
Appendix D

**MEMORANDUM**

October 27, 2016

To: Senate Finance Committee
Attention: Dave Berick and Ian Nicholson

From: Emilie Stoltzfus, Specialist in Social Policy, 7-2324

Subject: Statewide data indicators used in the Child and Family Services Review (CFSR)

This memorandum responds to your questions about national standards established for use in the third round of the Child and Family Services Review (CFSR). The CFSR is a comprehensive review done to determine if a state child welfare agency is achieving positive outcomes for the children and families it serves, and, specifically, if the agency is “in substantial conformity” with federal child welfare requirements. The national standards are derived from statewide data indicators and have been a part of the CFSR assessment of whether a state is ensuring safety and achieving permanency for children served. The majority of the memorandum looks at the seven national standards established for the current CFSR (round 3). It discusses data sources used, what the measures look at, why and how the data on state performance were risk-standardized, data quality issues, and finally, how states performed compared to each other and the national standards.

The discussion of the standards in this memorandum, including the seven figures ranking state performance on each, is based on the statewide data indicators as they were finalized in May 2015. However, on October 11, 2016, the Children’s Bureau – the agency within the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF) that administers federal child welfare programs and the CFSR – announced that due to “technical errors in syntax and formulation of the statewide data indicators” it was suspending their use as a “conformity” measure for CFSR round 3. At the same time, the Children’s Bureau announced it was conducting a thorough re-analysis and testing of each of the seven standards and that it plans to revise and re-release the standards, along with revised state performance on them, before the end of 2016. In other words, while the national standards will not play a role in determining any potential fiscal penalties for states during CFSR round 3, states are still expected to use these measures (revised) as part of assessing and better understanding their performance going forward. Additionally, while the Children’s Bureau expects this revision to change, to some degree, the values of each of the national standards (and state performance against the standards), it has made clear that the revision will not change what it seeks to measure. Instead, the Bureau’s goal is to perfect its code to enable state performance on each of the measures to be more accurately reflected.

Accordingly, while the precise values shown in this memorandum, as well as state performance against the national standards, are subject to change (exact degree of change uncertain at this point), what is being measured will remain unchanged. Thus, CRS believes this memorandum will have value in explaining what the measures intend to look at and how they seek to capture this information, as well as in showing initial values and state performance against the initial values. I trust this information will meet your needs. Please don’t hesitate to contact me if you have additional questions.

Overview of CFSR

The Child and Family Services Review (CFSR) is periodically conducted in each state to determine if a state is in “substantial conformity” with federal child welfare policies included in Title IV-B and Title IV-E of the Social Security Act.¹ The reviews focus on whether the state child welfare agency achieved seven specific outcomes for children and families served and whether it has in place and is effectively operating seven specific systems discussed in federal law and intended to help the agency achieve those outcomes. There are two major steps in the process, a state’s own assessment of its performance (statewide assessment) followed by an onsite review of state performance. After the CFSR, states not found to be in “substantial conformity” with one or more of these outcomes or systems must develop a Program Improvement Plan (PIP) or face a fiscal penalty.²

A PIP, developed by the state but with approval of the Children’s Bureau required, must describe the steps the state will take and progress it will make to address each outcome and/or system for which it was found not in conformity; specifically, it must establish benchmarks and indicate the level of progress the state must make against those benchmarks in order to be considered to have successfully completed the PIP. States typically have two years to implement the PIP and during this time HHS must regularly evaluate progress. If the state successfully completes all aspects of its PIP, all penalties assessed based on the CFSR are rescinded. If the state successfully completes only some (or none) of its PIP, the amount of its fiscal penalty is determined commensurate with its level of success/failure. As further laid out in the CFSR regulations, the penalty is taken as a specified share of funding the state receives under the child welfare programs included in Title IV-B and Title IV-E of the Social Security Act.

Through the first two rounds of the CFSR, no state has been found in substantial conformity with all the outcomes and systems assessed. Every state has entered into a PIP and most states have been successful at completing those PIPs. However, HHS assessed varying penalty amounts totaling \$9.6 million on 4 jurisdictions (DC, GA, RI, and SC) following round one of the CFSR³ and it assessed various penalty amounts totaling \$13.5 million on 7 jurisdictions (IL, MN, NC, ND, OH, PR, WI) following round two of the reviews.⁴

Outcomes Assessment in the CFSR

The CFSR looks at whether states achieve seven outcomes related to safety; permanency; and well-being. These outcomes are 1) Children are first and foremost protected from abuse and neglect; 2) Children are safely maintained in their homes whenever possible and appropriate; 3) Children have permanency and stability in their living situations; 4) The continuity of family relationships and connections is preserved; 5) Families have enhanced capacity to provide for their children’s needs; 6) Children receive appropriate

¹ Specifically the review is to look at state plan requirements included in the child welfare programs authorized in Title IV-B and Title IV-E. For a discussion of many of those requirements see CRS Report R42794, *Child Welfare: State Plan Requirements under the Title IV-E Foster Care, Adoption Assistance, and Kinship Guardianship Assistance Program*, by Emilie Stoltzfus.

² The statutory authority for these reviews and for “corrective action” (PIPs) is included in Sec. 1123A of the Social Security Act [42 U.S.C. § 1320a—2a]. The CFSR and PIP regulations are at 45 C.F.R. 1355.31 through 45 C.F.R. 1355.37.

³ Initially HHS assessed fines on five additional jurisdictions (TX, FL, IL, MI, and CA) following CFSR round 1. However, all of those states successfully appealed (to either HHS ACF or, in CA’s case the HHS Departmental Appeals Board) and the fines were rescinded.

⁴ Two of those jurisdictions (IL and PR) appealed the CFSR round 2 fines. As of October 21, 2016, the PR appeal was still pending. However, HHS Departmental Appeals Board (DAB) denied Illinois’s appeal in a decision issued September 20, 2016. See HHS, DAB, Appellate Divisions, *Illinois Department of Children and Families*, Docket No. A-15-108, Decision No. 2734, <http://www.hhs.gov/dab/decisions/dabdecisions/2016/dab2734.pdf>.

services to meet their educational needs; and 7) Children receive adequate services to meet their physical and mental health needs.

Each of the seven outcomes is assessed based on an intensive review of a sample of case files (40 children served in foster care and 25 children served in the home).⁵ Intensive case review includes document reviews and interviews with all relevant individuals (e.g., child, child's parents, case worker, foster parents, and relevant service provider). To be found in "substantial conformity" with a given outcome, the review must find the outcome achieved in no less than 95% of the applicable cases assessed.⁶

To determine whether the outcome was achieved in an applicable case, the reviewer examines one or more specific items associated with each outcome. For example, in assessing whether "children are first and foremost protected from abuse and neglect," the case reviewer must determine whether reports of child abuse or neglect were investigated on a timely basis and if that investigation included face-to-face contact with the child. (For a quick list of "items" associated with each outcome assessment see the text box "Outcomes Assessed in the CFSR.") The Children's Bureau has developed a detailed review instrument that must be followed as part of conducting a CFSR case review. It provides specific instructions on determining when a case is "applicable" for a given item along with detailed guidance on how the reviewer should assess and rate the state's performance on individual items.⁷

For the first two rounds of the CFSR (conducted in 2001-2004 and 2007-2010), achieving the given safety, permanency or well-being outcome in the vast majority of applicable cases reviewed (90% in round 1 and 95% in round 2) was *necessary but not sufficient* to ensure a "substantial conformity" determination on *two* of the seven outcomes assessed. Specifically, to be found in conformity with federal requirements concerning the outcomes: "Children are first and foremost protected from abuse and neglect;" and "Children have permanency and stability in their living situations," states were *additionally* required to have statewide data showing they met specific national standards.

