

Re: child welfare

STATEMENT BY
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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ON
THE FINAL RULE ON
FEDERAL MONITORING OF STATE CHILD WELFARE PROGRAMS
BEFORE THE HOUSE WAYS AND MEANS COMMITTEE
SUBCOMMITTEE ON HUMAN RESOURCES
U.S. HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2000

*Will update for
rule update*

Madam Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you today to discuss the final rule on the monitoring of child welfare programs published by the Department of Health and Human Services (HHS) on January 25, 2000. The issuance of the regulation is another major milestone in furthering our shared commitment to protecting children from abuse and neglect, ensuring that foster care is a temporary setting and not a place for children to grow up, promoting adoption for children who cannot safely be reunified with their own families, and promoting the well-being of all children and families served by the child welfare system.

As we discussed when I appeared before this Subcommittee last April, these last several years have brought about major changes in the laws and procedures governing the delivery of child welfare services. Most recently, thanks particularly to your leadership, Madam Chairman and Mr. Cardin, we were successful in passing another important piece of legislation, the Foster Care Independence Act of 1999, which will help to ensure that young people who leave foster care without finding a permanent home, are given the supports, educational and vocational opportunities they need to take on the responsibilities of adulthood on their own. Working together in a bipartisan fashion, the Administration and Congress have enacted other far-reaching pieces of child welfare reform legislation, including the Adoption and Safe Families Act (ASFA) of 1997, the Multiethnic Placement Act of 1994 and the Inter-ethnic Adoption provisions of the Small Business Job Protection Act of 1996. Together these laws make it clear that ensuring child safety must be the paramount concern of child welfare services; that timely decisions about permanency must be made for all children in foster care; and that barriers to adoption, whether based on racial discrimination, geographic boundaries, or simply outmoded assumptions, must be torn down.

One key accomplishment stemming from the changes in law and the increased attention to child welfare issues has been the first ever significant increase in adoptions from the foster care

system. As you know, this past September, we made the first awards to 35 States under the Adoption Incentive program, one of the innovative reforms authorized through ASFA. In 1998, 36,000 children were adopted from the foster care system, up from 31,000 in 1997 and 28,000 in 1996.

While we have accomplished much in the past several years, we know that there is much left to do. Allegations of abuse and neglect involving nearly 3 million children are reported to child protective services agencies each year, and nearly 1 million children are found to be victims of maltreatment. Over half a million children are in foster care on any given day over. Over 100,000 children in foster care are awaiting adoptive families, and, on average, these waiting children have been in foster care for more than three years.

As I noted in my testimony before you last spring, it is ultimately State government that has responsibility for carrying out child welfare programs and for protecting children in their care and custody, through a complex system that involves many agencies, organizations and individuals. States retain significant flexibility in designing programs and services to best meet the needs of children and families in their jurisdictions. But the Federal government also plays an important part by creating a common policy framework; sharing in the financing of child welfare services; supporting research, evaluation and innovation; providing technical assistance; and perhaps most importantly, by holding States accountable.

The final rule we have just published makes a critical contribution to these last two roles: technical assistance and accountability. It outlines a new results-oriented child and family services review process that will serve as the Federal government's key tool for finding out how State child welfare programs are doing at ensuring children's safety, permanency and well-being. It also provides a framework for providing States technical assistance and helping them to make

needed program improvements, and it provides a tough, but fair way to ensure accountability. Finally, in addition to implementing this new approach to federal monitoring of State child welfare programs, the final rule also clarifies key provisions of ASFA, the Multiethnic Placement Act and Inter-ethnic Adoption provisions; and implements a new title IV-E foster care eligibility review system.

Background and History of the Regulation.

The final rule grows out of a 1994 congressional mandate directing the Department to revamp its system of child welfare monitoring, reflects extensive consultation and field testing, and incorporates key provisions of ground-breaking child welfare legislation passed during the time the new system was being developed. The final rule also reflects serious consideration of comments received on the proposed rule, including several from Members of Congress and this Subcommittee, which were extremely helpful in developing the final approach.

First, in 1994, as a result of widespread dissatisfaction with the prior review process, legislation was enacted that directed the HHS to develop a new monitoring system for child and family services. The Congress had already indicated dissatisfaction with the prior review process by declaring a moratorium on the Department's ability to collect penalties based on it. Specifically, the statute required HHS to regulate the requirements subject to review and the criteria used to measure compliance. In addition, the law also required the Department to provide States an opportunity for corrective action before imposing a penalty and specified that the penalty should be based on the degree of non-compliance.

We believed that the legislative mandate for change was so significant that we took the time to re-shape the reviews entirely, with the goal of focusing on outcomes – on the actual results that state child welfare systems were delivering for children in terms of safety, permanence, and

well-being – rather than on process. We engaged in extensive consultation with the field on the conceptual framework, and we conducted thirteen pilot reviews that have informed the development of the child and family service reviews in fundamental ways.

While we were developing the revamped approach to monitoring, major bipartisan child welfare legislation was enacted: the Inter-ethnic Adoption provisions and the Adoption and Safe Families Act. We took the opportunity to clarify provisions in these laws by incorporating key elements into this regulation as well. In taking this approach, we have produced an encompassing rule that provides States with information on the manner in which their programs will be reviewed and evaluated, as well as the criteria and requirements that must guide the administration of their programs.

Finally, we issued a Notice of Proposed Rulemaking (NPRM) on September 18, 1998 and invited nationwide comment. We received 176 letters of comment from Members of Congress, State and local child welfare agencies, national and local advocacy groups for children, educational institutions, individual social workers, providers of child welfare services, State and local courts, national and State associations representing groups of practitioners, Indian tribes, and local community organizations. In analyzing these comments, we adhered to the following principles: keeping the focus on the goals of safety, permanency and well-being in State child welfare systems; moving child welfare systems toward achieving positive child and family outcomes while maintaining accountability; maintaining our stewardship role over the use of Federal funds; enforcing statutory requirements in ways that encourage strong State/Federal partnerships and program improvements; and using the lessons learned in the pilot reviews and information gathered in the consultation.

Overview of the Final Rule:

I would now like to provide an overview of the final rule, which covers four basic areas. First, the regulation outlines our response to the legislative mandate to re-design Federal reviews of State programs. The review process described in the regulation focuses on outcomes, that is, how

a State performs in ensuring that:

- Children are safe and free from risks of harm;
- Children in foster care have an opportunity to achieve timely and appropriate permanency in their lives; and
- Children and families who are involved with the child welfare system have their needs met in ways that promote their well-being and strengthen their opportunities for success in life.

Holding States accountable for results in these areas is a major departure from prior reviews and we believe that this approach to monitoring will have positive consequences for children.

Second, the rule includes the penalty and corrective action components of the Inter-ethnic Adoption provisions, which will assist us in enforcing its provisions.

Third, the rule also implements certain key aspects of the Adoption and Safe Families Act that are directed at improving States' efforts to achieve safety and timely permanency for children.

Finally, we have also updated the reviews of a child's eligibility for the title IV-E Federal foster care program. This final rule clarifies the statutory eligibility provisions, and also incorporates several requirements of the Adoption and Safe Families Act into the reviews.

I will now provide a more detailed look at each of the four sections.

Child and Family Service Reviews

By focusing on outcomes, the new reviews determine what is actually happening to children and families as a result of their receipt of child welfare services, including child protective services, foster care, family preservation and family support, and adoption services. We will review State

programs on the following seven outcomes:

- Children are, first and foremost, protected from abuse and neglect;
- Children are safely maintained in their own homes whenever possible and appropriate;
- Children have permanency and stability in their living situations;
- The continuity of family relationships and connections is preserved for children;
- Families have enhanced capacity to provide for their children's needs;
- Children receive appropriate services to meet their educational needs; and
- Children receive adequate services to meet their physical and mental health needs.

The reviews also examine the functioning of key systemic factors that affect the ability of State programs to serve children and families effectively, including the State's capacity to generate automated information on the children it serves; the implementation of a case review system and quality assurance procedures; staff training and the availability of a range of services for children and families; the State's relationship with and responsiveness to the communities it serves; and the recruitment of foster and adoptive families.

In making decisions about the States' performance in these areas, we will use both quantitative and qualitative information that is obtained from several sources:

- A statewide assessment completed by State staff and representatives from outside the State agency in order to assure accountability and balanced perspectives on the issues;
- Statewide data indicators that provide a broad view of how the State is performing and that are based on the ASFA outcomes measures, such as repeat maltreatment of children, length of stay in foster care, and the length of time it takes for children to achieve adoption or reunification;
- A sample of cases selected randomly that is reviewed on-site in the State by a joint team of State and Federal staff;

- Interviews with community stakeholders, such as courts, children's legal representatives, foster families, and other agency representatives; and
- Interviews with the children and families who receive services, as well as the foster families, caseworkers, and service providers involved with these children and families.

We are very pleased that we have retained the features of the child and family service reviews that States and other commenters supported most strongly in their comments on the NPRM.

These include:

- **An outcome-based approach to reviewing child and family services, with a focus on the quality of services.**
- **A tough but fair accountability process with an emphasis on program improvements, including opportunities for the States to have penalties suspended and rescinded if they make required improvements.**
- **A focus on State and Federal partnerships resulting from jointly reviewing programs and developing program improvement plans.**

The final regulation includes a number of changes that respond to the many extremely helpful comments we received about how best to design the process to accomplish these shared goals. For example, a number of commenters on the NPRM suggested that we increase the sample of cases reviewed on-site. However, a key lesson we learned in the pilots was that an extremely intensive on-site review, including interviews with key participants such as the child and the foster or adoptive family rather than just a review of what is already in the case files, is critical to developing good information about the real outcomes for children. We also learned in the pilots that high quality reviews are so time-intensive that we could not realistically increase the sample

and maintain the quality of review. To balance these competing concerns and respond fully to the comments, we have kept the small but intensive sample as one key source of information but at the same time considerably strengthened a second source of information -- a rigorous statewide assessment that looks at key statewide performance data. In those cases where the statewide assessment and the on-site review give different results, we have incorporated a process for resolving discrepancies between the statewide assessment and the on-site review, including giving States the option of going to a larger sample.

Similarly, several comments, including some of the comments we received from members of Congress, encouraged us to make the measures by which we determine a State's compliance more measurable and quantifiable. We found these comments very helpful and have responded by strengthening the objective elements of the regulation while at the same time retaining a focus on necessarily subjective judgments of quality in the intensive review process. Among the specific statewide data indicators that we have included are measures of repeat maltreatment, the length of time children spend in foster care and the length of time it takes for children in foster care to achieve permanency, either through adoption or reunification. We will establish national standards for each of the statewide data indicators and use the review process to help all States improve their performance and achieve the standards. Other steps we have taken to increase objectivity include strengthening the statewide assessment procedures, defining more precisely how the States will be rated on the systemic factors under review, and strengthening the procedure for resolving discrepancies between information in the statewide assessment and the on-site review. We believe these steps will enable us to retain the qualitative focus of the reviews and to increase objectivity.

Finally, we received comments on the balance in the regulation between program improvement and technical assistance on the one hand and accountability and the imposition of penalties on the

other. We are confident that States want to improve the outcomes for the children and families they serve, and will welcome the opportunities to engage in program improvement planning that are a part of this regulation. As required in the 1994 statute, we have included opportunities for States to receive technical assistance, to make improvements where needed, and to correct areas of non-compliance before we withhold Federal funds.

At the same time, we have strengthened the accountability provisions in the final regulation. For example, we have added to our proposed penalty structure for non-compliance provisions for gradually increasing the penalties for those areas of non-compliance that remain uncorrected over time. The graduated penalty provisions demonstrate our seriousness about working with States to ensure that they undertake program improvement efforts that lead to lasting changes, not short-term fixes for problems. Accountability is also enhanced by including community representatives who are external to the State agency in completing the statewide assessment and participating in the on-site reviews.

Multiethnic Placement Act (MEPA) and Inter-ethnic Adoption Provisions

I would now like to discuss the second part of the regulation, which addresses the enforcement, penalty, and corrective action processes for violation of the Inter-ethnic Adoption Provisions. As you know, the 1996 Inter-ethnic Adoption Provisions are aimed at preventing discrimination in foster care and adoptive placements. The law prohibits delaying or denying the placement of a child with a prospective foster or adoptive parent on the basis of the child's or the adult's race or ethnicity. The statute also outlines penalties for violations of the law.

Both ACF and the Office of Civil Rights (OCR) have been rigorously enforcing MEPA since its enactment and the Inter-ethnic Adoption Provisions. For instance, in fiscal year 1999, OCR conducted over sixty-eight activities including complaint investigations, compliance reviews, training and technical assistance. This regulation furthers our efforts by clarifying how the enforcement process works and the penalties associated with violations.

The penalty process follows the statute closely. States found to have discriminated against an individual will be assessed a penalty consistent with the statute. If there are violations, not against an individual, but associated with the State maintaining a policy, statute, or procedure that would result in a violation against an individual if applied, the State must take corrective action within six months to avoid the assessment of a penalty.

The Adoption and Safe Families Act (ASFA)

The third part of this regulation is its implementation of certain provisions of ASFA. The ASFA made a wide range of reforms to Federal child welfare law, by emphasizing the necessity of ensuring children's safety; by shortening the time frames for making permanency decisions for children in foster care in recognition of their developmental needs and sense of time; by ensuring that permanency planning begins the moment a child enters foster care; by emphasizing the importance of results and accountability; and by encouraging innovation in the delivery of child welfare services.

The new regulations further the implementation of ASFA in two ways. First, we have incorporated the core principles of ASFA, that the safety and well-being of children must be the paramount concern in decision-making and that foster care is a temporary setting and not a place for children to grow up, into the core procedures and measures of the child and family services reviews and the title IV-E foster care eligibility reviews. In addition, the regulation specifically addresses and clarifies a number of ASFA provisions.

- The regulation includes the ASFA requirement that States file a petition to terminate parental rights for children who have been in foster care for 15 of the most recent 22 months, abandoned infants, and children of parents who have committed certain offenses, unless an exception applies. We have made it clear in the regulation that there are no blanket

exemptions from the termination of parental rights requirement, and we emphasize that States must make decisions not to pursue termination on a case-by-case basis. We have provided some examples of situations in the regulation that may constitute a compelling reason for not filing a petition to terminate parental rights, such as a situation involving an unaccompanied refugee minor.

- With regard to the reasonable efforts provisions in ASFA, the regulation clarifies that States can define in State law the “aggravated” circumstances under which the State is not required to make reasonable efforts to prevent removal or to reunify a family due to safety considerations. We fully supported State flexibility with regard to this provision.
- We also clarified in the regulation that States are now required to obtain a court order at least every twelve months to show that the State made reasonable efforts to finalize a permanent plan for the child in a timely manner, whether the plan is to reunify the child and parents, or achieve permanency through adoption or legal guardianship.

