



**2016 Three Branch Institute on Improving Child Safety and  
Preventing Child Fatalities**

**Legislator ToolKit**

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## **2016 Three Branch Institute on Improving Child Safety and Preventing Child Fatalities Legislator ToolKit**

Dear Legislator,

**T**he National Conference of State Legislatures (NCSL), in partnership with the National Governors Association Center for Best Practices (NGA), Casey Family Programs, the National Center for State Courts (NCSC), the National Council of Juvenile and Family Court Judges (NCJFCJ) and Casey Family Programs, is thrilled to welcome you to this special institute for state policymakers, the 2016 Three Branch Institute on Improving Child Safety and Preventing Child Fatalities.

Eight competitively selected states—Alabama, Kentucky, Maryland, Oregon, Tennessee, Virginia, West Virginia and Wisconsin—are participating in the 2016 Institute in activities designed to help states develop an integrated and comprehensive approach for improving the safety of children known to the child welfare system or at risk of child welfare involvement by aligning the work of the executive, legislative and judicial branches of state government.

Ongoing, customized technical assistance, including onsite consultation, will be provided by the NGA Center and its partners—NCSL, NCSC and the NCJFCJ. NCSL's role will be to work closely with the legislative branch on each of the participating state teams to ensure that legislators are fully engaged, and to provide information, research and access to your state legislative colleagues in the other participating states.

This ToolKit contains information on the legislative role in the Three Branch Institute, a graphic overview of a child's journey through the child welfare system, examples of recent child maltreatment safety and child fatality legislative enactments, other actions legislators can consider, information on technical assistance, a legislator action plan (to match your state team strategic plan goals), how to engage other stakeholders and build the home team, and how to contact your partners at NCSL and NGA.

Please let us know if there is anything that we can do to assist you.

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## The Legislative Role in the Three Branch Institute