By contrast, for CFSR round 3, and as announced on October 11, 2016, achieving the given outcome in 95% of applicable cases reviewed will be sufficient to show conformity with the given outcome. The Children's Bureau announced that it would suspend the use of the national standards during CFSR round 3 at the same time it announced it was revising the standards, previously issued in May 2015, to correct technical errors in the syntax and formulation of the computer code. These errors may have inadvertently included or excluded data needed to accurately measure state performance on each standard.⁸

⁵ The CFSR case sample is drawn from no fewer than three counties of the state, one of which must be the state's most populous county.

⁶ For the CFSR round 1 a smaller number of cases were reviewed and states needed to be successful in 90% of applicable cases.

⁷ The onsite review instrument and guide (OSRI) is 93 pages long and provides specific instructions on determining whether a case is applicable and how to review and rate each case. *CFSR Round 3 Onsite Review Instrument and Instructions* available at http://www.acf.hhs.gov/sites/default/files/cb/cfsr_r3_osri.pdf. See also "Reviewer Brief: Understanding Federal Expectations for Rating Cases," http://www.acf.hhs.gov/sites/default/files/cb/round3_reviewer_brief.pdf.

⁸ See HHS, ACF, ACYF, Children's Bureau, Letter to State Child Welfare Administrators, October 11, 2016, attached "List of round 3 Statewide Data Indicators Issues as of Publication." See "transmittal letter" for Technical Bulletin #9 available at <https://training.cfsrportal.org/resources/3105#CFSR%20Technical%20Bulletins%20and%20Related%20Information>.

Outcomes Assessed in the Child and Family Services Review (CFSR)

Determination of a state's success (or not) in achieving a given outcome is based solely on case reviews for CFSR round 3. A state must achieve the outcome in no less than 95% of the applicable cases reviewed. National standards shown are used in CFSR round 3 for context only.

SAFETY OUTCOMES

Children are first and foremost protected from abuse and neglect:

Case review: Was there a **timely response** to the report alleging maltreatment; did it include **face-to-face contact** with the child or children?

National standards: Do statewide data meet *recurrence of maltreatment* standard? Do statewide data meet *maltreatment in foster care* standard?

Children are safely maintained in their homes whenever possible and appropriate.

Case review: Did the agency make concerted **efforts to prevent entry or permit reunification**, and to **assess and address risk and safety for children** living at home or in foster care?

PERMANENCY OUTCOMES

Children have permanency and stability in their living situations.

Case review: Was the **child in a stable foster care placement**? Did the agency establish **appropriate permanency goals** for the child in a **timely** manner and did it make concerted **efforts to achieve** reunification, guardianship, adoption, or other planned permanent living arrangement?

National Standard: Do statewide data meet the standards related to – 1) *permanency for children entering care* within 12 months; 2) *re-entry* to foster care; 3) *placement stability*; 4) *permanency for children in care* 12-23 months; and 5) *permanency for children in care* 24 months or more?

The continuity of family relationships and connections is preserved.

Case review: Did agency make concerted **effort to place siblings together**, as appropriate; **ensure visits** with parents or siblings of sufficient frequency and quality, as appropriate; **place the child with relatives** when appropriate; and **promote positive relationships between child in care and parent(s)/primary caregiver** from whom the child was removed through activities other than arranging visits?

WELL-BEING OUTCOMES

Families have enhanced capacity to provide for their children's needs.

Case Review: Did agency make concerted **effort to assess needs of, and provide services to, children, parents, and foster parents** and to **involve parents and children** (when developmentally appropriate) **in case planning** on an ongoing basis? Were the **frequency and quality of visits between caseworkers and children** and, separately, **between caseworkers and the mothers and fathers of children**, sufficient to achieve positive outcomes and case plan goals?

Children receive appropriate services to meet their educational needs.

Case Review: Did the agency make concerted **efforts to assess children's education needs** and **appropriately address them** in case planning and case management activities?

Children receive adequate services to meet their physical and mental health needs.

Case Review: Did the agency **address the physical health** (including dental) and mental/behavioral health needs of children?

Source: Prepared by Congressional Research Service (CRS) based on "Child and Family Services Reviews: Quick Reference Items List" and "CFSR Round 3 Statewide Data Indicator Series."

Systems Assessment in the CFSR

In addition to successfully achieving safety, permanency, and well-being outcomes for 95% of the cases reviewed, a state must demonstrate that it is successfully operating seven “systems” on a statewide basis. These systems are – 1) statewide information; 2) case review; 3) quality assurance; 4) staff and provider training; 5) service array and resource development; 6) agency responsiveness to the community; and 7) foster and adoptive parent recruitment and training.

Federal law spells out specific requirements (some with far greater detail than others) related to each of these “systems” and they are assumed necessary to enable the state to be successful in achieving positive outcomes for the children and families it serves. As with outcomes assessed, there are typically multiple factors that must be considered as part of determining whether a given system is successfully functioning in the state.⁹ The Children’s Bureau considers a given system factor to be functioning “if it is occurring, or is being met, consistently and on an ongoing basis across the state for all relevant populations,” and this must be demonstrated by more than “mere description of a law, procedure, or process.” The Children’s Bureau encourages states to “use quantified data to show how well each systemic factor functions statewide, when possible and appropriate.”¹⁰

For round 3 of the CFSR, determination of whether a state is successfully operating a required *child welfare system* is based on the state’s assessment of its work, which must be guided by a Children’s Bureau supplied assessment instrument.¹¹ This may also include relevant information submitted to the Children’s Bureau (regarding functioning of each of the seven systems), as part of a separate federally mandated planning and goal-setting process that includes a comprehensive five-year Child and Family Services Plan (CFSP) and an annual update of that plan known as the Annual Progress and Services Review (APSR).¹²

Following the statewide assessment and prior to the onsite review, the Children’s Bureau examines the information supplied by the state and, to the extent possible, rates each factor associated with one of the seven systems as a “strength” or as an “area needing improvement.”¹³ If the state does not supply enough suitable information to make these determinations prior to the onsite review, the onsite review must include stakeholder interviews to gather the needed information.¹⁴

There is only one system factor associated with each of the statewide information system and the quality assurance system; a state must receive a rating of “Strength” on the factor to be determined in “substantial conformity.” For the remaining five systems, there are multiple factors assessed regarding how well each functions; a state may receive an “area needing improvement” for no more than one of the factors associated with a system to be found in “substantial conformity” with that system. The text box below lists each of the systems reviewed, along with the factors (or items) assessed for each system.

⁹ *Guidance on Potential Data and Information that Can be Used to Assess Systemic Factor Functioning*, p. 1. <http://www.acf.hhs.gov/cb/resource/round3-guidance-on-potential-data>

¹⁰ *Ibid.*, p.2

¹¹ *Statewide Assessment Instrument*, <http://www.acf.hhs.gov/cb/resource/round3-cfsr-statewide-assessment>

¹² 45 C.F.R. §1357.15 and §1357.16, as revised by annual program instructions concerning the CFSP/APSR. See also <http://www.acf.hhs.gov/cb/programs/state-tribal-cfsp>

¹³ *CFSR Procedures Manual*, <http://www.acf.hhs.gov/cb/resource/round3-cfsr-procedures-manual>

¹⁴ *Ibid.* In the first two CFSR rounds, stakeholder interviews, conducted as part of the onsite review, were the primary avenue of assessment for system factors. See also *Stakeholder Interview Guide* <http://www.acf.hhs.gov/cb/resource/round3-cfsr-stakeholder-interview-guide>. Under federal regulations, stakeholder input is required to assess state conformity with the system “service array.”