Title IV-E Reviews and Other Foster Care Requirements

The fourth major area included in the regulation is the title IV-E eligibility reviews. In these reviews, we exercise our stewardship role by ensuring that Federal funds are used only for eligible children who are placed with eligible providers. This is a critical review since many of the child protections included in ASFA, such as reasonable efforts provisions and criminal background clearances on foster and adoptive parents, are addressed in the title IV-E foster care reviews.

Among the foster care provisions we clarify in the regulation are the requirements relating to licensure of foster family homes as a prerequisite for the receipt of title IV-E foster care payments. The regulation clarifies that States must use the same licensing or approval requirements for all foster family homes, whether they are relative or non-relative foster homes.

States may make some exceptions for relative homes in areas that do not affect the safety of children, for example, waiving a requirement about the minimum square footage of the home. In order to allow States a period of time to transition to the new requirements, the regulation allows States six months to bring all foster family homes into compliance with their licensing standards before we will withhold funds on that basis.

Through the regulation, we are also implementing the requirements for criminal background clearances on foster and adoptive families prior to a child's placement. Unless a State opts out of the requirement through the governor's action or the passage of a State law, the statute requires States to conduct criminal background clearances on prospective foster and adoptive parents as a pre-condition for the receipt of title IV-E Federal foster care funds.

Next Steps

We are very excited to be implementing this regulation as we believe that it will result in positive changes in the lives of vulnerable children and families. We are currently in the process of identifying the first group of States to be reviewed. Among the criteria that we are using to determine the order in which States will be reviewed through the child and family services review process are:

- States with identified child safety issues should be early in the schedule;
- States that have indicated a need for technical assistance to improve their programs should be early in the schedule; and
- States that were reviewed through pilots can be reviewed later, in the absence of a strong need under the first two criteria.

We will conduct initial child and family service reviews in 17 States per year, beginning immediately to work with the group of states that will be completed in FY 2001. We expect that

this group will complete the statewide assessment this year and be ready for on-site reviews early in FY 2001. We will also begin conducting the new title IV-E eligibility reviews and expect to conduct 10 reviews during the current fiscal year. Over the next four years, we will conduct both types of reviews in all 50 States.

In addition to implementing the new reviews, we are also, of course, moving forward in the full range of other activities needed to further our agenda in the child welfare area. We are continuing to provide technical assistance to States in the implementation of ASFA and MEPA and ensuring that their State laws are in compliance. We will again be working with States to award additional child welfare waiver demonstrations that can tell us about new ways to finance or deliver services to children. We will also be working with States to implement the provisions of the expanded and improved Independent Living Program. There is much work remaining, but we are committed to continuing to do all we can to improve the lives of the thousands of children and families in our nation's child welfare system.

In conclusion, I would like to thank all of the members of this Subcommittee for your efforts and your ongoing commitment to this important work. I would be pleased to answer any questions you may have.

KU: child welfare
(LAWYER DONE)

Proposed changes to Title II of HR 5292

Change to Section 203

After “grant a waiver to a State under this section” add the word “solely”

Change to Section 204

(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED TO, OR DEMONSTRATION PROJECTS THAT MAY BE CONDUCTED BY, A SINGLE STATE –The Secretary shall not refuse to grant a waiver to a State under this section solely on the grounds that the State has applied for or been granted other waivers under this section.

Change to Section 205

(2) STATE OPTION TO EXTEND PROJECT INDEFINITELY.-- If a State has conducted a demonstration under this section for five years and the Secretary determines that the State has complied with the agreement under which waivers are provided under subsection (b) with respect to the project, the State may continue to conduct the project and the waiver shall continue to remain in effect, for so long as the State desires such continuance and the Secretary determines that compliance with the agreement and progress toward improving outcomes for children continues.

Change to Section 207

Strike “the Secretary should consider use” and insert “the Secretary may consider use”

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Doc Contents	

H.R.5292

Flexible Funding for Child Protection Act of 2000 (Introduced in the House)

HR 5292 IH

106th CONGRESS

2d Session

H. R. 5292

To increase State flexibility in funding child protection programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 26, 2000

Mrs. JOHNSON of Connecticut introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To increase State flexibility in funding child protection programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Flexible Funding for Child Protection Act of 2000'.

TITLE I--FLEXIBLE FUNDING DEMONSTRATIONS

SEC. 101. DEMONSTRATIONS OF FLEXIBLE FUNDING.

(a) IN GENERAL- Section 1130A of the Social Security Act (42 U.S.C. 1320a-10) is amended to read as follows:

'SEC. 1130A. DEMONSTRATIONS OF FLEXIBLE FUNDING.

'(a) PURPOSE- The purpose of this section is to provide for the conduct of demonstration projects

to determine whether providing States with flexible funding for child protection has an effect on caseload levels and enhances availability and use of services, efficiency of service delivery, and child safety, permanency, and well-being.

`(b) CONSOLIDATION OF GRANTS-

`(1) APPLICATIONS-

`(A) ELIGIBILITY- A State may submit to the Secretary an application to conduct a demonstration project in accordance with this subsection for 3 consecutive fiscal years with respect to 1 or more categories of foster care expenditures or adoption expenditures, unless section 1123A requires Federal matching funds to be withheld from the State.

`(B) CONTENTS- An application submitted by a State pursuant to this subsection shall contain--

`(i) an estimate of the State baseline for each fiscal year covered by the application;

`(ii) a plan which--

`(I) sets forth a detailed description of how the amounts provided to the State under this subsection would be used to help achieve the purpose of this section, including a description of each activity for which any of the amounts would be expended;

`(II) contains the assurances set forth in section 422(b)(10);

`(III) does not impair the entitlement of any qualified child or family to benefits under the State plan approved under part E of title IV; and

`(IV) is consistent with any corrective action plan that the State may be implementing pursuant to section 1123A;

`(iii) the categories of expenditure that are to be included in the demonstration project; and

`(iv) such other information as the Secretary may require.

`(2) APPROVAL OF APPLICATIONS-

`(A) IN GENERAL- Subject to subparagraph (B) of this paragraph, beginning October 1, 2001, the Secretary may approve an application submitted by a State pursuant to paragraph (1) if--

`(i) the application includes the agreement of the State and the Secretary on--

`(I) the amount of the State baseline for each fiscal year covered by the application; and

`(II) the participation of the State in any evaluation conducted pursuant to this section; and

`(ii) the conduct of the demonstration project proposed by the application would not--

`(I) result in the State violating any assurance set forth in section 422(b)(10);

`(II) result in any impairment of the entitlement of any qualified child or family to benefits under the State plan approved under part E of title IV.

`(B) LIMITATION- The Secretary may not approve more than 5 applications submitted pursuant to this subsection.

`(3) EFFECTS OF APPLICATION APPROVAL-

`(A) FIXED PAYMENTS TO STATES FOR SELECTED CATEGORIES OF IV-E EXPENDITURES-

`(i) IN GENERAL- Subject to paragraph (6) of this subsection, a State with an approved application under this subsection shall be entitled to receive from the Secretary, for each calendar quarter of each fiscal year covered by the application, an amount equal to 1/4 of the State baseline agreed on by the State and the Secretary for the fiscal year, in lieu of any payment under paragraph (1), (2), or (3) of section 474(a), or paragraph (1) or (2) of section 474(b), with respect to the expenditures of the State in the quarter in the categories of expenditure specified in the application.

`(ii) TIMING; ADJUSTMENTS- The Secretary shall make a payment to a State under clause (i) for a calendar quarter on the 1st day of the quarter, the amounts reduced or increased to the extent of any prior overpayment or underpayment which the Secretary determines was made under this subsection or section 474 to the State for any prior quarter and with respect to which adjustment has not been made under this subsection or section 474.

`(B) RELIEF FROM INCOME DETERMINATIONS-

`(i) DURING PERIOD COVERED BY APPLICATION-

`(I) IN GENERAL- During the period covered by an approved application of a State under this subsection, the State may determine the eligibility of a child for foster care maintenance payments under section 472 and may make such payments, and may make adoption assistance payments under section 473 with respect to a child, without regard to any income requirement, to the extent that the foster care maintenance payments or adoption assistance payments are in a category of expenditure specified in the application.

`(II) DETERMINATIONS RELATING TO ADOPTION ASSISTANCE FOR STATES ELECTING NOT TO INCLUDE ADOPTION EXPENDITURES IN APPLICATION- If an approved application of a State under this subsection does not apply with respect to any adoption expenditure, the State may elect to require the Secretary, in lieu of applying any income requirement to the families of the children with respect to whom the State has made an adoption expenditure in or after the period covered by the application and has submitted a claim under part E of title IV for the expenditure, to consider otherwise allowable adoption expenditures of the State allowable under such part in the same proportion as the average annual percentage of children with respect to whom State adoption expenditures were allowed under such part for the 3-year period preceding the period covered by the application.

`(ii) OPTIONAL CONTINUATION- Before the end of the period covered by an approved application of a State under this subsection, the State may make an irrevocable election to require the Secretary, in lieu of applying any income requirement to the families of the children with respect to whom the State has made a foster care expenditure or an adoption expenditure after the period and submitted a claim for the expenditure under part E of title IV, to consider otherwise allowable foster care expenditures or adoption expenditures of the State allowable under such part in the same proportion as the average annual percentage of children with respect to whom State foster care expenditures or adoption expenditures, as the case may be, were allowed under such part for the 3-year period preceding the period covered by the application.

`(C) LIMITATION ON USE OF FUNDS- A State may not use any amount paid to the State under this subsection for a fiscal year, except in accordance with the approved application of the State under this subsection for the fiscal year, subject to paragraph (4)(A).

`(4) OTHER STATE OPTIONS-

`(A) NARROW SCOPE OF APPROVED APPLICATION- A State with an approved application under this subsection may, at any time, elect to have the approved application cease to apply to any category of expenditure specified in the application, beginning with any calendar quarter remaining in the period covered by the application.

`(B) WITHDRAWAL- Effective as of the beginning of any calendar quarter remaining in the period covered by an approved application of a State under this subsection, the State may

withdraw from participation in activities under this subsection, and this subsection (other than paragraph (3)(B)(ii)) shall cease to apply to the State, except with respect to any penalty required to be imposed at any time by reason of conduct that occurred before the effective date of the withdrawal.

`(5) RENEWAL-

`(A) IN GENERAL- On agreement between a State and the Secretary as to the amount of the State baseline for each year in the 3-year period following the period covered by an application approved under this subsection, the Secretary shall approve the renewal of the application if the application contains such other information as the Secretary may require.

`(B) LIMITATION- The Secretary may not approve an application of a State under this subsection, to the extent that the total number of years covered by approved applications of the State under this section would exceed 9.

`(6) MAINTENANCE OF EFFORT-

`(A) REQUIREMENT- If the Secretary determines that the average of the historic expenditure levels in effect with respect to a State for 2 consecutive fiscal years covered by 1 or more applications approved under this subsection exceeds the average of the total amounts of qualified State expenditures in such fiscal years:

`(i) REDUCTION OF AMOUNTS PAYABLE TO STATE- The total of the amounts otherwise payable to the State under this subsection or under paragraphs (1), (2), and (3) of section 474(a) for each quarter in the succeeding fiscal year shall be reduced by an amount equal to 1/4 of the excess.

`(ii) ENHANCED MAINTENANCE OF EFFORT REQUIREMENT FOR NEXT YEAR- The historic expenditure level otherwise in effect for the succeeding fiscal year with respect to the State shall be increased by an amount equal to the excess.

`(B) DEFINITIONS-

`(i) QUALIFIED STATE EXPENDITURES- In this paragraph, the term 'qualified State expenditures' means, with respect to a fiscal year, the sum of--

`(I) the total amount expended for child welfare services during the fiscal year by the child welfare agency of the State and the child welfare agencies of all political subdivisions of the State, from Federal, State, or local funds; and

`(II) at the option of the State, the amount (if any) by which the total of the amounts expended for child welfare services during the fiscal year by other agencies of the State or of a political subdivision of the State, from Federal, State, or local funds, exceeds the total of the amounts so expended during fiscal year 1998.

`(ii) CHILD WELFARE SERVICES EXPENDITURES-

`(I) IN GENERAL- For purposes of this paragraph, an amount shall be considered to have been expended for a child welfare service by an agency if the amount is expended directly by the agency, or by another entity under contract with the agency, to provide, or to cover any administrative cost related to the provision of, the service.

`(II) PREVENTION OF DOUBLE COUNTING- Notwithstanding item (aa) of this subclause, an amount that is taken into account as a qualified State expenditure for purposes of section 409(a)(7) shall not be considered a qualified State expenditure for purposes of this paragraph.

`(iii) HISTORIC EXPENDITURE LEVEL-

`(I) IN GENERAL- In this paragraph, the term 'historic expenditure level in effect for a fiscal year with respect to a State' means the total amount expended for child welfare services during fiscal year 1998 by the child welfare agency of the State and the child welfare agencies of all political subdivisions of the State, from Federal, State, or local funds, increased by the inflation percentage in effect for the fiscal year.

`(II) INFLATION PERCENTAGE- For purposes of subclause (I), the inflation percentage in effect for a fiscal year is the percentage (if any) by which--

`(aa) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the preceding fiscal year; exceeds

`(bb) the average of the Consumer Price Index (as so defined) for fiscal year 1998.

`(III) ADJUSTMENT FOR REDUCED FEDERAL FUNDING OF CHILD WELFARE SERVICES-

`(aa) IN GENERAL- The historic expenditure level in effect for a fiscal year with respect to a State, as determined under subclauses (I) and (II), shall be decreased by the amount (if any) by which the total

amount of Federal funds available to the State or any political subdivision of the State for child welfare services for the fiscal year is less than the total amount of such Federal funds that were expended by the State or any political subdivision of the State for child welfare services for fiscal year 1998..

`(bb) PENALTY AMOUNTS CONSIDERED TO BE AVAILABLE- For purposes of item (aa), an amount withheld or recovered from a State in a fiscal year by reason of a failure of the State to comply with part B or E of title IV or this paragraph shall be considered to have been available to the State for the fiscal year.

`(c) TRANSFER OF FUNDS-

`(1) APPLICATIONS-

`(A) ELIGIBILITY- A State may submit to the Secretary an application to conduct a demonstration project in accordance with this subsection for 3 consecutive fiscal years with respect to 1 or more categories of foster care expenditures, unless section 1123A requires Federal matching funds to be withheld from the State.

`(B) CONTENTS- An application submitted by a State pursuant to this subsection shall contain--

`(i) an estimate of the State baseline for each year in the period covered by the application;

`(ii) a plan which--

`(I) sets forth a detailed description of how the amounts provided to the State under this subsection would be used to help achieve the purpose of this section, including the costs of each activity for which any of the amounts would be expended;

`(II) contains the assurances set forth in section 422(b)(10);

`(III) does not impair the entitlement of any qualified child or family to benefits under the State plan approved under part E of title IV; and

`(IV) is consistent with any corrective action plan that the State may be implementing pursuant to section 1123A;

`(iii) the categories of expenditure that are to be included in the demonstration project; and

`(iv) such other information as the Secretary may require.