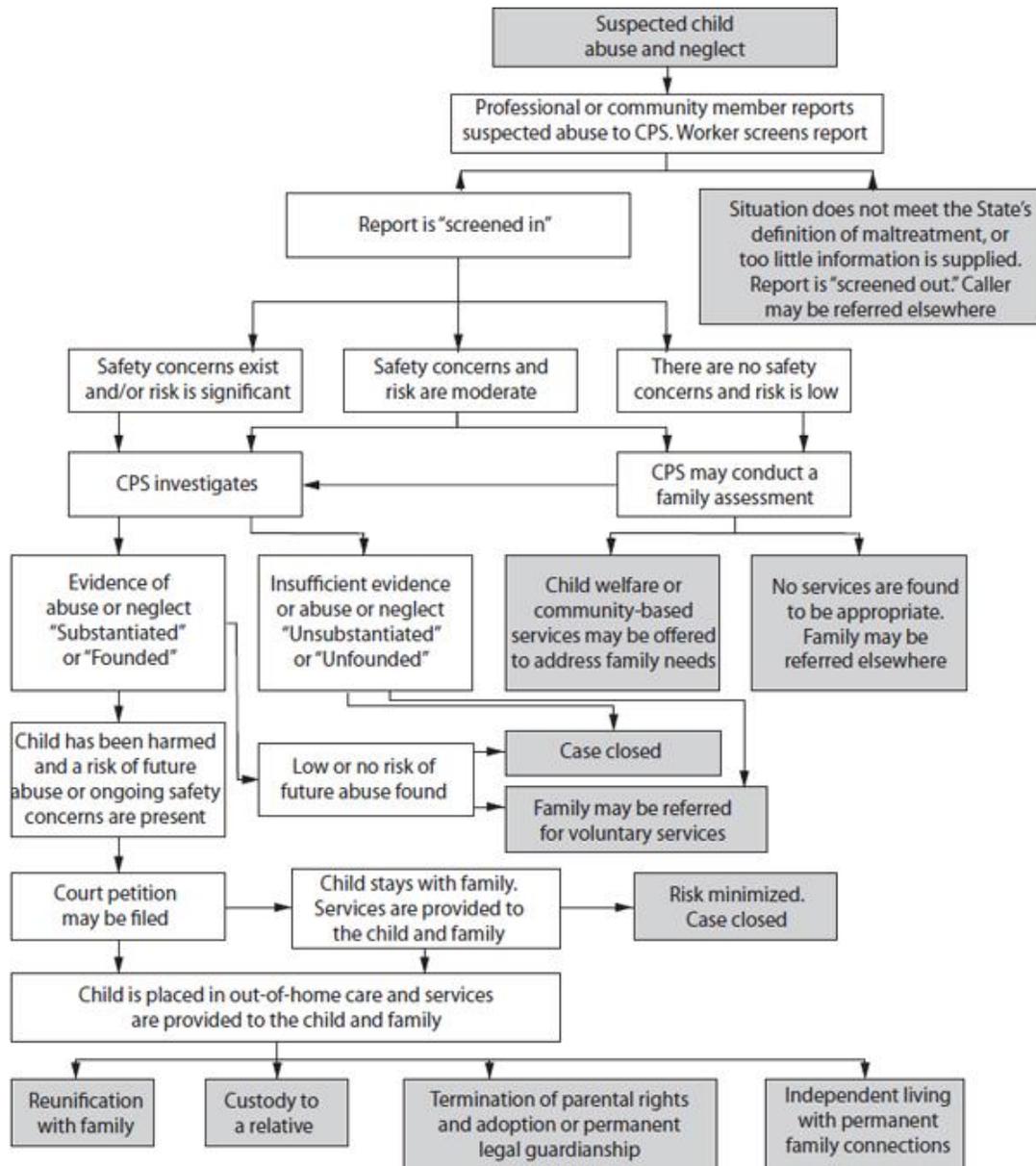
**T**he Three Branch Institute aims to help states provide strong leadership and leverage strategic partnerships to develop a proactive, preventive and comprehensive approach to child safety with **all three branches of state government playing a role in improving the safety of children**. See NCSL's [Three Branch Institute](#) page for more information on previous Institutes and to view the purpose and goals of the current Institute.

NCSL will work closely with lawmakers in the eight states selected to participate in the Institute. Specific roles for core team legislators will include:

- Participating in all aspects of planning in advance of the July 20-22, 2016, national meeting, including developing the proposal and attending the July 20-22, 2016, meeting, and participating in crafting, implementing and monitoring the strategic plan.
- Developing a legislator action plan as part of the state team's strategic plan.
- Leading efforts to recruit legislators and legislative staff to be members of the home team; communicating with them regularly; and, meeting with them during home team meetings. Additionally, legislators are encouraged to engage key legislative policy and committee staff in the work of the core team and the home team.
- Hosting an in-state legislative meeting as part of the technical assistance visit by Institute project staff.
- Participating in all-state conference calls and webinars.
- Communicating with NCSL regularly on the progress of the work and to let us know of legislative needs and concerns.

## A Child's Journey through the Child Welfare System

Read [How the Child Welfare System Works](#), 2013, Child Welfare Information Gateway, for an overview of the child welfare system and its purposes and functions.



Source: Child Welfare Information Gateway. (2013). *How the child welfare system works*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau

## Child Safety and Fatality Legislative Enactments



All three branches of state government have a role to play in improving the safety of children. Legislative branch strategies have included enacting legislation related to child safety and well-being and allocating resources to promote effective child safety partnerships as well as providing ongoing cross-agency oversight.

To gain a better understanding of child abuse and neglect fatalities, Congress created the Commission to Eliminate Child Abuse and Neglect Fatalities by enacting the Protect Our Kids Act of 2012 (P.L. 112-275). The purpose of the commission was to research the issue and develop a strategy and recommendations to help reduce child abuse and neglect fatalities across the country. The commission, following two years of testimony and evaluation, released its [final report](#) in March 2016.