Systemic Factors Assessed in the Child and Family Services Review (CFSR)

Determination that a state is successfully (or not) operating a given system is determined based on Children's Bureau reviews of state assessment or planning documents and, as needed, on-site stakeholder interviews.

Statewide Information System

Is this system functioning to ensure that the state can, at least, **identify the status, demographic characteristics, location, and goals for every child in foster care** or in care within last 12 months?

Case Review System

Is this system functioning to ensure -- each **child in foster care has a written case plan**; the **child's status in care is reviewed at least once every 6 months**; a **permanency hearing occurs every 12 months** (i.e., within 12 months of entry and every 12 months thereafter while child remains in care); that **filing of termination of parental rights (TPR) proceedings occurs as required**; and that foster parents, pre-adoptive parents and relative caregivers of children in care receive **notice of and have a right to be heard in any review or hearing** with respect to the child?

Quality Assurance System

Is this system **operating in all served areas**? Does it have **standards to evaluate quality of services, identify strengths and needs** of the service delivery system, **provide relevant reports** and **evaluate implemented program improvement measures**?

Staff and Provider Training

Is system **functioning on a statewide basis** to ensure **initial and ongoing training for staff** providing services, and **training for prospective foster and adoptive parents as well as staff at facilities** providing foster care? Does **training address skills and knowledge needed** for each to carry out their duties?

Service Array and Resource Development

Is system functioning to **assure services are accessible in all relevant areas** to **assess strengths and needs** of families, **create safe home** environments for children, **enable children to remain with parents** and **allow children in foster care to achieve permanency**? **Can these services be individualized to meet unique needs** of children and families served?

Agency Responsiveness to the Community

Is system functioning to ensure **state engages in ongoing consultation with relevant entities** and individuals in planning services and to **ensure that the agencies' child welfare services are coordinated** with other federal or federally assisted programs serving the same children and families?

Foster and Adoptive Parent Licensing, Recruitment, and Retention

Is system functioning to ensure -- **state standards apply to all licensed foster care homes and facilities** receiving federal child welfare funds; state **complies with criminal background clearance requirements**; state **meets diligent recruitment requirements** to ensure potential foster and adoptive families are available that reflect the ethnic and racial diversity of children needing these homes and state **ensures effective use of cross-jurisdictional resources** to facilitate timely placements?

Source: Prepared by CRS based on "Child and Family Services Reviews: Quick Reference Items List."

National Standards

In each round of the CFSR, the Children's Bureau has developed "national standards" and has asked states to compare their performance, using state-reported data, to those national standards. The national standards have consistently focused on safety and permanency concerns but the specific measures have varied, as the Children's Bureau works to improve how state performance is measured (often in response to strong criticism from states or outside child welfare researchers).¹⁵ This memo discusses each of the seven national standards developed for this third round of the CFSR, beginning with an overview of the child welfare data systems used to develop the standards and determine state performance against those standards.

Federal Child Welfare Data Collection and Reporting Systems

All states collect electronic data as part of administering their child welfare programs and as of May 2016, 36 states claimed federal Title IV-E support to operate systems consistent with a federal model known as the Statewide Automated Child Welfare Information System (SACWIS).¹⁶ Developed in the early 1990s to support case management and data collection needs related primarily to serving children in foster care, the SACWIS model has become increasingly outmoded as technology and child welfare practice have undergone significant change. Accordingly, in June 2016, HHS ACF finalized new regulations for the Comprehensive Child Welfare Information System (CCWIS). The new system is expected to increase the ease with which states can update systems using "off-the-shelf" products and incorporate varying practices across the state while maintaining needed statewide data. It also intends to place new focus on data quality and broader exchange of data (moving outside state health and human services agencies to include exchange with education, courts, and other entities important to the work of the child welfare agency). States have 24 months (until July 31, 2018) to decide whether to transition their current SACWIS to a CCWIS system, to build an entirely new CCWIS, or to opt out of the system.¹⁷

A SACWIS/CCWIS (or a state's independent model) provides the superstructure – or form for *collecting, accessing, and sharing data* primarily within the state. Further, although meeting certain federal parameters, these state systems vary in how and what information they collect. At the same time, all states *report* certain child welfare administrative data to the Children's Bureau in standard electronic formats. The data are submitted via two reporting systems -- the Adoption and Foster Care Analysis Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS).¹⁸ State-collected

¹⁵ For criticism of standards produced for CFSR Rounds 1 and/or 2 see Brittany Orlebeke, Fred Wulczyn, and Susan Mitchell-Herzfeld, *Improving Public Child Welfare Agency Performance in the Context of Federal Child and Family Services Reviews*, Chapin Hall Center for Children, University of Chicago, 2005; Mark Testa, Eun Koh, and John Poertner, *Can AFCARS be Rescued: Fixing the Statistical Yardstick that Measures Child Welfare Performance*, Children and Family Research Center, University of Illinois at Urbana-Champaign, March 2008; and John Schuerman and Barbara Needell, *The Child and Family Services Reviews Composite Scores: Accountability Off the Track*, Chapin Hall Center for Children, University of Chicago, 2009.

¹⁶ Once tribes were permitted to make direct claims for Title IV-E support (effective with FY2010), the SACWIS was renamed SACWIS/TACWIS, although no tribes opted to build a TACWIS.

¹⁷ *Federal Register*, "CCWIS Final Rule," vol. 81, no. 106, June 2, 2016. See also this short overview of the CCWIS system http://www.acf.hhs.gov/sites/default/files/cb/ccwis_overview.pdf and the CCWIS Final Rule Presentation, <http://www.acf.hhs.gov/cb/resource/ccwis-final-rule-overview-presentation>.

¹⁸ Additionally, beginning with FY2011, states also report specific data to the Children's Bureau via the National Youth in Transition Database. For more information about NYTD see CRS Report R43752, *Child Welfare: Profiles of Current and Former Older Foster Youth Based on the National Youth in Transition Database (NYTD)*, by Adrienne L. Fernandes-Alcantara.

data provided via these standardized reporting systems are used to both set national standards and to determine a state's performance against those standards.¹⁹

AFCARS

Congress required development of a system for states to collect and report certain data about children in foster care in the 1980s. The final regulation for AFCARS was released in 1993 and submission of electronic AFCARS data files, consistent with that regulation, are required for a state's participation in the Title IV-E program. Beginning with FY1995 states have been required to report data, twice each year, on children served in foster care during the preceding six-month period.²⁰

The data are primarily reported at a child level – not on a summary or “aggregate basis.” States are required to provide data on 66 specific elements for children served in foster care during each six-month reporting period and on 33 items for children who were adopted out of foster care during that period. At the federal level, these data are used for a variety of policy making and accountability purposes and for distribution of certain program funds.²¹ At the basic information level, HHS annually produces summary information on children in foster care and those who have left foster care, in a given fiscal year, including demographic information, as well as information about their length of stay in foster care, current placement settings, and reasons for leaving foster care.²²

Submitting “child-level” data means a state submits records to the Children's Bureau that show for each child served in foster care, for example, the child's birthdate, date of removal (and placement in foster care), race and ethnicity, discharge date and reason (if applicable) and many more pieces of information. With those child level data, the Children's Bureau can determine many summary statistics: How many children were served in foster care, what were their ages, what percentage were of a particular race/ethnicity, and how long had they been in foster care during the year. Further, it can “cut” those data in many ways allowing it, for example, to examine whether or not children's length of stay in care varied by the race of a child, or if children of a particular age were more or less likely to enter foster care. In sum, the provision of child level information requires data analysis at the federal level but it gives the Children's Bureau much greater flexibility in analyzing the data for policy study and performance review.