`(2) APPROVAL OF APPLICATIONS-

`(A) IN GENERAL- Subject to subparagraph (B) of this paragraph, beginning October 1, 2001, the Secretary may approve an application submitted by a State pursuant to paragraph (1) if--

`(i) the State and the Secretary have agreed on--

`(I) the amount of the State baseline for each fiscal year covered by the application; and

`(II) the participation of the State in any evaluation conducted pursuant to this section; and

`(ii) the conduct of the demonstration project proposed by the application would not--

`(I) result in the State violating any assurance set forth in section 422(b)(10);

`(II) result in any impairment of the entitlement of any qualified child or family to benefits under the State plan approved under part E of title IV.

`(B) LIMITATION- The Secretary may not approve more than 5 applications submitted pursuant to this subsection.

`(3) EFFECTS OF APPLICATION APPROVAL-

`(A) STATE PAYMENT OPTIONS- A State with an approved application under this subsection for a fiscal year shall elect to receive payments under this subsection in accordance with only 1 of clause (i) or (ii), as follows:

`(i) SAVINGS PAID TO THE STATE AT THE END OF THE FISCAL YEAR- In addition to any payment under part E of title IV for the fiscal year, the State shall be entitled to receive from the Secretary, subject to paragraph (4) of this subsection, an amount equal to the amount (if any) by which--

`(I) the State baseline for the fiscal year; exceeds

`(II) the total of all payments made to the State for the fiscal year under paragraph (1) or (3) of section 474(a) with respect to the categories of expenditure specified in the application.

`(ii) ADVANCE PAYMENT OF ESTIMATED SAVINGS AND YEAR-END RECONCILIATION-

`(I) STATE ESTIMATE OF SAVINGS- The State shall transmit to the Secretary an estimate by the State of the amount by which the State baseline for the fiscal year will exceed the total of the amounts that will be payable to the State for the fiscal year under paragraph (1) or (3) of section 474(a) with respect to the categories of expenditure specified in the application.

`(II) ADVANCE PAYMENT OF ESTIMATED SAVINGS- In addition to any payment under part E of title IV for the fiscal year, the State shall be entitled to receive from the Secretary, at the beginning of the fiscal year, subject to paragraph (4) of this subsection, an amount equal to the amount estimated by the State pursuant to subclause (I) of this clause.

`(III) YEAR-END RECONCILIATION-

THIS SEARCH	THIS DOCUMENT	GO TO
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Doc Contents	



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Topical Index
News Archive:
1999 Releases
1998 Releases
Past Years
Subscribe to HHS
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Fact Sheets:
ACF Overview
Child Care
Child Support
Child Welfare
Head Start
Welfare
Other Programs
Statistics:
Welfare Caseload
Other Programs
Search

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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOR IMMEDIATE RELEASE

Tuesday Jan. 25, 2000

Contact: Michael Kharfen, (202) 401-9215

HHS Issues Final Child Welfare Regulations to Improve Services and Outcomes for Children

HHS Secretary Donna E. Shalala today announced important new regulations that will improve outcomes for abused and neglected children, children in foster care, and children awaiting adoption.

The regulations will hold states accountable for services to at-risk children with a new, results-oriented approach in federal monitoring of state child welfare programs. The final rule will also guide states in the implementation of recent new laws including the Adoption and Safe Families Act and the Interethnic Adoption provisions passed as part of the Small Business Job Protection Act. Under a new federal review process, states will be measured for the first time on the quality of services provided to, and outcome results for, at-risk children. States will also be subject to tough new penalties as well as being given the opportunity to undertake corrective action plans.

"With this regulation, we are taking a real step toward ensuring that vulnerable children will be able to live safely, in permanent and loving homes," said Secretary Shalala. "This regulation demonstrates a critical and significant shift in holding states accountable for children's safety and permanency while promoting their well-being."

Under the regulation, states will be assessed for compliance with federal requirements for child protective services, foster care, adoption and family preservation and support services under titles IV-B and IV-E of the Social Security Act. Those services cover the investigation of families where children are at risk, placements and supervision of children in foster care, development of child permanency plans for court hearings, reunification with birth families when safe, and adoption. The reviews will be in two areas: outcomes for children and families in terms of safety, permanency and child and family well-being; and the administration of state programs that directly affect the capacity to deliver services leading to improved outcomes. Federal staff will work with states to develop plans for making improvements in programs before assessing penalties and withholding funds. However, if a state remains in non-compliance, a financial penalty based on the extent of non-compliance will be assessed.

The final regulation being issued today reflects a consensus between Congress and the Clinton administration that the former review process for states focused too narrowly on paperwork. HHS launched an extensive consultation process with states and stakeholders to develop a new process that will better assess how states are performing and pilot tested reviews with states. The new review process will contain accountability of quality services provided to children, the use of quantitative and qualitative statewide data indicators to measure outcomes for children. The measures include the length of time it takes for children in foster care to move into a permanent home, instances of maltreatment of children in foster care, and the quality of systems for regularly reviewing cases of children in foster care and

the recruitment of prospective adoptive parents. Reviews will also include interviews with children, parents, foster parents and service providers.

"We are confident that the new approach to monitoring in this regulation will strengthen the timeliness and quality of decision-making for children and families," said Olivia A. Golden, HHS assistant secretary for children and families. "For the first time, hold the states accountable for the results that we and they care so much about accomplishing for children and families. This regulation definitely puts the emphasis where it belongs: on safety and permanent homes for children."

The Adoption and Safe Families Act of 1997, based on President Clinton's Adoption 2002 proposal, made the most sweeping changes in the child welfare program since it was established. The regulation implements several of the law's requirements regarding states' efforts to achieve safety and permanency for children. First, the rule clarifies that states have broad flexibility to define circumstances in which "reasonable efforts" are not required to preserve or reunify a child with the birth family because of safety concerns. Second, for children in foster care, states must obtain a court order at least every 12 months showing that the state made reasonable efforts to develop a permanent plan for reunification or legal guardianship or adoption. Third, the regulation provides guidance for states on filing petitions for termination of parental rights for certain children in foster care and makes clear that no groups of children may be exempt from the requirement. Under the law, states must begin termination of parental rights proceedings for a child in foster care 15 months of the previous 22 months. Finally, the rule requires states to conduct criminal record checks for prospective foster or adoptive parents, or otherwise document the safety of a child's placement.

The Interethnic Adoption provisions, passed as part of the Small Business Job Protection Act in 1996, prohibit discrimination based on race, color or national origin in the placement of children for foster care and adoption. As clarified in the new regulation, states that are determined to have discriminated against an individual will be assessed a penalty immediately, consistent with the law. If an individual was not discriminated against but HHS finds that a state policy or practice is in violation of the law, the state has six months to correct it before the penalty takes effect.

"The provisions of this regulation allow the federal government to hold states accountable with the use of federal funds, while emphasizing positive outcomes for children and families," said Patricia Montoya, commissioner of the Administration on Children, Youth and Families. "A strong state-federal partnership approach to implementing these laws is the best way to achieve improved lives for our most vulnerable citizens."

The effective date of the final rule is March 25, 2000.

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Child Welfare Final Rule

Executive Summary

Overview and Impact of the Final Rule

On January 25, 2000, HHS published a final rule in the Federal Register to:

- establish a new approach to monitoring State child welfare programs that focuses on results in the areas of safety, permanency and child and family well-being;
- strengthen the penalty and corrective action process for the Multiethnic Placement Act (MEPA), as amended, regarding discrimination in adoptive and foster care placements;
- regulate provisions of the Adoption and Safe Families Act (ASFA) of 1997, and the Federal foster care program; and
- update the review process for the Federal foster care program.

The final rule is, in part, a response to Federal legislation requiring HHS to reform its approach to monitoring State compliance with Federal child welfare requirements and to promulgate regulations for reviews of State child and family service programs.

This new rule will play an important role in improving services to and outcomes for abused and neglected children, children in foster care, and children awaiting adoptive families. The focus on outcomes in the child and family services reviews will promote increased safety for children who are maltreated; quicker movement to permanent homes and families for children in foster care; and enhanced well-being for families who are served by State agencies. Regulating the MEPA enforcement strategy further strengthens the Department's capacity to hold States accountable for removing delays to permanency. Finally, by regulating provisions of the ASFA, HHS clarifies the requirements for holding children's safety paramount and ensuring that children do not languish in foster care, and thereby strengthen the timeliness and quality of decision-making for children and families served through State child welfare programs.

The Department engaged in extensive consultation prior to developing the regulation. Because the shift to outcomes-focused monitoring represents such an important change in the way child welfare programs are held accountable, HHS initially conducted numerous pilot tests with States to refine its approach. In addition, a number of focus groups were conducted, both on the child and family services reviews and on the implementation of ASFA, that shaped development of the proposed regulation, which was published in the Federal Register on September 18, 1998. Comments on the proposed rule were submitted by a wide range of interested groups and the final rule represents a balance of those comments with the lessons learned from the pilots and consultation. The effective date of the final rule is March 25, 2000.

The following highlights the major areas of the regulation:

Child and Family Services Reviews

HHS child and family services reviews are an important tool for ensuring compliance with Federal child welfare requirements. The new reviews represent a significant departure from the former review process. In the past, reviews focused almost entirely on the accuracy and completeness of case files and other records, without regard to the outcomes for children and families. The prior reviews did not provide opportunities for improvement before significant penalties were imposed.

The child and family services reviews are consistent with the legislative requirements in section 1123A of the Social Security Act and offer a more balanced and child and family-centered approach, including:

- a focus on outcomes and results for children and families,
- technical assistance to assist States in improving their child welfare systems in a timely way, as well as accountability for non-compliance,

- the use of multiple qualitative and quantitative information sources to better evaluate child and family outcomes and system performance, and
- engaging the States as partners in identifying strengths and weaknesses, defining program improvements, and crafting technical assistance that will result in better outcomes and systems.

An outcomes and results-focused approach

The child and family services review is a results-focused approach to monitoring federally-assisted State child welfare programs. The review measures State compliance with the State plan requirements under titles IV-B and IV-E of the Social Security Act. Under the new rule, State child welfare programs will be reviewed in two areas: (1) outcomes for children and families served by the child welfare system; and (2) systemic factors that directly affect the State's capacity to deliver services leading to improved outcomes. Outcomes are focused on children's safety, permanency, and child and family well-being. Systemic factors include whether a State has in place and is successfully operating systems for reviewing the cases of children in foster care at required intervals, training child welfare staff, licensing foster care providers, and recruiting prospective adoptive parents. This approach focuses the reviews on the quality of services provided.

A two-tiered review process that uses qualitative and quantitative data

The review is a two-stage process comprised of a statewide assessment and an on-site review. The statewide assessment involves HHS preparing and transmitting to the State data profiles that have aggregate data on the State's foster care and in-home service population. The data profiles include information on whether the State has met a national standard, set by HHS, for certain permanency and safety data indicators, such as length of stay in foster care and rates of repeat maltreatment of children. The data profiles provide an overall picture of how well the State is performing. The statewide assessment is then completed by the State and its external partners primarily to further evaluate the programmatic issues behind the statewide data in the areas of safety, permanency, and well-being for children.

Following the statewide assessment, an on-site review is conducted by a joint Federal-State team. As learned through the pilot reviews, the on-site portion of the review provides the most comprehensive information on the quality of a State's child welfare program. The Federal-State team evaluates outcomes by examining a sample of children receiving in-home services and those in foster care by reviewing the written record and interviewing family members, caretakers, caseworkers, and service providers. Furthermore, interviews are conducted with State and local representatives to evaluate system performance in specific areas, such as the foster home licensing process. The quantitative and qualitative data from the statewide assessment and the on-site portion of the review are used together by HHS to determine the State's compliance on the outcomes and systemic factors.

State Compliance and Accountability

The combination of information from the on-site portion of the review and the statewide data provides HHS and the State with a comprehensive picture of the strengths and weaknesses in the State's program. If a State is not in compliance, HHS and the State will formulate a time-limited plan for making program improvements that addresses the State's need for Federal technical assistance. Although penalties are deferred while the State implements its program improvement plan, the State is held accountable for meeting the milestones detailed in the plan and ultimately completing the plan successfully. If the State does not meet the milestones, or does not complete the plan, HHS will assess penalties commensurate with the extent of the non-compliance. In successive reviews, the amount of the penalty increases for continued non-compliance.

Timetable for Reviews

States determined to be in compliance will be reviewed every five years and will complete a statewide assessment every three years. States determined not to be in compliance will be reviewed two years after the approval of the program improvement plan.

Correction of Compliance Issues Outside the Scope of the Child and Family Services Reviews

The regulations provide for partial reviews, as needed, when there are compliance issues that do not fall within the child and family services review protocol.

Enforcement of the Multiethnic Placement Act

While HHS has been vigorously enforcing the Multiethnic Placement Act (MEPA), as amended, since its enactment, the regulation provides clarity to the penalty and corrective action process for MEPA violations. The Multiethnic Placement Act prohibits discrimination based on race, color or national origin in the placement of children for foster care and adoption. Investigation and enforcement of these requirements is a joint procedure between the Department's Office for Civil Rights and the Administration for Children and Families.

The penalty and corrective action process detailed in the regulation follows the statute closely. The potential penalty ranges from two to five percent of all Federal title IV-E funds depending on the number of violations found. The rule clarifies that States that are determined to have discriminated against an individual will be assessed a penalty consistent with the law. If no individual has been discriminated against, but HHS determines that the State has a policy or practice that violates the law, then the State will have to correct that policy or practice within six months or face penalties.

The regulation also addresses which entities other than State agencies are subject to financial penalties if they violate the law. Unlike the States, an entity such as a private agency is not afforded a corrective action process and must return all Federal foster care and adoption funds to HHS.

Adoption and Safe Families Act Requirements

The final rule implements certain ASFA requirements that are directed at improving States' efforts to achieve safety and timely permanency for children.

Reasonable Efforts

- Once a child is removed from home, the rule requires a State to obtain a court order demonstrating that the State provided services to prevent the child's removal from the home and to reunify the family, or where safety considerations took precedence, that reasonable efforts to keep or return the child home were not required.
- The final rule clarifies that ASFA gives States broad flexibility to define circumstances in State law where the State is not required to make reasonable efforts to preserve a family or reunify a family because of child safety concerns.
- For children in foster care, the rule requires the State to obtain a court order at least every 12 months, showing that the State made reasonable efforts to finalize a permanent plan for the child in a timely manner, whether the plan is to reunify child and parents, or achieve permanency through adoption or legal guardianship.

Termination of Parental Rights

Consistent with ASFA, the regulation requires the State to file a petition to terminate parental rights (TPR) for children who have been in foster care for 15 out of the most recent 22 months, abandoned infants, and children of parents who have committed certain felonies. The rule explains that there are no automatic exceptions for groups of children, but that decisions regarding exceptions must be made on a case-by-case basis. The final rule offers States guidance on how to calculate the time frames for when a State must file a petition for TPR for a child in foster care, unless an exception is made. The rule also clarifies that the State can file such a petition at any earlier time if doing so is in the child's best interests.