### Child Fatality Review

Child maltreatment fatalities and near fatalities have consistently drawn the attention of state lawmakers. Nationally, in 2014, there were approximately 1,546 child abuse and neglect fatalities, according to the Child Maltreatment 2014 Report, released by the Children's Bureau. The recent federal commission mentioned above estimates that the actual number could be much higher and that approximately four to eight children die from abuse and neglect each day. These numbers are often considered undercounts because of reporting differences across states, as well as varying definitions of child abuse and neglect fatality and differences in the way states collect information.

In the late 1970s, local child death review teams were created in Los Angeles, North Carolina and Oregon to better identify, investigate and respond to child abuse fatalities. Other states developed similar efforts. In 1992, Missouri conducted a study that indicated that child maltreatment deaths were undercounted. Missouri also held a national meeting in 1993 that encouraged other states to begin reviewing child deaths. Following states' lead, in 1993, the federal Child Abuse Prevention and Treatment Act (CAPTA) required states to report on child death review in their program plans, and in 1996, CAPTA required each state to establish at least three citizen review panels and that at least one of them review child maltreatment deaths. By 1997, all states had state or local child fatality review teams. These programs may be statewide or local, depending on the states, and they consist of volunteer members who do a retrospective look at child fatalities in order to make improvements to the child welfare system to prevent future fatalities or near-fatalities. See NCSL's [Child Abuse and Neglect Fatalities](#) for related enactments through 2015 and 2016.

## Child Safety Related Legislation



In addition to enactments on child death review, state lawmakers have enacted legislation related to child safety in a number of areas, including definitions of abuse or neglect; family teaming and family team decision-making; family treatment drug courts; health, mental health and substance abuse; reporting; screening, safety, risk assessment and investigations; strengthening the child welfare workforce; and, supporting kinship caregivers. Following are recent state examples.

### Definitions of abuse/neglect

A number of states have enacted legislation to clearly define “child abuse,” “child neglect,” “safety risk” and “safety threat” so that child welfare agencies have clear guidance on what parental actions constitute child maltreatment.

### Family teaming and family team decision-making

Various family teaming approaches have been developed that involve parents and other family members in planning for a child’s safety following a substantiated report of child abuse or neglect. Family Group Conferencing (FGC) studies show that the process can help stabilize families and reduce the risk of removal or determine alternatives to foster care. At least 12 states have enacted legislation requiring the use of family team conferencing or decision-making.

### Family treatment drug courts

Family treatment drug courts represent a program model that is designed to improve treatment and child welfare results for families who have substance abuse problems and have been reported to the child welfare system. **Alaska, Arizona, Arkansas, California, Connecticut, Florida, Hawaii, Idaho, Indiana, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Jersey, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, Virginia, Washington and Wisconsin** are among states that use the family drug treatment court model.

### Health, mental health and substance abuse

In the 2015 legislative session, 22 enacted approximately 39 bills related to health, mental/behavioral health and substance abuse. Examples include **Montana** and **North Dakota**. **Montana** lawmakers created a pilot project to improve outcomes for the children’s mental health system and an interim study of evidence-based outcomes. **North Dakota** created a task force on newborns exposed to substances and charged it with: researching the impact of substance abuse and neonatal withdrawal syndrome; collecting data on costs associated with treating expectant mothers and newborns suffering from withdrawal from

substance abuse; and, identifying and evaluating programs for mothers and newborns suffering from addiction.

### Reporting

Legislators have enacted legislation to improve and refine the mandatory reporting process to better ensure child safety and respond to community concerns. Legislation in 2015 included requiring the child welfare agency to accept educational neglect reports through the child abuse hotline (**Arkansas**); pilot programs for the internet reporting of child maltreatment (**California**); requiring all mandatory reporters with direct knowledge of abuse to directly report abuse rather than rely on someone else to report (**Delaware** and **Maine**); requiring mandatory reporters be notified when the report has been received and investigation completed (**Georgia**); tracking of anonymous child maltreatment reports (**Oklahoma**).