In February 2015, HHS formally proposed revising the AFCARS regulation to -- 1) update the system to gather information that incorporates and reflects statutory changes made since made since the original regulations were finalized; 2) institute previously authorized penalties for states submitting noncompliant AFCARS data; and 3) modify and expand data elements reported to promote more accurate understanding of current data, and that allow for information relevant to new statutory interests (e.g., educational outcomes of children served, placement with siblings); and 4) to collect data in a way that will better enable analysis of a single child's whole experience in foster care (longitudinal data).²³ In April 2016, the agency released a supplement to the AFCARS proposed rule, related to reporting on Indian children,

¹⁹ As provided for in regulation, (45 C.F.R. § 1355.33(b)(2) states have been permitted to use an alternative data source for the child abuse and neglect data used to gauge whether they met a particular safety-related standard. The regulation permits this because NCANDS is considered a voluntary reporting system as is discussed in the memorandum (although all states currently participate in NCANDS).

²⁰ Sec. 479 of the Social Security Act.

²¹ See “About AFCARS” <http://www.acf.hhs.gov/cb/resource/about-afcars>.

²² Basic summary information is included in the annual *AFCARS Report*, available <http://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars> (scroll to bottom of page).

²³ *Federal Register* vol. 80, no. 26, February 9, 2015, pp. 7132-7221. See also <http://www.acf.hhs.gov/cb/resource/afcars-proposed-rule-overview>.

including compliance with the Indian Child Welfare Act (ICWA).²⁴ A final AFCARS rule, incorporating the initial and supplemental proposals, is expected before the end of 2016.

National Child Abuse and Neglect Data System (NCANDS)

In 1988 Congress required HHS to develop a national data collection and analysis program that made use of existing data gathered by individual states concerning child abuse and neglect.²⁵ HHS, in consultation with state agencies and technical experts established specific reporting standards and the resulting system is known as NCANDS.²⁶ In 1996, Congress required states, as a condition of receiving certain funding under the Child Abuse Prevention and Treatment Act (CAPTA), to annually report – “to the maximum extent practicable – certain child abuse and neglect information.”²⁷ (For example, how many children were reported to the state during the year as victims of child abuse and neglect and how many of those children did the state determine were victims of abuse and neglect during the year?) These CAPTA-specified data elements are primarily reported to the Children’s Bureau via NCANDS.

Because there is not absolute statutory requirement that states provide data, NCANDS is considered a voluntary reporting system and there are no formal regulations on the system. Nonetheless, all states report NCANDS data annually to the Children’s Bureau. Among other things the data are used to inform policymaking and may be used for accountability purposes. Most, but not all of this data is provided on a child level (rather than aggregate or summary) basis. That means specific information (e.g., race ethnicity, age, type of maltreatment) is reported for each child determined to be a victim of child abuse and neglect. As required by law, HHS annually produces a report that summarizes information reported via NCANDS.²⁸ The report provides both national and state level data.

Data from both AFCARS and NCANDS are used to annually produce a report, *Child Welfare Outcomes*, showing state performance on certain child welfare outcome measures and additional information as required by Congress or otherwise supplied by HHS.²⁹ In addition, AFCARS and NCANDS are the two child welfare data sources HHS has used to develop national standards to be used in the Child and Family Services Review (CFSR).

Development of the National Standards

The regulations implementing federal reviews of child welfare agency practice provide that the HHS secretary may use AFCARS and NCANDS data to develop statewide data indicators for any of the CFSR outcomes related to safety, permanency, or well-being and that these data indicators may be used to

²⁴ *Federal Register* vol. 81, no. 67, April 7, 2016, pp. 202083-20301. See also http://www.acf.hhs.gov/sites/default/files/cb/afcarn_snrpm_overview.pdf.

²⁵ The requirement was included in 1988 amendments to the Child Abuse Prevention And Treatment Act (CAPTA) (P.L. 101-294). This provision is included in current law at Sec. 103(c)(1)(C) of CAPTA [42 U.S.C. §5104(c)(1)(C)].

²⁶ For discussion of development, see HHS, ACF, ACYF, Children’s Bureau, *Child Maltreatment 2014*, pp

²⁷ HHS, ACF, ACYF, Children’s Bureau, *Child Maltreatment 2014*, Chapter 1, “Background of NCANDS,” p. 2. See also Sec. 106(d) of CAPTA [42 U.S.C. §5106a(d)]. See also NCANDS information available at <http://www.acf.hhs.gov/cb/research-data-technology/reporting-systems/ncands>.

²⁸ See series of reports titled *Child Maltreatment*, available at <http://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment>.

²⁹ The initial outcome measures followed in this report, known as *Child Welfare Outcomes*, were developed pursuant to Section 479A of the Social Security Act, which was first added to the law in 1997 (P.L. 105-89). Additional data have subsequently been required and HHS has also used the report to discuss state performance on national standards. The *Child Welfare Outcomes* report is typically quite lengthy. You can also review the data on the online data portal for the report <http://cwoutcomes.acf.hhs.gov/data/overview>.

determine whether a state is determined to be “in substantial conformity” with federal child welfare policy. Further, the regulations note that “when appropriate,” the HHS secretary may “add, amend, or suspend” any such data indicators.³⁰ To date, HHS has consistently developed national standards related to safety (maltreatment in foster care, and recurrence of maltreatment) and permanency (timeliness to permanency, placement stability, re-entries to care) outcomes for each of the three rounds of CFSR.³¹ However, for each round, the way the standards were developed – and consequently the way a state’s performance was measured – varied.

For round three, there are seven national standards and each standard is set at the national average among all children served. This means that the average is effectively weighted by child rather than by state (as was the case in previous iterations of the standards) and thus the performance of states serving more children has a larger effect on the national standard than do states serving fewer children.³² According to HHS, setting the national standard at the overall national average performance represents “a reasonable benchmark that would appropriately challenge states to improve their performance.”³³

Risk Standardized Performance

The process of risk adjustment standardizes the state’s age (and for some indicators, entry-rate) profile on a given indicator to the national caseload. It is computed to help ensure comparability across states and to the national standard. Any assessment of whether a state meets or exceeds the standard is to be based on the risk-adjusted performance, *not* the “observed performance.” (The “observed performance” is calculated as the percentage (or rate) based entirely on the reported data without adjustment by age and/or rate of entry.)

Risk adjustment by age recognizes that the likelihood of a child experiencing a given outcome is known to vary considerably based on a child’s age. For example, the risk that a child will be determined by the state to be a victim of abuse or neglect is much higher for younger children than for teenagers and the risk that a child will leave foster care to permanency also varies considerably by age.

Risk adjustment by the state’s rate of entry to foster care recognizes that states with very low rates of entry to foster care (i.e., number of children entering foster care for every 1,000 children in the state’s population) are likely to have brought in a more challenging group of children than a state with a high rate of entry. Children with more challenges are less likely to leave care quickly and they may also be more likely to re-enter care.

³⁰ 45 C.F.R. § 1355.34(b)(4)

³¹ HHS has never developed a national standard related to any of the three well-being outcomes included in the CFSR. This is very possibly due in some part to lack of relevant AFCARS or NCANDS data to speak to those outcomes and might also be related to the fact that 1) the role of the agency in ensuring well-being *outcomes* of children served may be harder to separate from other agencies; and/or 2) the most obvious federal requirements are more process-based. For example, the child welfare agency is responsible for working with educational agencies to ensure educational stability for children in care. This work (a process) is intended to improve educational outcomes for children in care. However, while this child welfare agency work to ensure educational stability for foster children may be necessary to ensure the child’s academic success, it is not necessarily sufficient to ensure that success absent the work of educational agencies.