Criminal Record Checks

Unless a State opts out through the Governor's action or the passage of a State law, the statute requires States to conduct criminal record checks for prospective foster and adoptive parents who will receive Federal funds. The rule requires that a State that opts out of this requirement must still document the safety of a child's placement.

Other Foster Care Requirements

- The final rule also requires a State to obtain a court order at the time the child is first removed from home, that it was contrary to the child's welfare to remain at home. The court orders relating to the contrary to the welfare determination and reasonable efforts requirements must be obtained within the specified time frames in order for the State to claim Federal reimbursement for eligible children under the title IV-E Federal foster care program.
- For the Federal foster care program, States are required to have the same licensing or approval requirements for relative foster homes as they do for non-relative homes, with some exceptions for requirements not related to safety. The State cannot receive Federal reimbursement for foster care expenses for children placed in temporarily licensed foster homes or in foster homes that fail to meet all licensing or approval requirements.
- The regulation requires States to have court hearings on the permanency plan for the child at least every 12 months for all children in foster care, including those children placed in a permanent foster home or pre-adoptive home.

Title IV-E Reviews

The reviews of the Federal title IV-E foster care program focus on whether a child meets the statutory eligibility requirements for the program. The review team is comprised of Federal and State representatives who examine cases of children for information such as:

- a court order stating that the child welfare agency removed the child only when necessary,
- a court order stating that the agency provided reasonable efforts to preserve the family, if appropriate, and to achieve permanency for the child,
- a completed criminal background check on the foster parent, and
- confirmation that the child met the income test for the program.

Two-Tiered Review Process with a Program Improvement Component

As stated in the rule, the review of the Federal foster care program is a two-stage process, which is conducted every three years. During the first stage, HHS reviews a number of cases. A disallowance is taken for all cases that fail the requirements. If a State fails more than a specific percentage of cases, the State is out of compliance with the Federal foster care program requirements. As a condition of non-compliance, the State is required to complete a one-year program improvement plan and undergo a second review at the end of the year. After the second review, if the State is still not in compliance, a larger disallowance is assessed based on the total population of children in foster care.

Race and Ethnicity Data Collection

The final rule also includes a technical change to the race and ethnicity data elements in the Adoption and Foster Care Analysis and Reporting System (AFCARS). The rule codifies existing HHS and Office of Management and Budget policy with regard to allowing individuals to report that they identify with more than one race.

Child Welfare Outcomes 1998 ANNUAL REPORT	Title Page	II. The Development of the Outcome Measures	V. 1998 State Child Welfare Outcomes Data
	Table of Contents	III. Federal Data Sources	State Data Pages
	Introduction	IV. Key Findings and Implications	Appendices: A B C D E F G
I. Introduction			

This report, *Child Welfare Outcomes 1998: Annual Report*, is the first in a series of annual reports from the Department of Health and Human Services required by the Adoption and Safe Families Act of 1997 (ASFA). Its purpose is to present data on State performance in meeting the needs of children and families who come into contact with the child welfare system, focusing specifically on the "outcomes," or results, for these children. The outcomes presented in this report were developed by the Department of Health and Human Services (the Department) in consultation with State officials, advocates, and other experts in the field and reflect widely held performance objectives for child welfare program practice. The outcomes follow:

- Reduce recurrence of child abuse and/or neglect;
- Reduce the incidence of child abuse and/or neglect in foster care;
- Increase permanency for children in foster care;
- Reduce time in foster care to reunification without increasing re-entry;
- Reduce time in foster care to adoption;
- Increase placement stability; and
- Reduce placements of young children in group homes or institutions.

This report establishes the baseline performance of each State for which data are available on each outcome measure and will be the basis for assessing State progress on the measures in the future.

This introductory chapter depicts the child welfare system as seen through the perspective of children in the system. It also describes the current challenges in child welfare, the Congress' and Department's response to these challenges, and the material that is presented in the remaining sections of this report.

The Faces of Children in Need

Many children enter the child welfare system because they have been abused or neglected by their families. Other children come to the attention of the system because their families have not been able to meet their emotional and developmental needs. Still others, mainly older children, enter the child welfare system because their own behavior makes them unable to live with their families.

Each year, almost 3 million children are alleged to have been abused or neglected, and nearly 1 million are found to have been victims of maltreatment. As of September 30, 1998, an estimated 560,000 children were living in foster care in the United States. The median length of stay for these children was almost 2 years, and more than one-third of these children had been in foster care for 3 or more years. Approximately 122,000 children were unable to return to their parents' homes and were waiting for new permanent families. (See appendix A for additional national statistics.)

Based on 1997 data from 43 States, more than half of all victims of maltreatment suffered neglect, while almost a quarter suffered physical abuse.

As troubling as these statistics are, the real challenges of child welfare are most clearly illustrated by looking at the experience through the eyes of a child.

One day my mother did not come home. I was all alone with my little brother, David. He

*began to cry and so I carried him around a while. Then we ate something in the kitchen. The next day she still didn't come home. When we had no more food, I went to the neighbors. They called child welfare. We went to foster care, but David went to one family and me to another. I am still waiting for my mother to come get me. **Amy, age 11***

*I have been in foster care for 5 years and been in four foster homes. The last place I lived, I really hated. No one liked me and I didn't like anyone either. I really liked my first family and wish I could go back there. My social worker comes now and then, but she doesn't know what to do with me. I'm going to run away soon. **William, age 13***

*My mom and dad fight a lot. Some days my mother looks real bad. One day a neighbor called the social worker. The social worker came to our apartment and told my parents that all the shouting and yelling wasn't good for us kids. I think that they are going to counseling now. Sometimes the social worker comes to see us to be sure that we are okay. My mom seems happier now. **Jimmy, age 8***

*I was living with my grandmother and my two little brothers. My dad is an addict and I don't know where my mother is. One day a social worker came and took us all away. I am living with a foster family. They treat me real good, even better than my mom did. I miss my brothers and my dad. I am afraid that my brothers will forget me. **Patrice, age 9***

As the experiences of these children demonstrate, the complexities of meeting the needs of children present major challenges. Service providers must work to assure the continuity and stability of foster care placements, reduce the time children spend in foster care, assist parents in resolving problems so children can be reunified, and increase the opportunities for adoption for children in foster care who cannot be safely returned to their own families.

The Challenges Faced by the Child Welfare System

No single agency or group in a community can resolve all of the problems children face. Meeting the needs of these children requires the collective work of many professions, community organizations, and Government agencies. However, public child welfare systems are charged with (1) protecting children who have suffered maltreatment or are at risk for maltreatment and (2) securing permanent living arrangements for children who are unable to live at home. These agencies must ensure that children are safe in their homes, removed if they are not safe, returned to their families if their safety can be assured, or adopted by a new family if returning home is not feasible.

As they work to accomplish these objectives, child welfare professionals face many difficult challenges. They must balance respect for family privacy with the need to protect children from abuse and/or neglect; they must balance children's need for a safe environment with children's need to return to their birth families. They must also balance children's need for connection to their birth families with the possible need to find them safer, alternative families.

Over the past 10 years, there have been a number of high-profile child deaths due to maltreatment and an increase in the number of children in foster care. This has led policymakers, legislators, child welfare administrators, and child advocates to become increasingly concerned that the child welfare system has not been able to strike the right balance between safety and permanency and, hence, has fallen short in meeting children's needs. Fortunately, public debate and concern over the fate of children in child welfare has generated a productive climate of reform as people around the country have begun to address new and innovative ways to focus attention on improved results for children.

A trigger for concern—by the public, the Congress, and the media—is the number of high-profile child deaths across the country.

Responding to the Challenges

In reaction to these and similar challenges, on November 19, 1997, the President signed into law the **Adoption and Safe Families Act of 1997 (ASFA)**. This legislation, passed by the Congress with overwhelming bipartisan support, represents an important landmark in Federal child welfare law. First and foremost, it establishes unequivocally that our national goals for children in the child welfare system are **safety, permanency, and well-being**. It puts into place key provisions to ensure that child safety is the paramount concern in all child welfare decision-making, to shorten the timeframes for making permanency planning decisions, and to promote the adoption of children who cannot safely return to their own homes. Section 203 of ASFA requires, for the first time, the development of a set of outcome measures that can be used to assess the performance of States in achieving the national child welfare system goals. Through ASFA, policymakers and the public have asked for a new level of accountability from public child welfare agencies serving children and families. As a result, States are being asked to demonstrate that their programs have actually made a positive difference in the lives of children.

Following the passage of ASFA, the Department held 37 focus group meetings nationwide and convened 10 regional conferences to get early feedback on ASFA implementation issues, including the performance measurement requirements in section 203.

* Section 203 of ASFA also requires the Department to submit two reports to the Congress. Child Welfare Outcomes 1998: Annual Report is one of the required reports. The other report, which will be issued later this year, will address performance-based incentive systems for child welfare. (Section 203 can be found in appendix B.)

ASFA's emphasis on outcomes reflects a broader concern with ensuring positive results in the field of child welfare in general. The **Government Performance and Results Act of 1993 (GPRA)**, P.L. 103-62, requires all programs in the Federal Government to develop specific goals and outcome measures on which to assess the performance of Federal agencies. In response to the GPRA requirements, the Department has developed annual performance plans and annual performance reports. Within the Department, the Children's Bureau (the Federal agency with oversight responsibility for State child protection and child welfare programs) identified several key outcomes for monitoring the Children's Bureau's performance, which are included in the Department's annual performance plans and reports. In the future, Federal agency budgets may be linked to their performance on the measures.

A focus on results is also at the heart of the new **Child and Family Services (CFS)** reviews the Department is implementing to assess the performance of State child welfare systems. The new CFS review process was published in a final rule in the Federal Register (65 FR 4020-4093) on January 25, 2000. The reviews use statewide data indicators and qualitative information, obtained from intensive on-site reviews, to determine State achievement in two areas: (1) outcomes for children and families in the areas of safety, permanency, and well-being; and (2) systemic factors that directly impact the State's capacity to deliver services that support improved outcomes. Unlike previous review systems, which focused exclusively on procedural compliance, States now will be required to demonstrate that children and families served by the child welfare system are experiencing positive results.

All 50 States and the District of Columbia will participate in a Child and Family Services review over the next 4 years.

To the extent possible, the statewide data indicators used in the CFS reviews have been coordinated with the child welfare outcome measures found in chapter II of this report, such as the incidence of child abuse and/or neglect in foster care, length of time to achieve adoption and reunification, and stability of foster care placements. Because a State's performance in the CFS review is linked to its performance on these outcome measures, future annual reports will identify State CFS review results.

In a number of programs, Federal funding is being tied to successful State performance. For instance, the **Adoption Incentive Program**, also authorized by ASFA and first recommended by President Clinton as part of the Adoption 2002 initiative to double the annual number of children adopted from foster care, provides per-child financial incentives to States that succeed in increasing the number of children adopted from foster care.

Thirty-five States qualified for \$42,510,000 in adoption bonuses for their FY 1998 performance.

Another important part of current Federal-State efforts to reform child welfare is the **Child Welfare Waiver Demonstration Program**, authorized under section 1130 of the Social Security Act (the Act) and expanded and extended to FY 2002 under ASFA. These demonstrations involve the waiver of certain requirements of titles IV-B and IV-E of the Act that govern foster care, adoption assistance, independent living, child welfare services, promoting safe and stable families, and related expenses for title IV-E program administration, training, and automated systems. The program allows States the flexibility to use existing funds to develop creative approaches to achieve permanency for children. The States can design and demonstrate a wide range of approaches to improve and reform child welfare. The demonstrations have specific program goals and outcome measures, which collectively are aimed at improving permanency outcomes for children. Here too, Federal-State efforts are working to ensure that innovations in financing and service delivery actually result in improved outcomes for children and families.

As of September 1999, 21 States and the District of Columbia had received approval for 24 child welfare waiver demonstration projects.

Through the new CFS reviews and these other efforts, the Department is supporting a shift to an outcomes focus. This report is part of that effort. It is framed by the overriding mission of child welfare to ensure the safety, permanency, and well-being of America's most vulnerable children.

Child Welfare Outcomes 1998: Annual Report

Child Welfare Outcomes 1998: Annual Report is the first of its kind. Although many States have begun to use data to report outcomes, this is the first attempt to report outcomes in child welfare on a national scale. While the Department is excited about the opportunity to improve the lives of children through outcome measurement, it recognizes that outcome measurement in child welfare is still in its infancy. Future reports will incorporate refinements and enhancements—in addition to analysis of trends—to reflect advances in outcome measurement in child welfare.

This report is organized into five chapters. Following this introductory chapter, chapter II presents the seven outcomes, the measures for each outcome, and the rationale for the selection of each of the measures. Chapter III describes the data sources used for measuring State performance on the outcomes. Chapter IV presents key findings resulting from this first year's effort and includes a summary of the best available State data on the outcome measures. Chapter V presents the individual State data pages. The State data pages consist of two pages of context data and three pages of outcome measures. Some States have included an optional page of commentary on their data as well.

Child Welfare Outcomes, 1998 ANNUAL REPORT	Title Page	II. The Development of the Outcome Measures	V. 1998 State Child Welfare Outcomes Data
	Table of Contents	III. Federal Data Sources	State Data Pages
	I. Introduction	IV. Key Findings and Implications	Appendices: A B C D E F G

II. The Development of the Outcome Measures

The national goals of **safety, permanency, and well-being** provide the framework for the development of the outcome measures. The Department broadly defines the goal of safety as the protection of children from abuse or neglect in their own homes or in foster care. Permanency is conceptualized as children having stable and consistent living situations (such as living with their families, living with adoptive families, or living with legal guardians), continuity of family relationships, and community connections. Well-being is defined as families having the capacity to provide for their children's needs, children having educational opportunities and achievements appropriate to their abilities, and children receiving physical and mental health services adequate to meet their needs.

Every child deserves a safe, permanent, and loving family.

Although there is general consensus among child welfare professionals and advocates that child safety, permanency, and well-being are valid goals, there were no previously established national outcome measures to assess performance related to them. To meet this need and respond to the congressional directive in section 203 of the Adoption and Safe Families Act of 1997 (ASFA), the Department established a consultation group to help in the development of outcome measures. This group included representatives from State, Tribal, county, and municipal child welfare agencies; private nonprofit child and family services agencies; State legislatures; Governors' offices; juvenile and family courts; local child advocacy organizations; and a national public employees' union. The Department also invited representatives from national organizations to serve as resources to the consultation group. A list of the consultation group members and the representatives of the resource organizations can be found in appendix C of this report.

During the fall of 1998, the Department engaged the consultation group in a series of discussions that resulted in four principles that guided the development of the child welfare outcome measures presented in this report. This chapter describes the four principles, gives the rationale for selection of the outcome measures, and introduces contextual information that is used to aid in interpreting each State's performance on the outcome measures.