### Screening, safety, risk assessment and investigations

State lawmakers in a number of states require the child welfare agency use safety and risk assessment processes to better determine the potential harm to the child and future risks. Session examples in 2015 include the following:

- **Alabama** created a task force to improve delivery relating to screening reports of child abuse. **Illinois** lawmakers mandated recommendations for a statewide multidisciplinary approach to child abuse and neglect investigations.
- **Mississippi** established a center of excellence as a resource for the assessment, investigation and prosecution of child maltreatment.
- **New Hampshire** lawmakers required the department to seek a motion to enter a home as part of a child maltreatment investigation in certain circumstances and required the court to order a police officer to enter a home upon a finding of probable cause to believe the child is in immediate danger.
- **Texas** addressed screening and assessment and required the development of a child safety check alert list.

### Support for relative caregivers



Lawmakers in many states have enacted legislation to promote both the temporary and permanent care of children by relatives to help children avoid the separation that they often experience entering foster care. States have expanded the definition of “relative” so that more relatives who could be appropriate placements for the child can be considered as permanent resources for children in foster care.

States have also expanded family search practices to better identify potential relative caregivers. In 2015, states including **Alaska, Connecticut, Florida, Illinois, and Virginia** required efforts be made to identify and locate relatives who can serve as placement resources for children in their child welfare systems.

## Strengthening the child welfare workforce



At both the federal and state levels, states have worked to improve the child welfare system's organizational culture; manage the workforce; strengthen the supervision, recruitment, hiring and retention of qualified staff; and, addressed reasonable caseloads.

For example, in 2015, the **Illinois** Department of Children and Family Services established a child welfare training academy for child protective investigators and supervisors and required the training to include specified elements. **New Jersey** legislation that created the New Jersey Task Force on Child Abuse and Neglect in 2006 required a Staffing and Oversight Review Subcommittee to review staffing levels of the Division of Youth and Family Services to develop recommendations on effective methods of recruiting, hiring and retaining staff.

View [NCSL legislation](#) for other recent child fatality, child safety, child sexual abuse prevention and related legislation.

## Other Actions Legislators Can Consider

### Review state policies, procedures, laws

- Request an interim study committee to examine child maltreatment safety issues.
- Review existing policies, processes, standards.
- Review screening and assessment policy and practice; identify gaps in current screening and assessment practice.
- Consider other oversight mechanisms that already exist.
- Conduct a review of existing CAPTA-related laws; child maltreatment fatality and near fatality related legislation.
- Map current structure of death review teams.
- Review reporting and testing for substance abuse among pregnant women.
- Review policies and funding mechanisms for referral to early intervention services.
- Review best practice in other states.
- Learn about promising and evidence-based practices to prevent child maltreatment and strengthen families who have contact with, but do not enter, the child welfare system.

### Review data

- Partner with your state's child welfare agency, and state health and public health agencies, to explore child safety and child maltreatment fatality and near fatality data.
- Review child maltreatment fatalities for past 5 years; review multidisciplinary data and information across all agencies.
- Identify key data questions to be answered; the data sources for that information and how to access that data.
- Review data sharing across agencies, including challenges and potential solutions.

### **Examine needs across the state**

- Work with community providers and agencies to learn what the needs are for families at risk.
- Map existing efforts, develop new initiatives around safe plans of care or treatment for mothers and substance exposed newborns.
- Examine the service array (treatment and support services) across jurisdictions in your state.

### **Enact legislation**

- Enact legislation around definitions and expanded definitions of kin and relatives.
- Mandate, expand safe sleep and traumatic head injury education before discharge from the hospital for both parents and/or caregivers.
- Mandate pilot projects to test evidence-based strategies in urban and rural areas of the state and with different populations including by age, and consider piloting projects to connect with families not known to the child welfare system but deemed at-risk by other systems such as law enforcement, medical, educational.
- Require evidence-based practices.
- Mandate data sharing across jurisdictions, agencies.
- Work with your child welfare agency to plan required responses—which could include immediate screening and assessment, automatic services, automatic higher risk levels—to maltreatment reports on children under age 1.