³² For example, if state A has 1,000 children in care and 60% experience the outcome of interest and state B has 100 children in care of whom 90% experience the outcome of interest, a “national” standard that was based on average experience of children served in these two states alone -- would be 63%. (i.e., 690 children with desired outcome divided by total of 1,100 children served = 63%). By contrast, a national standard that was based on an average of the two states’ performance would be 75% (i.e., the combined state performance would be 150% of children achieving desired outcomes divided by total number of states (n=2) = an average performance of 75%.

³³ In the first iteration of the CFSR, national standards were pegged at the 75th percentile of state performance on each standard. However, although the standards focused on the same kind of safety and permanency issues, the calculation of that performance was significantly different than is the case for this current iteration of the standards.

Once a state's risk-standardized performance is determined, a margin of error for that performance is calculated. The margin of error is necessarily greater for states with smaller caseloads and thus these states will have a wider risk-standardized performance range, and vice versa. As long as any value in the state's risk-adjusted range (from low end of confidence interval to high end of confidence interval) matches or is better than the national standard, the state's performance is considered to meet (or match) the standard.

Data Quality

Before it calculated the national standards for CFSR round 3, the Children's Bureau performed certain data quality checks on data submitted by states for periods used to establish those standards. Data quality may be considered subpar if a certain percentage of records do not include needed information (e.g., date of birth, date of entry to foster care, date of discharge from foster care, reason for discharge, etc.). Alternatively a state may fail a data quality check if a certain percentage of records doesn't appear logical (e.g., date of birth is reported as after date reported for child's entry to foster care; age of child is given as 21 or older at entry or discharge; virtually every child is reported as having entered foster care for the first time etc.). Finally, a state's data may be disqualified if an insufficient share of record ID numbers matches across reporting periods or across different data sets (i.e., AFCARS and NCANDS) or if the state obviously "dropped" records for a child across the time period.³⁴

Different pieces of information (data) from different reporting periods and different data sets are needed to calculate each of the seven national standards. Because each standard drew on multiple reporting periods and multiple data elements, a state may have been excluded based on data quality concerns on just one element and for one period. Alternatively, a state's data quality may have been subpar for multiple reporting periods and/or for multiple data periods.³⁵

For each standard, data from between 3 and 6 states (includes Puerto Rico) were excluded from calculation of national standards based on data quality. However, all states met the vast majority of these data quality checks across multiple time periods. Missing data was a far less more common data quality concern than child ID records not properly linking or dropped records. Additionally, data quality was a more common problem with NCANDS, which as discussed above is considered a "voluntary" system, than for AFCARS. (States whose data were excluded from creation of a given national standard are listed in a note accompanying the memorandum's Figures 1-7, showing state performance on the standard.)

Planned Revision of the National Standards

Information about each of the seven national standards, as they were developed for the third round of the CFSR, is discussed below based on data available on the Children's Bureau website, or in formal regulations, prior to the October 11, 2016 announcement that the standards would be revised and state performance recalculated.³⁶ CRS believes the information provided below remains relevant because HHS

³⁴ See *CFSR Round 3 workbook* (May 2015) for time periods relevant to each standard, a table listing all data quality items, and tables, showing by state, any data item that failed the quality check.

³⁵ For example, on the one extreme Florida was excluded from development of five national standards – including three related to timely permanency, one concerning placement stability, and one concerning re-entries to foster care) – because for a single 6-month reporting period the state's data indicated that 97.2% of children served were entering care based on a first removal. The data quality standard for this issue sets the limit for this information at 95%. Accordingly, while Florida met the data quality limits on that specific issue for each of the *other* relevant reporting periods, and it supplied all the data needed to calculate the standards, it was excluded from the national standards calculation based solely on that single data quality issue in a single reporting period. By contrast, North Carolina and Puerto Rico, failed to meet one or more data quality standards for all or most of the reporting periods used to calculate the standards and both were excluded from calculation of most of the national standards.

³⁶ HHS, ACF, ACYF, Children's Bureau, Technical Bulletin 9 and transmittal letter, October 11, 2016. Available at (continued...)

does not intend to change what it has already announced that it will be measuring. Instead it seeks to perfect the computer code it wrote to ensure that it obtains a more accurate measurement of state performance.

For example, the number of days children spent in foster care is relevant to determining the national standard for maltreatment of children in foster care, as well as placement stability. HHS, in reviewing its computer code has identified several ways in which it may have *over-counted* placement days (e.g., it included days in care after a child turned age 18) and at least one way that it under-counted days in care (i.e., it did not account for the extra day in leap years). Perfecting the code to address an over-count of days in care could, if large enough for a given state, worsen its performance (although that worsened performance would also be incorporated into the revised national standard and so would lower the standard as well). At the same time, correcting for an undercount of placement days, if large enough, could improve state performance and raise the national example.

In a separate, possibly more troubling example, HHS notes two ways that it may have undercounted recurrence of maltreatment. In one situation, the computer code was written to rule out recurrence of maltreatment if there were two reports of maltreatment for a child but the maltreatment was reported to have occurred on the same date. The intention was to ensure that if a child was reported twice for the same occurrence of maltreatment, this was not treated as recurrence. However, as HHS now acknowledges, as the code was written, it ruled out a child that met this criteria, without first checking whether a *third* report of maltreatment occurred at some later date in the 12-month period.

In sum, HHS has stated that it intends to carefully review all of its code and will release revised national standards and state performance related to those standards before the end of the calendar year. This may change all or some of the values of the national standards and the state ranking of performance on those standards. At the same time, CRS is providing the following description of the measures because they are expected to be unchanged; it is providing figures of state performance based on the previously published standards and performance measures to illustrate how the standards compare to observed and risk-standardized performance. However, the values of those standards and state performance are expected to change.

Seven National Standards

Two of the national standards relate to ensuring children are protected from abuse and neglect and five concern ensuring permanence and stability in living situations for children experiencing foster care. Each of those standards is described below and that description is followed, in each case, by a figure showing state performance against the national standard (as calculated in May 2015).

The national standard for each measure is indicated by a red vertical line shown in each figure. State performance values shown in these figures are the state's observed performance (red circle), as well as two markers for its risk-standardized performance: (RSP) range (black horizontal line) and midpoint of the RSP range (blue bar). The states, which for purposes of this discussion include 52 jurisdictions (50 states, DC and PR) are ranked, best to worst performance, based on the midpoint of their risk standardized performance. However, a state was considered in compliance with the national standard if *any* value in its RSP range – which represents the low and high end of statistical confidence in the state's risk standardized performance – equaled or was better than the national standard. When reading each figure, if the state's RSP range (black horizontal line) crosses, touches, or is better than the national standard (may

(...continued)

<https://training.cfsrportal.org/resources/3105#CFSR%20Technical%20Bulletins%20and%20Related%20Information>.

be to the left or right of national standard depending on the measure and as indicated in each figure), it was in compliance with the national standard.

Recurrence of Maltreatment

This indicator has traditionally been used as part of assessing whether a state achieves the following safety outcome: Children are first and foremost protected from abuse and neglect.

It is focused on *all* children (under age 18) who come to the attention of the child welfare agency (via a report of abuse or neglect) and for whom the state determines abuse or neglect occurred. (It is not limited to children in foster care.) Specifically it asks – Of all the children who were found by the state to be victims of abuse or neglect in a given year, how many were *again* found to be victims of abuse or neglect within 12 months of the earlier maltreatment finding? In the May 2015 workbook, the national standard was set at 9.1% recurrence.³⁷

Maltreatment is more often determined for younger children. A state's performance is risk-adjusted by the age of children when the first maltreatment finding is made. Data used for this indicator are reported by states via NCANDS, and HHS must link data across two report years to determine the state's performance.