Guiding Principles

In sharing their experiences and opinions, the consultation group identified a number of key issues that have important implications for using outcomes to assess the performance of State child welfare systems. As a result of these discussions, the Department established the following principles:

- **The outcome measures should reflect performance that is to a large extent within the control of State child welfare systems.** It is difficult to identify outcomes that can be linked solely to child welfare system operations because of the dependency of child welfare on the functioning of many other systems. The outcomes related to safety, permanency, and well-being are significantly influenced by factors beyond the control of a child welfare agency. For example, the capacity and functioning of juvenile or family court systems, juvenile justice systems, law enforcement systems, mental health services, and substance abuse treatment systems in a State or community significantly affect a child welfare agency's ability to impact outcomes in the areas of safety, permanency, and well-being for the children it serves. In addition, economic conditions or the extent of substance abuse problems in a community can increase the number of children who are unsafe in their own homes or reduce the number of children who can be safely returned to their families once they have been removed from their homes.

It is critical that communities establish cohesive systems of supports for children and their families.

• **The outcome measures should be assessed in ways that limit the potential for misinterpretation.**

Determining the meaning of changes in State performance is complex. Such changes can be the result of other influencing factors and/or imbalances in the child welfare system. Basically, positive or negative changes must be viewed in relation to other conditions in the State. For example, an increase in the number of child abuse and/or neglect reports could be the result of an economic downturn or an increase in the extent of substance abuse problems in a community. Equally important is for States to focus attention on strengthening all parts of the system to ensure a balanced approach to systems performance. This will result in (1) better decisions for the children and families who come into contact with the child welfare agency and (2) improved performance on the outcome measures overall. Conversely, if a State focuses on improving one part of its system such as reducing the time children spend in foster care, the State may achieve the desired goal but negatively impact some other part of the system, e.g., increase the rate of re-entry of children into foster care.

The challenge of ensuring a balanced approach to improving all parts of a State's child welfare system is to understand the magnitude of changes that the State must make.

• **The outcome measures should be used to assess the continuous improvement of each State over time, rather than compare the performance of States with one another.** Comparison across States on their performance on the outcome measures is difficult due to variations in State population demographics, programs, and policies and must be undertaken with great care. State performance is better assessed by tracking a State's own continuous improvement over time. Some useful factors in considering State variations may include the proportion of children in poverty in each State; the State's definition of abuse and/or neglect; the State's standards that prompt the removal of children from their homes and the decision to return them home; the resources available in the community to meet the needs of children and families; the resources allocated by the State to the child welfare system to develop and test innovative strategies to attain desired outcomes; and the internal capacity of the child welfare agency in terms of staffing, caseload size, and other factors.

In future years, the Annual Report will be designed to provide trend data that compare a State's current performance to its performance in past years.

• **Outcome measures should be based on data that are available through existing data collection systems in order to limit the reporting burden on the States.** There have been great advances at the State and Federal Government levels in collecting, analyzing, and reporting child welfare data, using the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and Foster Care Analysis and Reporting System (AFCARS). This is evident by the number of States reporting data in this first annual report. Despite this progress, a significant number of States are in the process of improving their data collection capabilities through the design and implementation of new and improved Statewide Automated Child Welfare Systems (SACWIS). As a result, many State SACWIS systems are still developing and being refined, which means that the national collection and reporting of data to support measuring some or all of the outcomes are not yet available for all States. The Department is confident that State data will continue to improve each year and in subsequent annual reports and is providing assistance to States on developing and implementing their SACWIS systems, in addition to assistance on improving the quality of their data submissions on the outcome measures.

The outcome measures have been designed and calculated using two national data collection systems currently in operation, the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and Foster Care Analysis and Reporting System (AFCARS).

The Final List of Outcomes and Measures

Within the context of the above principles, the Department published a preliminary list of child welfare outcomes and measures in the *Federal Register* for public comment on February 2, 1999. Based on an analysis of the comments received in response to this notice, numerous changes were made to the preliminary list. On August 20, 1999, the Department published a final list of outcomes and measures in the *Federal Register*. The final list, which is presented below, forms the basis for this first annual report and for subsequent annual reports to the Congress on the performance of States in operating child welfare programs.

The final list of outcomes and measures does not encompass all areas of State child welfare functioning. It does, however, capture essential performance features related to the goals of safety and permanency. Outcomes relevant to the well-being of children served by the system, such as children's physical health, mental health, and educational status, are not included in the current set because existing national child welfare data systems do not collect these data. However, the Department is committed to developing outcomes and measures relevant to child well-being in the future, particularly those pertaining to the health and educational status of children in foster care. (See appendix D for a list of the child welfare outcomes and measures.)

The Department plans to initiate activities related to the development of child well-being outcome measures in 2000.

The outcomes and measures pertaining to safety and permanency, as well as the rationale for their inclusion in this report, are described below.

Safety Outcomes

Safety-related outcomes are intended to assess a State child welfare system's effectiveness in protecting children from abuse or neglect in their own homes and in foster care. A system may be viewed as achieving the objective of child safety if, at a minimum, it (1) reduces the rate of recurrence of abuse or neglect of children who come into contact with the child welfare agency and (2) reduces and even eliminates harm to children by foster parents and institutional staff.

These requirements are reflected in the following safety outcomes:

Child Welfare Outcome 1: Reduce recurrence of child abuse and/or neglect. While State child welfare agencies are required to work toward the prevention of child abuse and neglect, they cannot be held directly accountable for the rate of occurrence of initial, substantiated child abuse and neglect. Other factors influence the initial rate of occurrence such as the extent of substance abuse problems in the community and the capacity of substance abuse treatment centers to deal with these problems. However, State child welfare agencies can and should be held accountable for the rate of recurrence of substantiated or indicated maltreatment. Once an allegation of initial child abuse and/or neglect is substantiated or indicated, State child welfare agencies and courts must ensure the safety of children by providing quality services to enable families in crisis to address problems. It is only when timely and intensive services are provided to families that agencies and courts can make informed decisions about the parents' ability to protect and care for their children. Based on this premise, the following measure was developed:

Measure 1.1: Of all children who were victims of substantiated or indicated child abuse and/or neglect during the reporting period, what percentage had another substantiated or indicated report within a 12-month period?

The safety of children is the paramount concern that must guide all child welfare decision-making.

Child Welfare Outcome 2: Reduce the incidence of child abuse and/or neglect in foster care. State child welfare agencies have a responsibility for ensuring that children are not abused or neglected by their caregivers while under the placement and care responsibility of the State, either in a family foster home, group home, or institutional setting. The measure pertaining to this outcome follows:

Measure 2.1: Of all children who were in foster care during the reporting period, what percentage was the subject of substantiated or indicated maltreatment by a foster parent or facility staff?

The Department recognizes that safety is a paramount consideration in all decisions affecting children who come into contact with child welfare agencies. It also recognizes that the vast majority of these children do not enter foster care and, therefore, is interested in exploring additional outcome measures to understand what happens to these children and their families. Two questions are of particular concern: What services do children who do not come into foster care receive? How does the quality of their lives, particularly the risk of continued maltreatment, change as a result of these services? These questions will be carefully considered in determining the outcomes to be added in the future.

Child welfare safety measures 1.1 and 2.1 and permanency measures 4.1, 4.2, 5.1, and 6.1 have been incorporated into the Department's new results-focused monitoring process, the Child and Family Services (CFS) review.

Permanency Outcomes

Permanency for children in foster care has been a key child welfare system goal since passage of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272). In seeking to achieve this goal, child welfare agencies must focus their efforts on ensuring that children do not stay in foster care longer than needed. Foster care is a temporary setting and not a place for children to grow up. Permanency may be achieved when a child is reunified with his or her family, placed with a legal guardian, or adopted. For the five permanency outcomes described below, the term "foster care" refers to all out-of-home care arrangements for children under the placement and care responsibility of the State child welfare agency.

The outcomes and measures developed to assess permanency are based on the belief that a system's effectiveness in attaining permanency for children is not measured solely by the number of adoptions, reunifications, and legal guardianships. Effectiveness also depends on the timeliness of achieving these actions and how lasting they are—i.e., the children do not re-enter the foster care system. In addition, the permanency measures address the child welfare system's effectiveness in attaining permanency for children of color, children with disabilities, and adolescents.

The permanency outcomes are presented below:

Child Welfare Outcome 3: Increase permanency for children in foster care. This outcome reflects a fundamental goal of the child welfare system to attain permanency for children in foster care, either by returning them to their original family or finding a new family when they cannot return home. In effect, child welfare agencies seek to minimize the number of children who "grow up" in foster care—i.e., those children who enter foster care when they are young and leave through emancipation. Furthermore, States should hold themselves accountable to be equally successful in attaining permanency for all

children under their placement and care responsibility, including children of color, children with disabilities, and adolescents. These children are often considered as having special needs and have historically spent longer periods of time in foster care than other children. The following measures draw attention to improvements that may be needed to achieve permanence for these populations:

Measure 3.1: For all children who exited foster care, what percentage left either to reunification, adoption, or legal guardianship?

Measure 3.2: For children who exited foster care and were identified as having a diagnosed disability, what percentage left either to reunification, adoption, or legal guardianship?

Measure 3.3: For children who exited foster care and were age 12 or older at the time of their most recent entry into care, what percentage left either to reunification, adoption, or legal guardianship?

Measure 3.4: For all children who exited foster care, what percentage by racial/ethnic category left either to reunification, adoption, or legal guardianship?

Measure 3.5: Of all children exiting foster care to emancipation, what percentage was age 12 or younger at the time of entry into care?

Permanency planning efforts for children should begin as soon as a child enters foster care and should be expedited by the provision of services to families.

Child Welfare Outcome 4: Reduce time in foster care to reunification without increasing re-entry.

When it is necessary to remove a child from the home, the focus of service delivery should be on safely reunifying the family as soon as possible, if appropriate. Yet, returning children to their families too quickly may increase, in some instances, the risk of harm and re-entries into foster care. Because of this concern, children should only be returned home when the agency is certain that the risk of harm to the child has been minimized. In effect, the agency's decision to return the child home should be viewed as returning the child to a safe, permanent arrangement. The two measures developed for this outcome assess how quickly children are returned to their families and the rate at which children re-enter foster care. The measures for this outcome follow:

Measure 4.1: Of all children who were reunified with their parents or caretakers at the time of discharge from foster care, what percentage was reunified in the following time periods?

- (1) Less than 12 months from the time of latest removal from home
- (2) At least 12 months, but less than 24 months
- (3) At least 24 months, but less than 36 months
- (4) At least 36 months, but less than 48 months
- (5) 48 or more months

Measure 4.2: Of all children who entered foster care during the reporting period, what percentage re-entered care within 12 months of a prior foster care episode?

Foster care is a temporary setting and not a place for children to grow up.

Child Welfare Outcome 5: Reduce time in foster care to adoption. Children who cannot be reunified

with their families and who have a goal of adoption should be placed with a new family as quickly as possible. Because of the social service and legal procedures involved in adoption, it is unusual for an adoption to be finalized in less than 24 months from when the child enters foster care, even for very young children. Also, because many prospective adoptive parents prefer to adopt young children, older children are at an increased risk of remaining in the foster care system. Children who are 3 years of age or older when they enter foster care have a lower probability of being adopted than children who are younger than 3 when they enter foster care. Hence, special attention should be given to improving the time to adoption for children who are 3 years of age or older when they enter foster care. Lastly, the Department strongly urges child welfare agencies and court systems to work collaboratively to improve the adoption time frames for all children. The specific measures for this outcome follow:

Measure 5.1: Of all children who exited foster care to a finalized adoption, what percentage exited care in the following time periods?

- (1) Less than 12 months from the time of latest removal from home
- (2) At least 12 months, but less than 24 months
- (3) At least 24 months, but less than 36 months
- (4) At least 36 months, but less than 48 months
- (5) 48 or more months

Measure 5.2: Of all children who exited foster care to a finalized adoption and who were age 3 or older at the time of entry into care, what percentage exited care in the following time periods?

- (1) Less than 12 months from the time of latest removal from home
- (2) At least 12 months, but less than 24 months
- (3) At least 24 months, but less than 36 months
- (4) At least 36 months, but less than 48 months
- (5) 48 or more months

Child Welfare Outcome 6: Increase placement stability. Children should experience stability in their foster care placements to minimize any further disruption in their lives. The Department believes that, ideally, children should experience only one foster care placement that lasts until the child leaves foster care and that the child welfare agency should provide adequate supports to the foster family and the child to prevent disruption of the placement. However, many jurisdictions use short-term, emergency foster care placements when a child is removed from his or her home because of a family crisis. Therefore, jurisdictions that use emergency foster care placements would always report an additional placement for children. Thus, this measure examines how many children experience two or fewer placements during the time that they are in foster care rather than one.

Measure 6.1: Of all children served who had been in foster care for the time periods listed below, what percentage had no more than two placement settings during that time period?

- (1) Less than 12 months from the time of latest removal from home
- (2) At least 12 months, but less than 24 months
- (3) At least 24 months, but less than 36 months

(4) At least 36 months, but less than 48 months

(5) 48 or more months

Children need stability in family settings while they are in foster care.

Child Welfare Outcome 7: Reduce placements of young children in group homes or institutions. This outcome reflects the requirement at 475(5)A of the Social Security Act to place children in the least restrictive environments, e.g., family foster homes. It is acknowledged that a group home placement setting may be appropriate when the child's needs dictate this type of placement. However, the Department believes that such placements should only be considered after other less restrictive and/or more family-like options have been seriously pursued. The Department believes, even more so, that children under 12 should not be placed in these settings because of the benefits of a stable and loving family, and that States should take steps to reduce the number of young children who are placed in group homes or institutions. The measure designed to assess this outcome is as follows:

Measure 7.1: For all children who entered foster care during the reporting period and were age 12 or younger at the time of their most recent placement, what percentage was placed in a group home or an institution?

Context Information

The consultation group suggested that it was important to develop information for understanding the context of each State's performance on the outcome measures. Discussion centered on the types of information that would be most useful in providing the reader with an overview of the State's child welfare system, while at the same time showing some variations among State programs. The importance of selecting context information that was available from existing Federal data sources, rather than burdening States with additional reporting requirements, was also emphasized. The context information used in this report includes demographics on each State's general population, the number of children reported to child protective services, the number of children in foster care, the number of children waiting to be adopted at the end of the fiscal year, and the number of children adopted during the fiscal year.

The CFS reviews will examine in greater detail the factors that influence State achievement on the outcome measures and the contextual information. The results of these reviews will be included in future annual reports.

The Department believes significant progress has been made in defining appropriate child welfare outcomes and measures and wishes to take this opportunity to thank the members of the consultation group for sharing their time and expertise in the development of this first national set of outcome measures. The Department believes, however, that it will need to monitor the outcome measures over the next several years to ensure that they do, in fact, provide a framework for assessing State performance in achieving the national goals of safety and permanency. And, of course, the Department remains committed to developing child well-being measures to assess whether the child welfare system meets the health, educational, and other needs of children.