### **Convene, educate stakeholders**

- Hold a joint hearing, briefing for full legislative body.
- Hold a town hall meeting or a regional roundtable.
- Convene meetings with judges.
- Create a training program for judges and investigate the need for additional statutory language on train.
- Mandate, develop children's caucuses.

- Visit courts.
- Participate in legislator ride-along and/or spend a day with a caseworkers.
- Prepare packets with information and data for other legislators, legislative staff on related committees such as health, education, judiciary, safety, or mental health.
- Develop an understanding of and strategies to address opioid and other drug addiction issues in families which affect child safety.

### **Develop and strengthen Three Branch infrastructure**

- Develop the expanded home team.
- Determine the appropriate long-term home for Three Branch work.
- Create a charter and scope for the short- and long- term three branch work.
- Connect with Fatality Review Teams, children's caucuses, ombudsman offices, commissions, task forces, and other oversight bodies.
- Explore funding opportunities.
- Request technical assistance to strengthen, expand your Three Branch team.



## Menu of Technical Assistance Available to States

**T**he sponsoring organizations (NGA, NSCL, NCSC, NCJFCJ, and Casey Family Programs) can provide a variety of technical assistance (TA) to participating states. The following list outlines types of TA the sponsoring organizations can provide, but the list below is not exhaustive. Technical assistance may include:

- Further analyzing data and providing national context.
- Assisting in development and engagement of the home team.
- Providing research and best practice examples on state-specific strategies.
- Helping the team develop or refine their state plan.
- Working with the state to integrate multiple initiatives into a single plan.
- Reviewing versions of the team's plans, proposals, policies, or executive orders.
- Facilitating communication with peers in other states.
- Assisting in the development of a plan for communication and engagement of state and local stakeholders.
- Providing strategic advice on problem analysis, plan development, stakeholder engagement, and communication.
- Making presentations at or facilitating meetings as part of the in-state site visit such as a meeting of the home team, meetings between the team and stakeholders, legislative briefings, etc.
- Providing subject matter expertise.
- Problem solving around specific state challenges.
- Strategizing around legislative and judicial branch engagement.
- Research on other state's legislative initiatives, executive orders and judicial plan.

## Three Branch Institute Legislator Action Template

State: \_\_\_\_\_ Name: \_\_\_\_\_

Team Lead: \_\_\_\_\_ Contact (Phone/Email): \_\_\_\_\_

These are goals from your state team strategic plan.

Goal 1: \_\_\_\_\_

| Measurable Outcome/Performance Indicator | Legislative Action Steps | Partners to Work With | Timeframe |
|--|--------------------------|-----------------------|-----------|
|  |                          |                       |           |
|  |                          |                       |           |
|  |                          |                       |           |

Goal 2: \_\_\_\_\_

| Measurable Outcome/Performance Indicator | Legislative Action Steps | Partners to Work With | Timeframe |
|--|--------------------------|-----------------------|-----------|
|  |                          |                       |           |
|  |                          |                       |           |
|  |                          |                       |           |

Goal 3: \_\_\_\_\_

| Measurable Outcome/Performance Indicator | Legislative Action Steps | Partners to Work With | Timeframe |
|--|--------------------------|-----------------------|-----------|
|  |                          |                       |           |
|  |                          |                       |           |
|  |                          |                       |           |

Goal 4: \_\_\_\_\_

| Measurable Outcome/Performance Indicator | Legislative Action Steps | Partners to Work With | Timeframe |
|--|--------------------------|-----------------------|-----------|
|  |                          |                       |           |
|  |                          |                       |           |
|  |                          |                       |           |

## Engaging Other Stakeholders and Building the Home Team

Core team members will assist in the recruitment of the expanded home team—teams should include representation from each of the branches and other relevant stakeholders some of which we have listed here—that will meet regularly; host a national partner site visit; and, implement and monitor the state strategic plan. Core team legislators will lead efforts to recruit legislators and legislative staff to be members of the home team; communicate with them regularly; and, meet with them during home team meetings.