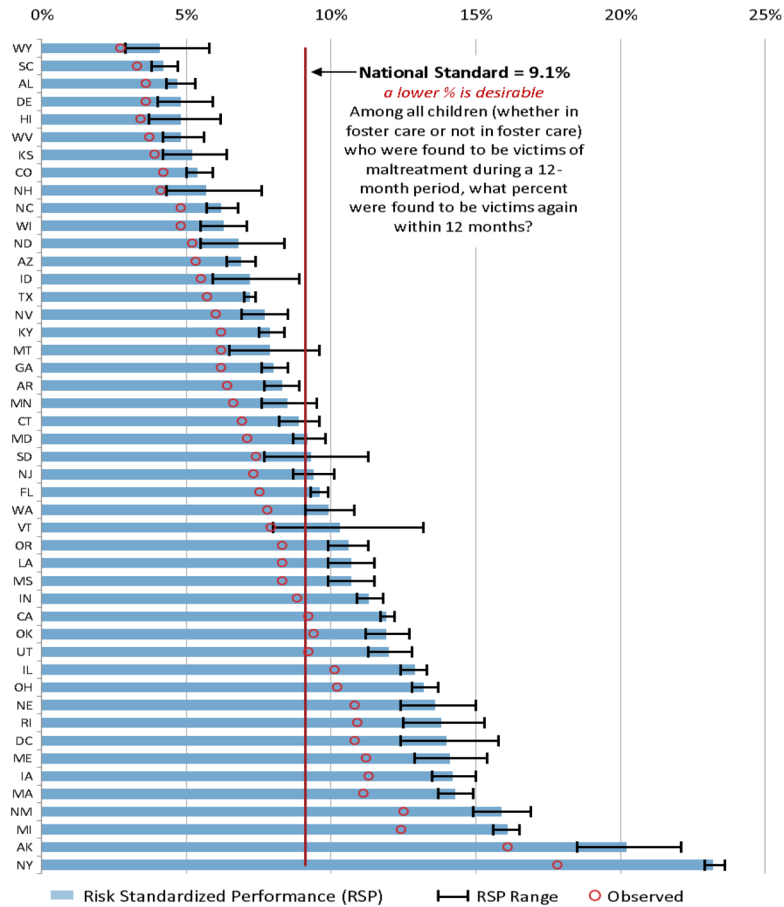
Figure 1 shows state performance on this measure as calculated in May 2015. A state was considered to be in compliance with the national standard for recurrence of maltreatment if *any* value in its RSP range equaled or was less than the national standard (9.1%). Therefore, if the state's black RSP range line crosses, touches, or is to the left of (lower value) the red national standard line, it was in compliance with the national standard.

Figure 1 indicates that 27 states were in compliance with the 9.1% national standard for recurrence of maltreatment. This includes Washington and Vermont, both of which were considered to have a performance no different than the national standard. It does not include Florida, even though that state appears *above* Washington and Vermont in the figure. This ranking happened because – even though the mid-point of Florida's RSP range indicated a better performance than the comparable information for both Washington and Vermont – Florida's entire RSP range falls to the right of the national standard; thus all the values in Florida's RSP range were *higher than* the national standard of 9.1%.

³⁷ For more detailed information on the specific construction of this indicator, and the various NCANDS data elements used as well as rules about excluding or including data, see the two-page fact sheet on CFSR Statewide Data Indicators Round 3: *Recurrence of Maltreatment*, 2015.

Figure I. Recurrence of Maltreatment

Risk standardized performance (RSP) = observed performance adjusted by age of children. A state meets the national standard (9.1% - shown as red line) if any value in its RSP range includes, matches or is lower than that value.



Source: Chart prepared by the Congressional Research Service (CRS) based on *CFSR Round 3 Statewide Data Indicators Workbook*, May 2015. http://www.acf.hhs.gov/sites/default/files/cb/cfsr_stateperformanceworkbook.pdf

Notes: Data used to calculate the national standard, and to show state performance against that standard were submitted by states as part of the National Child Abuse and Neglect Data System (NCANDS) for FY2012 and FY2013. Data from MO, PA, PR, TN and VA are not shown due to data quality concerns.

Maltreatment in Foster Care

This indicator has traditionally been used as part of assessing whether a state achieves the following safety outcome: Children are first and foremost protected from abuse and neglect.

The indicator is focused on children in foster care (under age 18) and measures the *rate* at which these children experience maltreatment while in care, regardless of who is the reported perpetrator of the maltreatment.³⁸ In the May 2015 workbook, the national standard for this indicator was set at 8.5 occurrences of maltreatment per 100,000 days of foster care.³⁹

This measure counts all the occurrences of maltreatment for children while they were in foster care (in a 12-month period) and then divides that by the total number of days those children were in foster care during that same 12-month period. The final result is multiplied by 100,000 to allow for a more understandable whole number.⁴⁰ Thus the rate determined is the number of times maltreatment was determined to have occurred for a child in foster care per 100,000 days of foster care.

This measure is one of two national standards based on the number of days a child spent in foster care. Using days in care is particularly useful when the likelihood of an event occurring is directly related to a child's length of stay in care. With regard to maltreatment in care, a longer stay provides more "opportunity" for maltreatment, thus the use of placement days equalizes risk determination whether a child is in care for two months or the whole year.

Maltreatment is more commonly determined to have occurred for younger children. A state's performance with regard to maltreatment in foster care is adjusted by the median age of children entering care, or, if already in care, median age on first day of the 12-month period. Data used for this indicator are reported by states via NCANDS and AFCARS. Data from these two systems must be linked (by child ID) to identify children who are found to be maltreated (NCANDS) and children who were in foster care (AFCARS). The AFCARS data is also used to count the number of days a child spent in foster care.

Figure 2 shows state performance on this measure as calculated in May 2015. A state was considered to be in compliance with the national standard for maltreatment in foster care if *any* value in its RSP range equaled or was less than the national standard (8.5 victimizations per 100,000 days in foster care). Therefore, if the state's black RSP range line crosses, touches, or is to the left of (lower value) the red national standard line, it was in compliance with the national standard.

Figure 2 indicates that 25 states were in compliance with this national standard. This includes Louisiana and Delaware. It does not include Tennessee, even though that state appears *above* Louisiana and Delaware in the figure. This ranking happened because – even though the mid-point of Tennessee's RSP range indicated a better performance than the comparable information for both Louisiana and Delaware – Tennessee's entire RSP range falls to the right of the national standard; thus all the values in Tennessee's RSP range were *higher than* the national standard of 8.5 victimizations per 100,000 days in foster care.