Child Welfare Outcomes 1998 ANNUAL REPORT	Title Page	III. The Development of the Outcome Measures	V. 1998 State Child Welfare Outcomes Data
	Table of Contents	III. Federal Data Sources	State Data Pages
	I. Introduction	IV. Key Findings and Implications	Appendices: A B C D E F G

III. Federal Data Sources

To know whether State child welfare agencies are achieving the desired outcomes of safety and permanency for children, the data used to measure these outcomes must be accurate and reliable. Only with such data can all those concerned with the welfare of children—parents, social workers, administrators, attorneys, judges, legislators, Federal and State officials, and the public—make informed decisions regarding the children served by the child welfare system, the programs designed to help children and families, and the policies that establish the mandates for services.

This chapter provides an overview of the States' capacities to collect and report child welfare data and briefly summarizes the data sources that were used for this report.

State Capacity to Collect and Report on Child Welfare Outcomes

Over the past several years, State child welfare agencies have made great strides in collecting and analyzing child welfare data and in reporting these data to the Federal Government. States have been assisted in this endeavor in a number of ways. The Congress, through the Omnibus Budget Reconciliation Act of 1993, provided 3 years of enhanced Federal funding to States to modernize and expand their data collection capabilities through the design of new and improved **Statewide Automated Child Welfare Information Systems (SACWIS)**. Even though the period of enhanced Federal funding has ended, States may still improve their child welfare information systems and claim 50 percent of their expenditures as title IV-E administrative costs.

As of May 2000, there were 22 fully operational SACWIS systems, 18 systems were being implemented, and 6 were in the planning and design stages. Operational Systems: Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Indiana, Iowa, Kentucky, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Mexico, Oklahoma, Rhode Island, Texas, Virginia, Washington, West Virginia, Wyoming. Implementation Phase: Alabama, Colorado, Florida, Illinois, Idaho, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, Wisconsin. Planning Phase: Alaska, Georgia, Kansas, Maryland, New Jersey, Ohio.

In spite of the development of new data collection infrastructures, State capacity to collect and report valid data in a nationally consistent format continues to be a challenge. As States transition from older, payment-focused systems to more comprehensive, child-focused systems, State agencies face difficult decisions as to how best to implement the new systems while still addressing everyday work requirements. For example, workers need to be trained; manuals need to be revised; and paper and automated information systems need to be synchronized. The reality is that some States are still in the process of converting their data to their SACWIS systems and may not have been able to supply all of the data elements for the outcome measures used in this report.

Data Sources for the Outcome Measures

Information for this report has been compiled from several data sources. The report uses 1997 population estimates from the Census Bureau to provide general, contextual information for each State, such as the total number of children younger than 18 years of age in the State. The majority of data used

in this report has been extracted from two national child welfare reporting systems: the National Child Abuse and Neglect Data System (NCANDS), which collects data on child maltreatment, and the Adoption and Foster Care Analysis and Reporting System (AFCARS), which collects data on foster care and adoption. These data collection systems are briefly described below. See appendix E for a list of the data elements that have been used for the contextual information and the outcome measures.

In response to the 1988 amendments to the Child Abuse and Prevention Treatment Act (CAPTA), the Department developed the voluntary **National Child Abuse and Neglect Data System (NCANDS)**. The NCANDS has two components: the Summary Data Component (SDC), which collects State aggregate data on key child maltreatment indicators, and the Detailed Case Data Component (DCDC), which collects case-level data on children in all reports alleging child abuse and/or neglect. Both components collect data on an annual basis.

The ninth annual report on child maltreatment was published by the Department in June 2000.

Almost all States submit data to the SDC. Recent amendments to CAPTA require States that receive the CAPTA State Child Abuse and Neglect Grant (the Basic State Grant) to report, to the maximum extent practicable, a number of data elements on child maltreatment, which have been incorporated into the SDC. Forty-nine States submitted data to the SDC for 1997. The participation in the voluntary DCDC has been more gradual. In 1997, 16 States reported to the DCDC. It is anticipated that as States fully implement their SACWIS systems, participation will increase in the coming years.

The Department expects additional States to report DCDC case-level data for 1998.

In 1986, Congress added section 479 of the Social Security Act, directing the Department to establish and implement a system for the collection of comprehensive adoption and foster care data in the United States. After an extensive assessment of the ability of States to provide such data, the **Adoption and Foster Care Analysis and Reporting System (AFCARS)** was designed and implemented. Data are reported twice a year. The first reporting period was October 1, 1994, through March 31, 1995.

AFCARS consists of two databases: the Foster Care Database and the Adoption Database. States submit case-level data to the Foster Care Database on all children in out-of-home care who are under placement, care, and supervision of the State child welfare agency. States also submit case-level data to the Adoption Database on all children adopted with State child welfare agency involvement. These include children in foster care and other children who received services from the child welfare system.

This report uses data from the 1998 Annual Foster Care Database and the 1998 Annual Adoption Database. The programming logic used to unduplicate and merge the 6-month submissions into annual databases can be accessed on-line at the Children's Bureau's website, located at <http://www.acf.dhhs.gov/programs/cb>. Data from 41 States are included in the 1998 Annual Foster Care Database, and data from 49 States make up the 1998 Annual Adoption Database.

No additional reporting burden has been placed on the States in compiling data for this report.

Because this report uses these two established national data sources, the NCANDS and the AFCARS, all 50 States plus the District of Columbia and Puerto Rico have data on some elements.

To assist the States in improving the quality of their data submissions, the Department is providing technical assistance through the newly established National Resource Center on Information Technology in Child Welfare and through the National Child Abuse and Neglect Data System (NCANDS) Development, Implementation, and Technical Assistance Program. The Department is confident that

through these collaborative efforts, State data capacity will continue to improve, and data from more States will be incorporated into future annual reports.

Child Welfare Outcomes 1998 ANNUAL REPORT	Title Page	II. The Development of the Outcome Measures	V. 1998 State Child Welfare Outcomes Data
	Table of Contents	III. Federal Data Sources	State Data Pages
	I. Introduction	IV. Key Findings and Implications	Appendices: A B C D E F G

IV. Key Findings and Implications

The circumstances that bring children to the attention of the child welfare system are often unique, complex, and multi-dimensional. Diagnosing child maltreatment, providing appropriate services, and helping parents meet their responsibilities to protect and nurture their children involve collecting and using detailed information from many people and sources. Each child welfare agency, and its partners in providing services, must be held accountable to measure, report, and track results for the children they serve.

As the Federal agency with oversight responsibility for State child welfare programs, the Department must ensure that States provide quality services that result in positive outcomes for children and families. The 1998 Annual Summary of State Child Welfare Data (Annual Summary), found at the end of this chapter, provides detailed contextual information and performance data for 30 States with the best data available on the national set of outcome measures. The chapter describes the criteria used in selecting the 30 States for inclusion in the Annual Summary. It discusses some key findings based on the aggregate performance of these 30 States, and highlights their implications for policy and practice in child welfare, and it concludes with a presentation of the Annual Summary.

The availability and quality of data are critical factors in measuring outcomes for children in the child welfare system.

Criteria for Inclusion of State Data in the Annual Summary

The Annual Summary presents a picture of the status of children receiving services from State child welfare agencies, based on a sample of 30 States with the most comprehensive data submissions to the NCANDS and AFCARS. The 30 States were selected based on the following criteria:

- Data on the majority of the outcome measures must have been provided. A State must have provided data for at least 9 of the 13 outcome measures.
- Data for most of Outcome 3.1, Exits from Foster Care, must have been provided. A State must have provided data for at least 70 percent of all exits of children from foster care and included data on exits to adoption.

Appendix F indicates which States have data included in the Annual Summary for each contextual element and outcome measure. It also indicates which States are not included in the Annual Summary, but have data included on their State pages. In effect, some elements have data from more than 30 States.

In the coming years, it is anticipated that State data submissions will improve and data from more States will be included in future annual summaries, resulting in data that are more comparable to national statistics.

Because the contextual information in the Annual Summary is based on a sample of 30 States, the data should not be regarded as national statistics. For example, highlights from *Child Maltreatment 1997* in appendix A show more complete information from more States on child maltreatment victims than the Annual Summary. Similarly, the FY 1998 AFCARS Report, also in appendix A, reports data from more States and shows many more children in foster care on September 30, 1998, than the Annual Summary.

Findings Based on the Contextual Information

The first two pages of the Annual Summary provide contextual information for the 30 States. Some key findings from the contextual part of the Annual Summary follow:

- In 1997, there were 485,870 child victims of maltreatment in these 30 States. In *Child Maltreatment 1997*, it was estimated that there were 984,000 victims of maltreatment nationwide.
- In these 30 States, more than half of the child victims suffered neglect (56%). A fifth of the child victims (20%) were victims of physical abuse; 12 percent experienced sexual abuse.
- In FY 1998, 153,168 children entered foster care in these States. Forty-one percent of these children were 11 years of age or older. The FY 1998 AFCARS Report estimates that there were 286,000 children entering foster care nationwide, and 40 percent were 11 years of age or older.
- The median length of stay of the children who exited care was 10.8 months. The median length of stay of children in care on September 30, 1998, was 22.2 months.
- African American and Alaska Native/American Indian children were over-represented in the foster care system. African American children were 17 percent of the general population, but 48 percent of the children in foster care at the end of FY 1998. Alaska Native/American Indian children were 1 percent of the general population and 2 percent of the children in foster care at the end of FY 1998.
- In these 30 States, 23,523 children were adopted. Almost half of the children adopted were African American. The FY 1998 AFCARS Report estimates that there were 36,000 children adopted from the public child welfare system nationwide, and 46 percent were African American.

Findings and Policy Implications Based on the Outcome Measures

The Annual Summary presents performance data for the 30 States. Some fundamental questions were developed in order to frame the findings from the Annual Summary and discuss the policy and practice implications of these findings:

1. How many children are repeat victims of maltreatment?

Eleven percent of child victims of maltreatment were estimated to have been victims of at least one additional incident of maltreatment within 12 months.

The State child protective services (CPS) agency must ensure that the child's safety is the paramount concern in all decision-making. The CPS agency must make every effort to utilize assessment tools to determine the dangers to the child and the family, the problems precipitating those dangers, and the families who are most likely to re-abuse their children. The CPS agency should make accessible, timely, and appropriate services available to these families and children and evaluate the results of these interventions before deciding to close the case.

2. Is permanency being achieved for children under the placement and care responsibility of State child welfare agencies?

Eighty-two percent of children exiting foster care left to permanent placements: 66 percent were reunified with their families or other relatives, 14 percent were adopted, and 2 percent had legal guardians appointed.

While most of the children who exit foster care achieve permanency, some children do not. State child welfare agencies should take steps to achieve permanency for all of the children under their placement and care and ensure that these children grow up in safe, stable families.

3. Is permanency being established for children of different races and ethnicities?

Racial and ethnic differences in the percentage of children who exited to permanent placements were relatively small: 80 percent of African American children exited to permanency compared to 82 percent of Hispanic children, 82 percent of Alaska Native/American Indian children, and 83 percent of Caucasian children.

Approximately four-fifths of all children leaving foster care, regardless of race or ethnicity, exit to permanent settings. However, the contextual data from the 30 States show that African American and Alaska Native/American Indian children are over-represented in foster care. For example, African American children comprised 17 percent of the general population, but 48 percent of the children in foster care at the end of FY 1998; Alaska Native/American Indian children were 1 percent of the general population and 2 percent of the children in foster care during the same period.

States should work to develop and/or reinforce community supports for families that are designed to address cultural differences and increase parental child rearing competencies to help parents overcome abusive behavior toward their children. State child welfare agencies should take steps to keep children safe and, if they are removed from their homes, to find them permanent placements as quickly as possible.

4. How many youth exit foster care to emancipation?

In these 30 States, approximately 6 percent of children exited foster care to emancipation. More than one-third of these children were younger than 12 when they entered the foster care system, meaning they had spent 6 or more years in care without finding a permanent home.

Given the large number of children growing up in foster care, this finding supports the mandate of the Foster Care Independence Act of 1999, which requires States to provide independent living and other supportive services to children who continue to remain in foster care to help them transition to self sufficiency. It also suggests that States should make increased efforts to find permanent homes for older youths.

5. How quickly are children in the foster care system being reunified with their families?

Sixty-five percent of children who were reunified with their parents or other relatives had been in foster care for less than 12 months.

While most children are being reunified with their families within 12 months of entering foster care, many other children take much longer to reunify. If children must be separated from their parents, the State child welfare agency should work for the child's return, if it can be done safely. The agency should identify which services are needed by families of abused or neglected children and take steps to expedite the safe return of children to their families through the provision of services.

6. Of the children entering foster care in FY 1998, how many were re-entering foster care?

Seventeen percent of the children entering foster care in FY 1998 had been in foster care previously.

State child welfare agencies must avoid reunifying children without providing the necessary supportive services to their families.

7. How quickly are children in the foster care system being adopted?

Sixteen percent of adoptions occurred within 2 years of the child's entry into foster care. However, 49 percent of adoptions occurred after the children had been in foster care 4 years or more.

Many children wait too long to find a permanent home. The Adoption and Safe Families Act of 1997 (ASFA) includes provisions that shorten the timeframe for making permanency planning decisions and establish a timeframe for initiating proceedings to terminate parental rights. Also, ASFA strongly promotes the timely adoption of children who cannot return safely to their own homes. Many State child welfare agencies have implemented effective practices to meet the ASFA provisions, thus reducing the length of time to adoption. These agencies work concurrently to reunify a family while, at the same time, planning for the possibility that reunification will not succeed. For example, an agency might seek out foster parents or potential adoptive parents who will be willing to adopt the child should reunification efforts fail. These and other practices—like listing the child with appropriate adoption exchanges or taking timely steps to complete home studies—can expedite the time to adoption.

8. Are children experiencing stable foster care placements?

For children who had been in foster care less than 12 months, 81 percent had two or fewer placements; for children in care 48 months or more, only 39 percent had two or fewer placements.

The longer children remained in foster care, the less likely they were to have experienced stable placements. To reduce the number of placement settings experienced by children in foster care, State child welfare agencies should provide adequate supports to foster children and their foster parents in order to prevent the disruption of placements.

These data highlights are based on the data presented in the Annual Summary, which follows. The Annual Summary provides a baseline for tracking State performance on the outcome measures in the future.

[Click here to view The 1998 Annual Summary of State Child Welfare Data](#)

Child Welfare Outcomes 1998 ANNUAL REPORT	Title Page	II. The Development of the Outcome Measures	V. 1998 State Child Welfare Outcomes Data						
	Table of Contents	III. Federal Data Sources	State Data Pages						
	I. Introduction	IV. Key Findings and Implications	Appendices	A	B	C	D	E	F

V. 1998 State Child Welfare Outcomes Data

In keeping with the guiding principle that the State data be used to assess the continuous improvement in performance over time, the 1998 outcome measures are presented on a State-by-State basis. Each State's statistics are presented in their entirety on several consecutive pages: two pages of context data, three pages of outcome data, and one page of State commentary. This chapter describes the review process that was conducted with the States, summarizes some of the main clarification points that are intended to assist the reader when reviewing the State pages, and presents each State's data.

State Review of Their Data

Using the data from the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and Foster Care Analysis and Reporting System (AFCARS), the Department prepared drafts of each State's data. These drafts were sent to the States on September 9, 1999. The States were given the opportunity to provide comments to clarify their data submissions or to identify factors that may have affected performance. The comments provided by the States are included with each State's data.