### Check List of Potential Home Team Members:

#### Legislative Branch

- Legislative staff: Consider, and discuss with state team members, delineating specific roles for key legislative staff, if in a particular state the legislative staff person is the main driver of activity. They can attend monthly meetings, while legislator only attends quarterly, higher-level discussion meetings.
- Legislators and staff from health, safety, judiciary, education, appropriations committees.
- Joint or interim committee members and staff.

#### Executive Branch

- County/local child welfare, social services.
- Public child mental/behavioral health agency leaders.
- Foster care youth or alumni.

#### Judicial Branch

- Judicial staff or leaders of the administrative office of the court.
- Key judges.
- Staff of state judicial and family court commissioner.
- Legal representatives of children and parents.
- Law enforcement and other public safety officials.
- Office of the Attorney General.

#### Other Key Stakeholders

- Tribal leaders.
- State, local and regional child death review team members.
- Medical community.
- Education.
- Child care and early childhood education officials.
- Private child welfare provider representatives or associations.
- Relevant advocacy organizations.

- Parents, kin and other caregivers of children with behavioral or other disabilities.
- County/local leaders.
- Commissions, task forces, working groups, children's caucuses.
- Children's ombudsman offices.

States are expected to convene the home team at least once in 2016 following the July Three Branch Institute meeting. Ongoing, regularly scheduled home team meetings are highly encouraged and have been linked to state success. At least one home team convening should be scheduled in concurrence with the site visit from representatives of the Three Branch Institute planning partner organizations (NGA, NCSL, CFP, NCJFCJ and NCSC).

### **Tips to Engage Stakeholders in Three Branch Expanded Home Teams**

- Consider stakeholders that you have successfully collaborated with in the past.
- Have representation on the home team from all three branches of government.
- Develop concrete roles, with delineated tasks and timelines for all three branches and for all home team members.
- Develop meeting agendas with roles/tasks for all members.
- Provide resources and material on your state's Three Branch Institute for representatives from all three branches to utilize in reaching out to other stakeholders in their districts and communities. You can start with the PPT deck that has been provided with this ToolKit (it is also the same PPT deck that your team used for your state goals and fun facts at the July meeting).
- Develop sub-committees and working groups to work on specific topics/issues.
- Legislators and judges can engage other legislators and judges in their districts and/or counties.
- If your state has previously participated in a Three Branch Institute, consider hosting an event to link the two Institutes.
- Home team members can contribute their concerns and ideas and talk about what is working and not working in areas across the state. They can be charged with interviewing local stakeholders or setting up listening sessions or focus groups to get more input.
- Have your home team comment on and make recommendations on your work plan so they can feel a sense of ownership of the work.
- Remember that legislative staff can assist core and home team legislators to carry out some of the legislative work in the plan.
- Consider having legislative and judicial members use the action plan template (it's in the Legislative ToolKit) so that they can have a one-pager capturing their role in the state plan.

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## Contact Information

### **NCSL**

Nina Williams-Mbengue

303-856-1559

[nina.mbengue@ncsl.org](mailto:nina.mbengue@ncsl.org)

Meghan McCann

303-856-1404

[Meghan.mccann@ncsl.org](mailto:Meghan.mccann@ncsl.org)

Kyle Ramirez-Fry

303-856-1507

[Kyle.ramirez@ncsl.org](mailto:Kyle.ramirez@ncsl.org)

Rochelle Finzel

303-856-1552

[Rochelle.finzel@ncsl.org](mailto:Rochelle.finzel@ncsl.org)

### **NGA Center**

Alexandra Cawthorne

202-624-5315

[acawthorne@nga.org](mailto:acawthorne@nga.org)

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