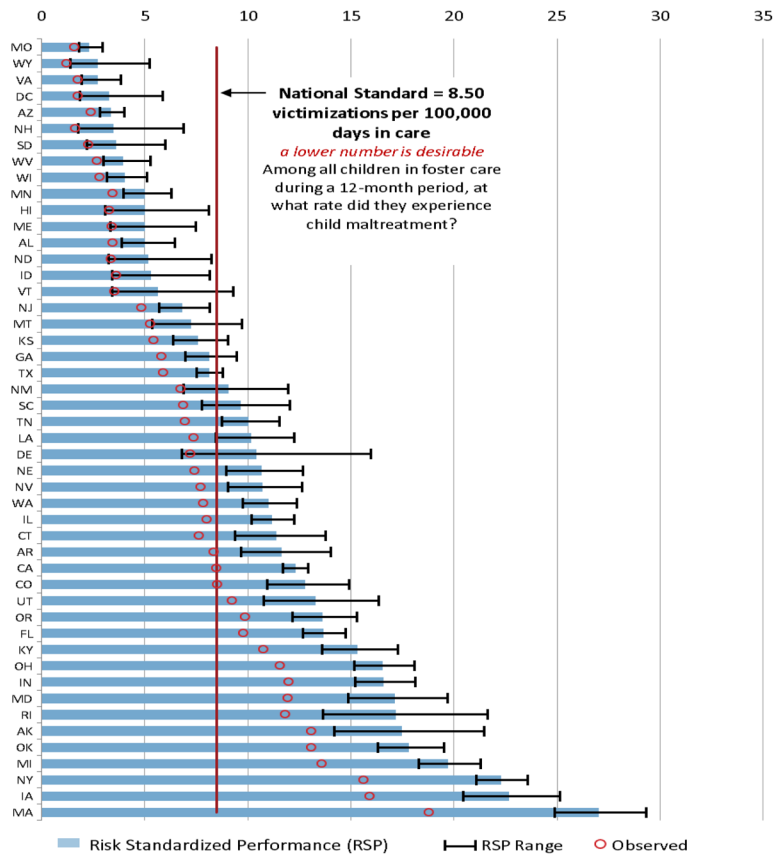
³⁸ The maltreatment in foster care standard used in earlier rounds of the CFSR looked only at maltreatment reported as perpetrated by a foster parent or other foster caregiver. In this round, however, HHS has determined that while the responsibility for the child rests with the agency, maltreatment by any perpetrator (even by a parent if done during a "trial home visit") must be counted as the responsibility of the child welfare agency.

³⁹ For more detailed information on the specific construction of this indicator, and the various AFCARS and NCANDS data elements used as well as rules about excluding or including data, see the two-page fact sheet on CFSR Statewide Data Indicators Round 3: *Maltreatment in Foster Care*, 2015.

⁴⁰ When describing relatively rare events, statisticians often turn to a larger scale (e.g., 100,000) so that the rate can be expressed as something that is 1 or greater. Using the more common, 1,000 scale would result in a maltreatment rate of .085 (i.e., less than one) maltreatment per 1,000 days in care. For another example of a rate scaled to 100,000 see the statistics related to death by suicide, which are based on suicides per 100,000 individuals in the population. <http://www.cdc.gov/nchs/fastats/suicide.htm>

Figure 2. Maltreatment in Foster Care

Risk standardized performance (RSP) = observed performance adjusted by age of children. A state meets the national standard (8.5 victimizations per 100,000 days in foster care – as shown by red line) if its RSP range includes or is lower than that value.



Source: Chart prepared by the Congressional Research Service (CRS) based on *CFSR Round 3 Statewide Data Indicators Workbook*, May 2015. http://www.acf.hhs.gov/sites/default/files/cb/cfsr_stateperformanceworkbook.pdf

Notes: Data used to calculate the national standard, and to show state performance against that standard were submitted by states as part of the National Child Abuse and Neglect Data System (NCANDS) for FY2013 and the Adoption and Foster Care Analysis Reporting System (AFCARS) for FY2013. Data from MS, NC, PA, PR, are not shown due to data quality concerns.

Permanency for Children within 12 months of Entering Care

This indicator has traditionally been used as part of assessing whether a state achieves the following permanency outcome: Children have permanency and stability in their living situations.

It is focused on children (under age 18) who enter foster care during a 12-month period and it asks the question: Of those children, how many left foster care to “permanency” within 12 months of that entry to care? Permanency in this instance means the child was formally discharged from foster care to be reunited with his/her parent(s), to live with a relative, for adoption or for legal guardianship. In the May 2015 workbook, the national standard was set at 40.5%.⁴¹

Children’s speed of exit from care may be affected by age. Additionally, in states where the rate of entry to foster care is low – suggesting children are only brought into formal care when circumstances are most difficult – the speed of exit may also be slowed. Accordingly, a state’s observed performance is risk-adjusted by the age of children when they enter care and by the rate at which children enter foster care in the state (i.e., number of children entering foster care per every 1,000 children in care).

Data used for this indicator are reported by states via the AFCARS. HHS must link data across multiple years (3 years, including six reporting periods) to determine the state’s performance. A state with a risk standardized performance range that includes, matches, or is *above* the national standard of 40.5% meets (or is no different than) the national standard.

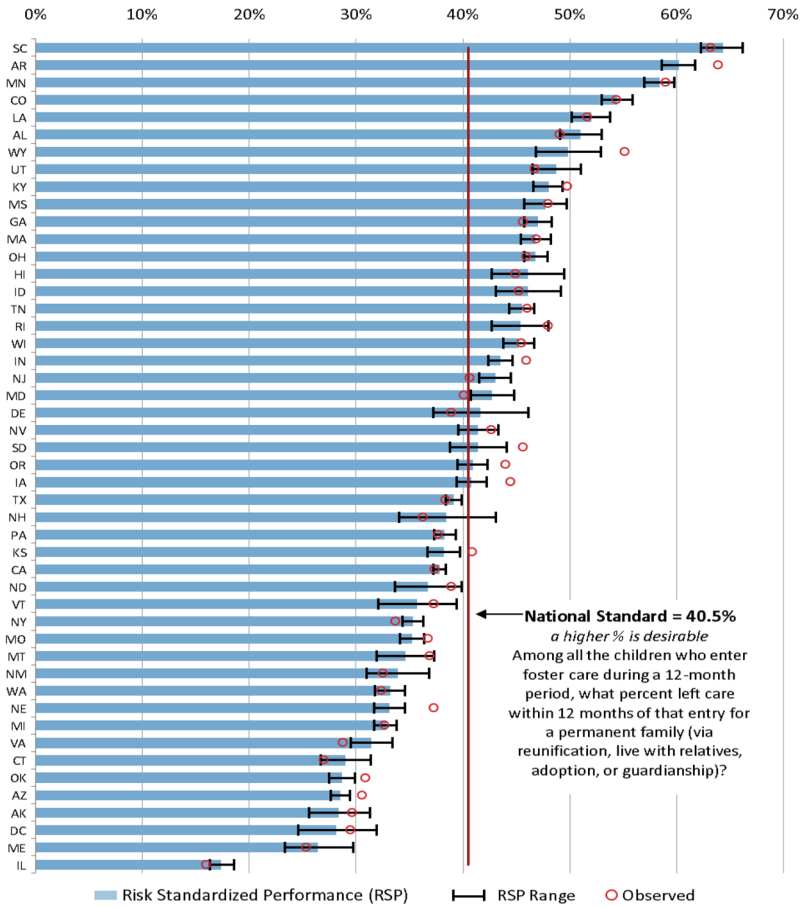
Figure 3 shows state performance on this measure as calculated in May 2015. A state was considered to be in compliance with the national standard for permanency for children within 12 months of entering care if *any* value in its RSP range equaled or was *greater than* the national standard (40.5%). Therefore, if the state’s black RSP range line crosses, touches, or is to the right of (higher value) the red national standard line, it was in compliance with the national standard.

Figure 3 indicates that 27 states were in compliance with this national standard. This includes New Hampshire. It does not include Texas, even though that state appears *above* New Hampshire in the figure. This ranking happened because – even though the mid-point of Texas’s RSP range indicated a better performance than the comparable information for New Hampshire – Texas’s entire RSP range falls to the left of the national standard (as did its observed performance); thus all the values in Texas’s RSP range were *lower than* the national standard of 40.5% permanence for children within 12 months of entering foster care.

