two years of the plan's approval.

This focus on achieving improved child and family outcomes, not simply on enhancing policies or procedures, fits well with state legislators' need to demonstrate the success of social programs funded with taxpayer dollars. Moreover, the reviews provide an opportunity for states to create a structure for continuously improving the quality of child welfare services, which could reduce the potential for costly lawsuits.

Collaborating for Reform

By collaborating with state child welfare agency administrators during the child and family services reviews and subsequent Program Improvement Plan efforts, legislators are better able to do the following.

- ◆ Stay informed about agency progress and issues through routine communication, including informal meetings and regular briefings by agency staff.
- ◆ Share information about the perspective of the communities that they represent with regard to child and family issues.
- ◆ Keep 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 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.
- ◆ Routinely review existing child welfare-related laws and assess the need to amend these, or introduce new legislation in response to changing community issues and circumstances and agency-identified needs.
- ◆ Support state child welfare agencies in enhancing their overall planning and Program Improvement Plan process.

Using the Review Results

Differing state legislature agendas, structures and procedures demand different approaches to using the child and family services reviews to effect positive change in child welfare systems. Some state legislatures have used the reviews to initiate child welfare system reform; others became involved in the reviews during the Program Improvement Plan process (see box, "State Review-Related Initiatives and Funding"). The following are approaches that state legislators can take to become involved in the reviews to enhance their oversight of the state child welfare system.

- ◆ Establish a relationship with the state child welfare agency administrator. Ongoing contact between legislators and the agency can ensure that legislators are kept apprised of the status of the review, its results, and the degree to which the results are being used to make positive changes in the child welfare system.
- ◆ Become familiar with the outcomes of the state's first review. Final reports on each review are available at <http://www.acf.hhs.gov/programs/cb/cwrp/staterpt/index.htm>; key findings from the reviews are available at <http://www.acf.hhs.gov/programs/cb/cwrp/key/index.htm>.
- ◆ Attend the statewide exit conference during future reviews. During the exit conference, the federal review team leader briefs the state child welfare agency on its preliminary findings at the conclusion of the onsite review.
- ◆ Participate in the development of future Program Improvement Plans. After each state's review, the state conducts program improvement planning in consultation with a broad array of stakeholders, who can include legislators or legislative staff.
- ◆ Request updates from the state child welfare agency administrator on state progress in making improvements.
- ◆ Ask the state administrator what the agency needs besides resources. These might include support for increased collaboration from other state agencies, more outreach to communities regarding the need for citizen involvement (for example, the need for foster parents), and/or changes in state systems that might make a difference in agency functioning (for example, changes in state law that might improve outcomes, such as timelines for investigating reports of abuse).

The child and family services reviews provide a useful vehicle for state legislators who are interested in supporting positive change in child welfare policy and practice. Using the results of the reviews, legislators can support child welfare agency administrators in focusing on areas that need improvement by crafting relevant legislation, as appropriate, and targeting resources where they are most needed.

Creating a System That Works for Children and Families

The policy environment today—one of both diminishing resources and increasing public concern about the capacity of government to help families protect and care for children—demands a new approach to addressing the problems facing child welfare systems. Child welfare agencies do not operate in isolation but, rather, in the context of local communities and in collaboration with other agencies. They must protect children and ensure their well-being, while also protecting the legal rights of parents and families.

A successful approach to child welfare reform, therefore, demands new and creative partnerships between child welfare professionals and the state legislators who set public policy and allocate resources. Even in times of diminishing resources, such partnerships can guide innovation in practice and critical resource reallocation.

In the final analysis, real child welfare reform is possible only when accompanied by an overarching vision for the agencies charged with protecting children's safety and promoting their well-being, engaged and proactive public policymakers working in concert with child welfare agency staff, adequate resources, and a commitment to long-term solutions with measurable outcomes. State legislators can provide the leadership necessary to ensure that those elements are present in efforts to improve child welfare systems; and, therefore, the lives of thousands of children and families.

State Review-Related Initiatives and Funding

States have used the child and family services reviews to refocus their systems reform efforts through a range of methods. Some states have incorporated the review-required program improvements into their ongoing child welfare reform efforts. Other states have used the Program Improvement Plan process to create a framework for systems reform. Below are examples of how state legislators have used the reviews to promote child welfare reform.¹

♦ **Enhancing child welfare system accountability:** In 2001, the California Legislature enacted the Child Welfare System Improvement and Accountability Act, which redefined how the state Department of Social Services holds the 58 county child welfare agencies accountable for results and performance. The system established through the act resembles the child and family services reviews in many ways. The Legislature also created a Child Welfare Services Program Improvement Fund, consisting of private grants, gifts or bequests. Those funds can be appropriated by the Legislature for the purposes enumerated in the statute, which include implementation of the state's Program Improvement Plan.²

♦ **Addressing practice principles and outcomes:** In 2003, the Iowa General Assembly directed the state Department of Human Services to undertake a comprehensive redesign of the state's child welfare and juvenile justice systems based on the child and family services reviews outcomes.³ In response to the legislation, the department developed and is implementing the "Better Results for Kids" plan, which emphasizes family-centered practice, key community partnerships, and other principles. A committee of six legislators monitored the first year of plan development and implementation. Legislators on the Health and Human Services Appropriation Subcommittee continue to monitor implementation.

♦ **Investing in program improvement:** In 2002, the New York Legislature established a Quality Enhancement Fund, consisting of \$2 million per year in Temporary Assistance for Needy Families funds, to test innovative program models. The state has used much of the fund to provide grants to counties for Program Improvement Plan-related activities such as permanency mediation, mentoring and health care coordination.

♦ **Focusing on needs assessment:** In 2004, after being briefed by the state agency on the Program Improvement Plan, the Wyoming Legislature appropriated \$200,000 to partially fund a major assessment of the needs of children and families throughout the state and to develop recommendations for legislation and funding. The Legislature also authorized the state child welfare agency to hire 16 new caseworkers and three new supervisors with reallocated funds.

♦ **Addressing child welfare workforce issues:** In 2004, Alaska funded 26 new child welfare positions. In the same year, West Virginia appropriated \$2.9 million for new child welfare staff.

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. The exception to this process was California: the NCSL based the text about California on content of that state's Program Improvement Plan; the NCSL did not interview anyone from the state agency and therefore did not seek their approval of the text.

2. Cal. Welfare and Institutions Code §16524.

3. 2003 Iowa Acts, SF 453, Chap. 178.

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