Each State was invited to provide additional information on the State child welfare system and its outcome data. These comments assist the reader in interpreting the State data.

Additional Clarification Notes

Based on the commentary from the States and the procedures for developing the data to support the outcomes and measures, the Department has prepared clarification notes for the reader. The main points are summarized below. A more complete discussion of these and other issues can be found in appendix G.

- A child who has been found by the child protective services agency to have been the subject of a substantiated or indicated report of maltreatment is counted as a **child maltreatment victim**. The majority of States report to NCANDS using the "substantiated" category; 11 States use both "substantiated" and "indicated" categories. These States may have higher rates of child maltreatment victims than those States that use only one category.
- The numbers of **child fatalities** due to maltreatment are based on the information that is available to State child protective services agencies. These numbers are influenced by the specific State and local policies and protocols for investigating child deaths, including suspicious and accidental deaths.
- The **median** is the score of the middle case, when the scores of all cases are arranged in order. For example, if data on 125 children are ordered from the shortest length of stay in foster care to the longest length of stay, the length of stay of the 63rd child is the median length of stay for these children.
- Children who have been counted as "**waiting to be adopted**" are those with a goal of adoption and/or whose parents' rights have been terminated. Children 16 years of age and older whose parents' rights have been terminated, but who have a goal of emancipation, are not included.
- For some States, there is a difference between the number of **adopted children** reported in the context element on the number of adoptions completed in FY 1998 and the number reported in the

outcome measure on reduction of time to adoption. The context element includes all children who were classified as having been adopted with "State agency involvement," while the outcome measure refers only to children who have been adopted from the foster care system. These counts may differ from those associated with the Adoption Incentive Program, which uses different criteria for counting adoptions in awarding the incentive funds.

- **Recurrence of maltreatment** is determined by counting the association of a child with more than one report of substantiated or indicated maltreatment. An estimating technique has been used to forecast the recurrence rate of child abuse and neglect victims over a 12-month time period.
- Some States include in their **AFCARS foster care population** adolescents who have committed offenses under the juvenile justice system and are under the placement, care, or supervision of the State child welfare agency. The proportion of these children in the State foster care population varies significantly among the States.

Continue on to State Data Pages

Child Welfare Outcomes 1998 ANNUAL REPORT	Title Page	II. The Development of the Outcome Measures	IV. 1998 State Child Welfare Outcomes Data
	Table of Contents	III. Federal Data Sources	State Data Pages
	I. Introduction	IV. Key Findings and Implications	Appendices: A B C D E F G

IV. Key Findings and Implications

1998 Annual Summary of State Child Welfare Data

Summary Context Data

A. Key Context Statistics

GENERAL POPULATION IN 1997	
Total children under 18 yrs	41,516,560
• Alaska Native/American Indian	1%
• Asian/Pacific Islander	3%
• Black	17%
• Hispanic	13%
• White	66%
Child population in poverty	19%
Child population living in metropolitan areas	79%
CHILD WELFARE	
Child maltreatment victims during 1997 (N=27 States)	485,870
Children in foster care on 9/30/98 (N=30 States)	306,940
Children adopted during FY 1998 (N=30 States)	23,523

B. Child Maltreatment Data
(NCANDS SDC, 1997)

OVERVIEW	Count	Rate
Children subject of an investigated report alleging child maltreatment (N=26 States)	1,528,140	39 per 1,000
Child maltreatment victims (1) (N=27 States)	485,870	12 per 1,000
Child fatalities (N=27 States)	742	1.8 per 100,000

AGE (N=25 States)	Under	1-5 Yrs	6-10 Yrs	11-15 Yrs	16+ Yrs	Unknown	Total	Number
Child victims	7%	31%	30%	23%	6%	3%	100%	408,529

RACE/ETHNICITY (N=24 States)	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Other	Unable to Determine/Missing	Total (2)	Number
Child victims	2%	1%	29%	8%	58%	2%	8%	108%	402,838

MAL TREATMENT TYPE (N=25 States)	Emotional	Medical Neglect	Neglect	Physical Abuse	Sexual Abuse	Other	Unknown	Total (3)	Number
Child victims	4%	3%	56%	20%	12%	19%	0%	114%	408,761

- (1) Children with more than one report of substantiated or indicated maltreatment may be counted more than once.
 (2) Percentages may total more than 100 percent because Hispanics may be counted both by Hispanic ethnicity and by race.
 (3) Percentages may total more than 100 percent because children could have been victims of more than one type of maltreatment.

C. Children in Foster Care (AFCARS Annual Foster Care Database, FY 1998)

OVERVIEW (N=30 States)	In Care on 10/1/97	Entered Care (FY 1998)	Exited Care (FY 1998)	In Care on 9/30/98	Total Served
Children	284,160	153,168	130,696	306,940	437,328
Median length of stay (months)	24.0	N/A	10.8	22.2	N/A

AGE (N=30 States)	Under 1 Yr	1-5 Yrs	6-10 Yrs	11-15 Yrs	16-18 Yrs	19 + Yrs	Missing	Total	Number
In care on 10/1/97	4%	27%	27%	27%	13%	2%	0%	100%	284,160
Entered care (FY 1998)	13%	25%	21%	30%	11%	0%	0%	100%	153,168
Exited care (FY 1998)	4%	25%	23%	26%	20%	3%	0%	101%	130,696
In care on 9/30/98	4%	26%	27%	27%	14%	2%	0%	100%	306,940

RACE/ETHNICITY (N=30 States)	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine /Missing	Total	Number
In care on 10/1/97	2%	1%	51%	8%	33%	6%	101%	284,160
Entered care (FY 1998)	3%	2%	33%	9%	47%	6%	100%	153,168
Exited care (FY 1998)	3%	2%	37%	8%	45%	6%	101%	130,696
In care on 9/30/98	2%	1%	48%	9%	35%	6%	101%	306,940

D. Children Waiting to be Adopted on 9/30/1998 (4) (AFCARS Annual Foster Care Database, FY 1998)

OVERVIEW	
Children waiting to be adopted (N=30 States)	91,745
• Children whose parents' rights have been terminated (TPR) (N=29 States)	43,845

AGE (N=30 States)	Under 1 Yr	1-5 Yrs	6-10 Yrs	11-15 Yrs	16-17 Yrs	Missing	Total	Number
Waiting children	3%	34%	37%	23%	3%	1%	101%	91,745

RACE/ETHNICITY (N=30 States)	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine /Missing	Total	Number
Waiting children	1%	1%	55%	9%	27%	6%	99%	91,745

- (4) Waiting children are children who have a goal of adoption and/or whose parental rights have been terminated. Children 16 years and older with TPR, but with a goal of emancipation have been excluded from the waiting children and TPR populations.

E. Children Adopted (AFCARS Annual Adoption Database, FY 1998)

AGE (N=30 States)	Under 1 Yr	1-5 Yrs	6-10 Yrs	11-15 Yrs	16+ Yrs	Missing	Total	Number
Children	1%	42%	38%	16%	2%	0%	99%	23,523

RACE/ETHNICITY (N=30 States)	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine/Unknown	Total	Number
Children	1%	1%	49%	9%	33%	6%	99%	23,523

Summary Outcomes Data

1. Reduce Recurrence of Child Abuse and/or Neglect (NCANDS, DCDC 1997)

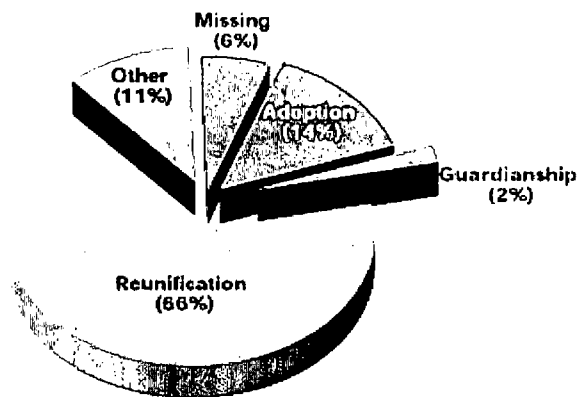
1.1 Recurrence of Maltreatment (N=12 States)	
Children without a recurrence within 12 months	89%
Children with one or more recurrences within 12 months	11%
Total	100%
Number	160,745

2. Reduce the Incidence of Child Abuse and/or Neglect in Foster Care

2.1 Maltreatment in Foster Care	
Children maltreated while in foster care	To be reported in 2001
Children not maltreated while in foster care	To be reported in 2001
Total	To be reported in 2001
Number	To be reported in 2001

3. Increase Permanency for Children in Foster Care (AFCARS Annual Foster Care Database, FY 1998)

3.1 Exits from Foster Care (N=30 States)	
Adoption	14%
Guardianship	2%
Reunification	66%
Other	11%
Missing	6%
Total	99%
Number	130,696



3.2 Exits of Disabled Children (N=27 States)	
Adoption	17%
Guardianship	2%
Reunification	56%
Other	16%
Missing	9%
Total	100%
Number	18,166

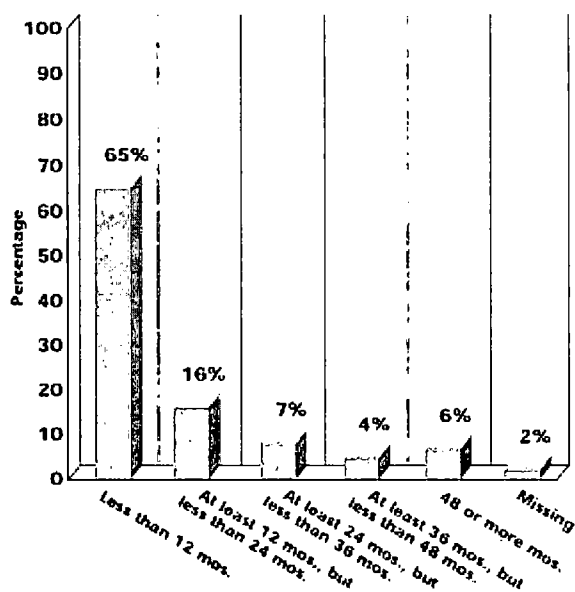
3.3 Exits of Children Age 12 or Older at Entry (N=30 States)	
Adoption	1%
Guardianship	1%
Reunification	68%
Other	22%
Missing	8%
Total	100%
Number	47,699

3.4 Exits by Race/Ethnicity (N=30 States)	Alaska Native/ A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine	Missing
Adoption	6%	16%	19%	14%	11%	16%	1%
Guardianship	4%	3%	1%	1%	2%	1%	0%
Reunification	72%	68%	60%	67%	70%	67%	67%
Other	9%	12%	11%	12%	11%	11%	5%
Missing	9%	1%	8%	6%	6%	5%	27%
Total	100%	100%	99%	100%	100%	100%	100%
Number	3,919	2,039	47,899	10,794	58,248	7,695	102

3.5 Exits to Emancipation (N=30 States)	
Children age 12 or younger at entry	35%
Children older than 12 at entry	65%
Missing	0%
Total	100%
Number	7,725

4. Reduce Time to Reunification Without Increasing Re-entry (AFCARS Annual Foster Care Database, FY 1998)

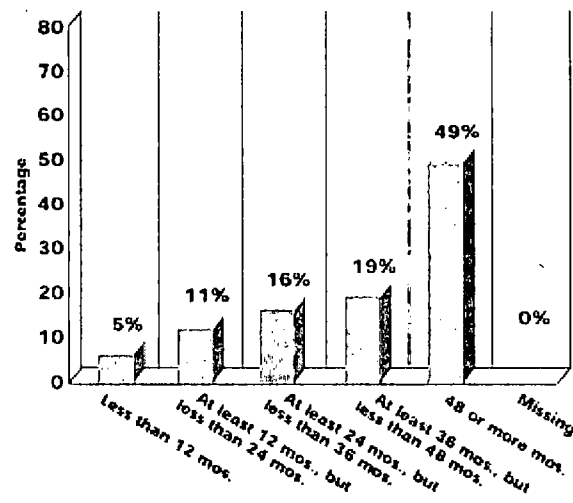
4.1 Time to Reunification (N=30 States)	
Less than 12 months	65%
At least 12 months, but less than 24 months	16%
At least 24 months, but less than 36 months	7%
At least 36 months, but less than 48 months	4%
48 or more months	6%
Missing	2%
Total	100%
Number	86,586



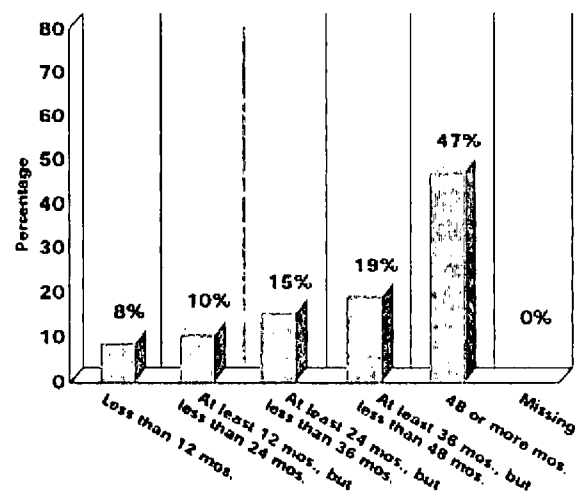
4.2 Children Who Entered Foster Care in FY 1998 (N=30 States)	
Children entering care for the first time	78%
Children re-entering care within 12 months of a prior episode	10%
Children re-entering care more than 12 months after a prior episode	7%
Missing	5%
Total	100%
Number	153,168

5. Reduce Time in Foster Care to Adoption (AFCARS Annual Foster Care Database, FY 1998)

5.1 Time to Adoption (N=30 States)	
Less than 12 months	5%
At least 12 months, but less than 24 months	11%
At least 24 months, but less than 36 months	16%
At least 36 months, but less than 48 months	19%
48 or more months	49%
Missing	0%
Total	100%
Number	18,858



5.2 Time to Adoption for Children Age 3 or Older at Entry (N=30 States)	
Less than 12 months	8%
At least 12 months, but less than 24 months	10%
At least 24 months, but less than 36 months	15%
At least 36 months, but less than 48 months	19%
48 or more months	47%
Missing	0%
Total	99%
Number	6,965



6. Increase Placement Stability (AFCARS Annual Foster Care Database, FY 1998)

6.1 Number of Placements by Time in Care (N=30 States)	Less than 12 mos.	At least 12 mos., but < 24	At least 24 mos., but < 36	At least 36 mos., but < 48	48 or more mos.	Missing
Children with 2 or fewer placements	81%	60%	52%	48%	39%	93%
Children with 3 or more placements	18%	40%	47%	52%	61%	3%
Missing	0%	0%	0%	0%	0%	4%
Total	99%	100%	99%	100%	100%	100%
Number	131,355	57,715	38,671	29,828	69,591	2,063

7. Reduce Placements of Young Children in Group Homes or Institutions (AFCARS Annual Foster Care Database, FY 1998)

7.1 Most Recent Placement Settings of Children Who Entered Care During FY 1998 and Were Age 12 or Younger at the Time of This Placement (N=30 States)	
Group homes	5%
Institutions	6%
Other settings	88%
Missing	1%
Total	100%
Number	87,401

Child Welfare Outcomes 1998 ANNUAL REPORT	Title Page	II. The Development of the Outcome Measures	V. 1998 State Child Welfare Outcomes Data
	Table of Contents	III. Federal Data Sources	State Data Pages
	I. Introduction	IV. Key Findings and Implications	Appendices: A B C D E F G

State Data Pages

Maine Context Data

A. Key Context Statistics

GENERAL POPULATION IN 1997	
Total children under 18 yrs	297,266
• Alaska Native/American Indian	1%
• Asian/Pacific Islander	1%
• Black	0%
• Hispanic	1%
• White	97%
Child population in poverty	13%
Child population living in metropolitan areas	33%
CHILD WELFARE	
Child maltreatment victims during 1997	3,746
Children in foster care on 9/30/98	3,595
Children adopted during FY 1998	112

B. Child Maltreatment Data
(NCANDS SDC, 1997)

OVERVIEW	Count	Rate
Children subject of an investigated report alleging child maltreatment	10,041	34 per 1,000
Child maltreatment victims (1)	3,746	13 per 1,000
Child fatalities	3	1.0 per 100,000

AGE	Under	1-5 Yrs	6-10 Yrs	11-15 Yrs	16+ Yrs	Unknown	Total	Number
Child victims	5%	29%	32%	27%	7%	0%	100%	3,746

RACE/ETHNICITY	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Other	Unable to Determine/Missing	Total (2)	Number
Child victims	2%	0%	2%	1%	96%	0%	0%	101%	3,746

MALTREATMENT TYPE	Emotional	Medical Neglect	Neglect	Physical Abuse	Sexual Abuse	Other	Unknown	Total (3)	Number
Child victims	69%	0%	51%	22%	11%	0%	0%	153%	3,746

- (1) Children with more than one report of substantiated or indicated maltreatment may be counted more than once.
 (2) Percentages may total more than 100 percent because Hispanics may be counted both by Hispanic ethnicity and by race.
 (3) Percentages may total more than 100 percent because children could have been victims of more than one type of

maltreatment.

C. Children in Foster Care (AFCARS Annual Foster Care Database, FY 1998)

OVERVIEW	In Care on 10/1/97	Entered Care (FY 1998)	Exited Care (FY 1998)	In Care on 9/30/98	Total Served
Children	2,658	1,646	712	3,595	4,304
Median length of stay (months)	26.2	N/A	14.7	18.4	N/A

AGE	Under 1 Yr	1-5 Yrs	6-10 Yrs	11-15 Yrs	16-18 Yrs	19 + Yrs	Missing	Total	Number
In care on 10/1/97	2%	21%	26%	30%	17%	2%	2%	100%	2,658
Entered care (FY 1998)	16%	25%	23%	28%	7%	0%	1%	100%	1,646
Exited care (FY 1998)	5%	23%	20%	21%	24%	5%	1%	99%	712
In care on 9/30/98	5%	21%	26%	29%	16%	2%	2%	101%	3,595

RACE/ETHNICITY	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine /Missing	Total	Number
In care on 10/1 /97	1%	0%	2%	1%	93%	2%	99%	2,658
Entered care (FY 1998)	2%	0%	2%	2%	84%	11%	101%	1,646
Exited care (FY 1998)	3%	0%	3%	1%	91%	3%	101%	712
In care on 9/30/98	1%	0%	2%	2%	89%	5%	99%	3,595

D. Children Waiting to be Adopted on 9/30/1998 (4) (AFCARS Annual Foster Care Database, FY 1998)

OVERVIEW	
Children waiting to be adopted	1,199
• Children whose parents' rights have been terminated (TPR)	1,353

AGE	Under 1 Yr	1-5 Yrs	6-10 Yrs	11-15 Yrs	16-17 Yrs	Missing	Total	Number
Waiting children	5%	29%	35%	21%	6%	4%	100%	1,199

RACE/ETHNICITY	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine /Missing	Total	Number
Waiting children	1%	1%	2%	1%	92%	3%	100%	1,199

(4) Waiting children are children who have a goal of adoption and/or whose parental rights have been terminated. Children 16 years and older with TPR, but with a goal of emancipation have been excluded from the waiting children and TPR populations.

E. Children Adopted
(AFCARS Annual Adoption Database, FY 1998)

AGE	Under 1 Yr	1-5 Yrs	6-10 Yrs	11-15 Yrs	16+ Yrs	Missing	Total	Number
Children	0%	38%	34%	22%	4%	3%	101%	112

RACE/ETHNICITY	Alaska Native/A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine/Unknown	Total	Number
Children	4%	0%	2%	2%	88%	4%	100%	112

Maine Outcomes Data

1. Reduce Recurrence of Child Abuse and/or Neglect
(NCANDS, DCDC 1997)

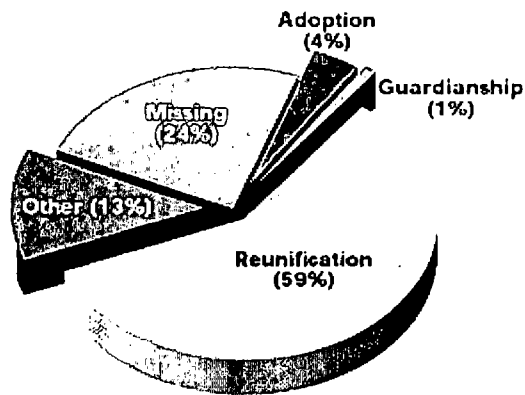
1.1 Recurrence of Maltreatment	
Children without a recurrence within 12 months	-
Children with one or more recurrences within 12 months	-
Total	-
Number	-

2. Reduce the Incidence of Child Abuse and/or Neglect in Foster Care

2.1 Maltreatment in Foster Care	
Children maltreated while in foster care	To be reported in 2001
Children not maltreated while in foster care	To be reported in 2001
Total	To be reported in 2001
Number	To be reported in 2001

3. Increase Permanency for Children in Foster Care
(AFCARS Annual Foster Care Database, FY 1998)

3.1 Exits from Foster Care	
Adoption	4%
Guardianship	1%
Reunification	59%
Other	13%
Missing	24%
Total	101%
Number	712



3.2 Exits of Disabled Children	
Adoption	0%
Guardianship	0%
Reunification	50%
Other	0%
Missing	50%
Total	100%
Number	2

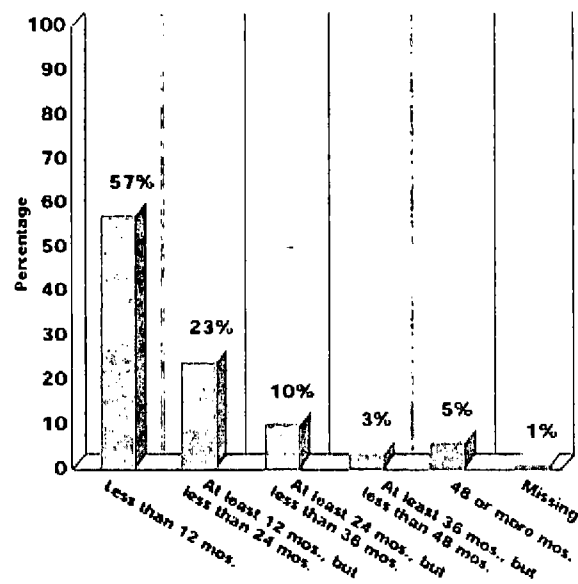
3.3 Exits of Children Age 12 or Older at Entry	
Adoption	0%
Guardianship	2%
Reunification	44%
Other	29%
Missing	25%
Total	100%
Number	251

3.4 Exits by Race/Ethnicity	Alaska Native/ A.I.	Asian/Pacific Islander	Black	Hispanic	White	Unable to Determine	Missing
Adoption	0%	0%	6%	14%	4%	0%	17%
Guardianship	10%	0%	0%	0%	0%	0%	0%
Reunification	76%	50%	61%	0%	59%	75%	17%
Other	10%	50%	0%	0%	13%	0%	17%
Missing	5%	0%	33%	86%	23%	25%	50%
Total	101%	100%	100%	100%	99%	100%	101%
Number	21	2	18	7	646	12	6

3.5 Exits to Emancipation	
Children age 12 or younger at entry	22%
Children older than 12 at entry	78%
Missing	0%
Total	100%
Number	60

4. Reduce Time to Reunification Without Increasing Re-entry (AFCARS Annual Foster Care Database, FY 1998)

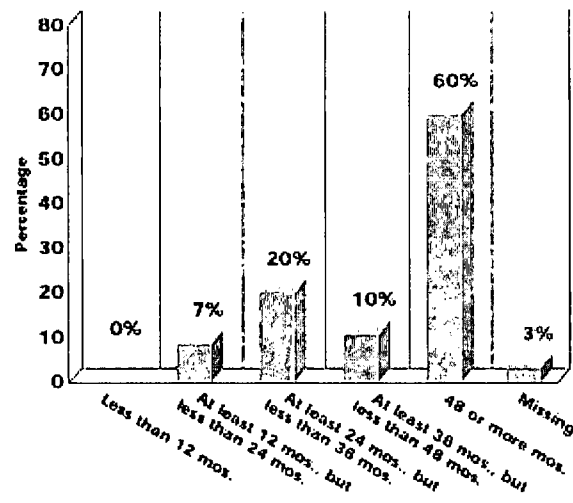
4.1 Time to Reunification	
Less than 12 months	57%
At least 12 months, but less than 24 months	23%
At least 24 months, but less than 36 months	10%
At least 36 months, but less than 48 months	3%
48 or more months	5%
Missing	1%
Total	99%
Number	420



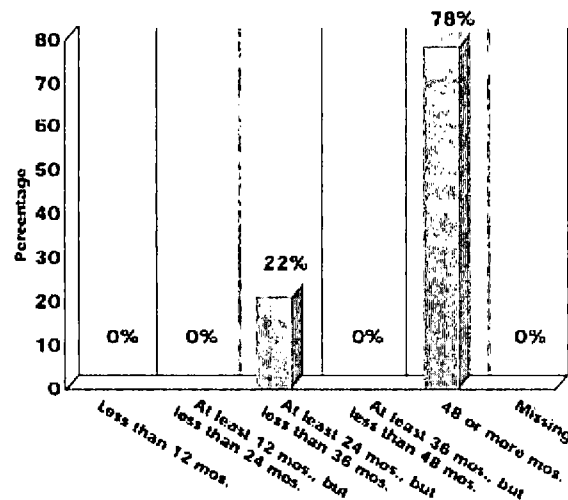
4.2. Children Who Entered Foster Care in FY 1998:	
Children entering care for the first time	89%
Children re-entering care within 12 months of a prior episode	2%
Children re-entering care more than 12 months after a prior episode	0%
Missing	8%
Total	99%
Number	1,646

5. Reduce Time in Foster Care to Adoption (AFCARS Annual Foster Care Database, FY 1998)

5.1. Time to Adoption:	
Less than 12 months	0%
At least 12 months, but less than 24 months	7%
At least 24 months, but less than 36 months	20%
At least 36 months, but less than 48 months	10%
48 or more months	60%
Missing	3%
Total	100%
Number	30



5.2 Time to Adoption for Children Age 3 or Older at Entry	
Less than 12 months	0%
At least 12 months, but less than 24 months	0%
At least 24 months, but less than 36 months	22%
At least 36 months, but less than 48 months	0%
48 or more months	78%
Missing	0%
Total	100%
Number	9



6. Increase Placement Stability (AFCARS Annual Foster Care Database, FY 1998)

6.1. Number of Placements by Time in Care	Less than 12 mos.	At least 12 mos., but < 24	At least 24 mos., but < 36	At least 36 mos., but < 48	48 or more mos.	Missing
Children with 2 or fewer placements	66%	45%	34%	31%	28%	81%
Children with 3 or more placements	33%	55%	66%	68%	71%	10%
Missing	1%	0%	1%	0%	1%	10%
Total	100%	100%	101%	99%	100%	101%
Number	1,737	697	479	358	1,002	31

7. Reduce Placements of Young Children in Group Homes or Institutions (AFCARS Annual Foster Care Database, FY 1998)

7.1 Most Recent Placement Settings of Children Who Entered Care During FY 1998 and Were Age 12 or Younger at the Time of This Placement	
Group homes	1%
Institutions	2%
Other settings	87%
Missing	9%
Total	99%
Number	1,012

Maine State Comments

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MACWIS, Maine's SACWIS system became operational statewide in April 1998. The AFCARS submission for March 31, 1998, consisted of data from Maine's legacy system and was incomplete. Data for the March 31, 1998, submission that we know to be under-reported include number of children submitted as adopted; number of children diagnosed as disabled; and number of children discharged from foster care.

Data for the September 1998 submission that we suspect may be under-reported include number of children discharged from foster care by discharge reason and number of children with a previous discharge from foster care.

Also, in *Child Welfare Context Data Section D*: ("Children Waiting to be Adopted on 9/30/1998,") it is unclear how this term is defined. If "Children Waiting to be Adopted" means the number of children whose parents' rights were terminated, then the figure of 995 is not far off, but the actual number is probably about 100 children fewer. If the term means the number of children with the goal of adoption, then the number is high by about 200.

Child Welfare Outcomes 1998 ANNUAL REPORT	Title Page	III. The Development of the Outcome Measures	V. 1998 State Child Welfare Outcomes Data
	Table of Contents	III. Federal Data Sources	State Data Pages
	I. Introduction	IV. Key Findings and Implications	Appendices: A B C D E F G

B - Safe Families Act of 1997

Adoption and Safe Families Act of 1997 (Public Law 105-89)

SEC. 203. Performance of States in Protecting Children.

(a) ANNUAL REPORT ON STATE PERFORMANCE.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by addition at the end of the following:

SEC. 479A. Annual Report.

The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall:

- (1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;
- (2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;
- (3) develop a system for rating the performance of States with respect to the outcome measures and provide to the States an explanation of the rating system and how scores are determined under the rating system;
- (4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and
- (5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.

(b) DEVELOPMENT OF PERFORMANCE-BASED INCENTIVE SYSTEM.—The Secretary of Health and Human Services, in consultation with State and local public officials responsible for administering child welfare programs and child welfare advocates, shall study, develop, and recommend to Congress and incentive system to provide payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq., 670 et seq.) to any State based on the State's performance under such a system. Such a system shall, to the extent the Secretary determines feasible and appropriate, be based on the annual report required by section 479A of the Social Security Act (as added by subsection (a) of this section) or on any proposed modifications of the annual report. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a progress report on the feasibility, timetable, and consultation process for conducting such a study. Not later than 15 months after such date of enactment, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the final report on a performance-based incentive system. The report may include other recommendations for restructuring

the program and payments under parts B and E of title IV of the Social Security Act.