⁴¹ For more detailed information on the specific construction of this indicator, and the various AFCARS data elements used as well as rules about excluding or including data, see the two-page fact sheet on *CFSR Statewide Data Indicators Round 3: Permanency in 12 months for Children Entering Foster Care*, 2015.

Figure 3. Permanence for Children within 12 Months of Entering Care

Risk standardized performance (RSP) = observed performance adjusted by age at entry to care and foster care entry rate. A state meets the national standard (40.5% - shown with red line) if its RSP range includes or is higher than that value.



Source: Chart prepared by the Congressional Research Service (CRS) based on *CFSR Round 3 Statewide Data Indicators Workbook*, May 2015. http://www.acf.hhs.gov/sites/default/files/cb/cfsr_stateperformanceworkbook.pdf

Notes: Data used to calculate the national standard, and to show state performance against that standard were submitted by states as part of the Adoption and Foster Care Analysis Reporting System (AFCARS) for three years (April 2011-March 2014). Data for FL, NC, PR and WV are not included due to data quality issues.

Re-Entry to Foster Care

This indicator has traditionally been used as part of assessing whether a state achieves the following permanency outcome: Children have permanency and stability in their living situations.

It is focused on children (under age 18) who leave foster care for a permanent home within 12 months of entering care. It asks: Of those children exiting to permanency within 12 months of entering care, how many *re-enter care* within a year of that exit to permanency? Permanency in this instance means the child was formally discharged from foster care to be reunited with his/her parent(s), to live with a relative, or for legal guardianship. (Exits to adoption are excluded from the denominator in this measure because some states change a child's identifiers (e.g., ID code) following an adoption and this means the child's re-entry (numerator count) cannot be reliably tracked. In the May 2015 workbook, the national standard was set at 8.3%.⁴²

Children's speed of exit from care may be affected by age and by the rate at which the state brings children into care (its entry rate). Accordingly, a state's observed performance is risk-adjusted by the age of children when they enter care and by the rate at which children enter foster care in the state (i.e., number of children entering foster care per every 1,000 children in care).

Data used for this indicator are reported by states via AFCARS. HHS must link data across three years (including 6 reporting periods) to determine the state's performance. A state with a risk standardized performance range that includes, matches, or is *lower than* the national standard of 8.3% meets (or is no different than) the national standard.

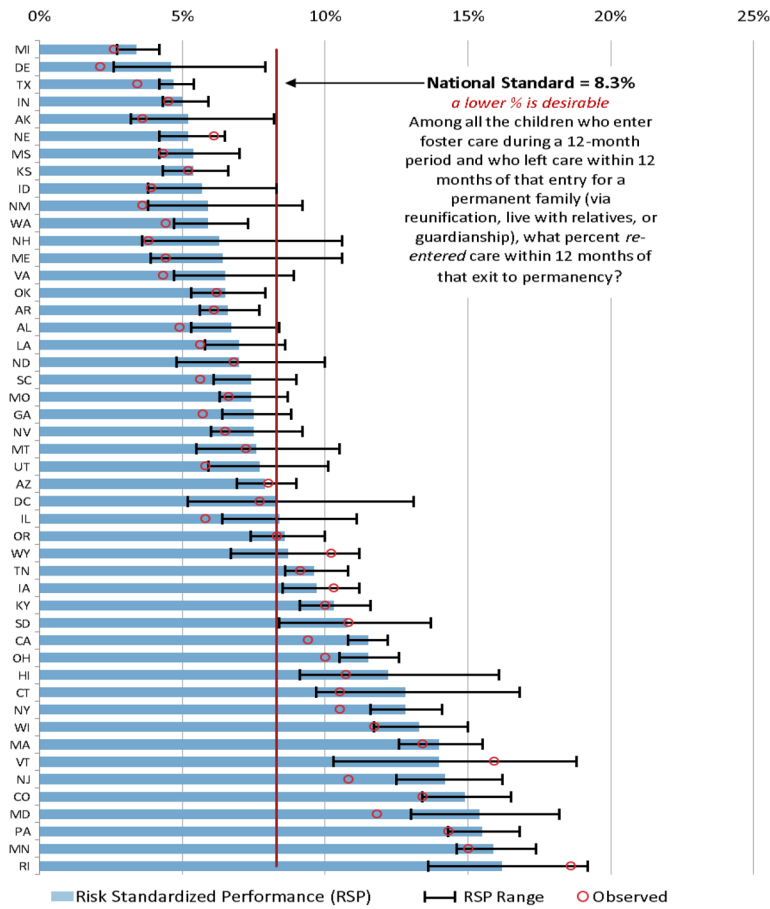
Figure 4 shows state performance on this measure as calculated in May 2015. A state was considered to be in compliance with the national standard for re-entry to foster care if *any* value in its RSP range equaled or was *less* than the national standard (8.3%). Therefore, if the state's black RSP range line crosses, touches, or is to the left of (lower value) the red national standard line, it was in compliance with the national standard.

Figure 4 indicates that 29 states were in compliance with this national standard and they are shown as the first 29 states displayed in the figure (from the top).

⁴² For more detailed information on the specific construction of this indicator, and the various AFCARS data elements used as well as rules about excluding or including data, see the two-page fact sheet on *CFSR Statewide Data Indicators Round 3: Re-entry to Foster Care, 2015*.

Figure 4. Re-entry to Foster Care

Risk standardized performance (RSP) = observed performance adjusted by age at entry to care and foster care entry rate. A state meets the national standard (8.3% - shown with the red line) if its RSP range includes or is lower than that percentage.



Source: Chart prepared by the Congressional Research Service (CRS) based on *CFSR Round 3 Statewide Data Indicators Workbook*, May 2015. http://www.acf.hhs.gov/sites/default/files/cb/cfsr_stateperformanceworkbook.pdf

Notes: Data used to calculate the national standard, and to show state performance against that standard were submitted by states as part of the Adoption and Foster Care Analysis Reporting System (AFCARS) for three years (April 2011-March 2014). Data for FL, NC, PR and WV are not included due to data quality issues.

Placement Stability in Foster Care

This indicator has traditionally been used as part of assessing whether a state achieves the following permanency outcome: Children have permanency and stability in their living situations.

It is focused on children (under age 18) who enter foster care during a 12-month period. It asks: At what rate did those children move to a new placement setting? In the May 2015 workbook, the national standard was set at 4.12 placement moves per 1,000 days of foster care.⁴³

This measure counts the number of times children who entered care within a 12-month period were moved to a new placement setting and then divides that by the total number of days those children were in foster care during that same 12-month period. The final result is multiplied by 1,000 to allow for a more understandable whole number. Thus the rate determined is the number of foster care placement moves for a child in foster care per 1,000 days of foster care.

The placement stability indicator is one of two national standards that determines the likelihood of an event based on the number of days a child spent in care – rather than a number of children experiencing the event. Using days in care is useful when the likelihood of an event occurring is directly related to length of stay in care. With regard to placement stability a longer stay provides more “opportunity” for placement moves thus the use of placement days equalizes the risk determination of a move whether a child is in care for two weeks, 60 days, or for the whole 365 days in the 12 month-period.

Children’s likelihood of moving may vary due to age. A state’s observed performance is risk-adjusted to estimate placement stability in the state. Data used for this indicator are reported by states via AFCARS. HHS used data from a single year (two reporting periods linked) to determine the state’s performance. A state with a risk standardized performance range that includes, matches, or is *less than* 4.12 placement days per 1,000 days of foster care, meets (or is no different than) the national standard.

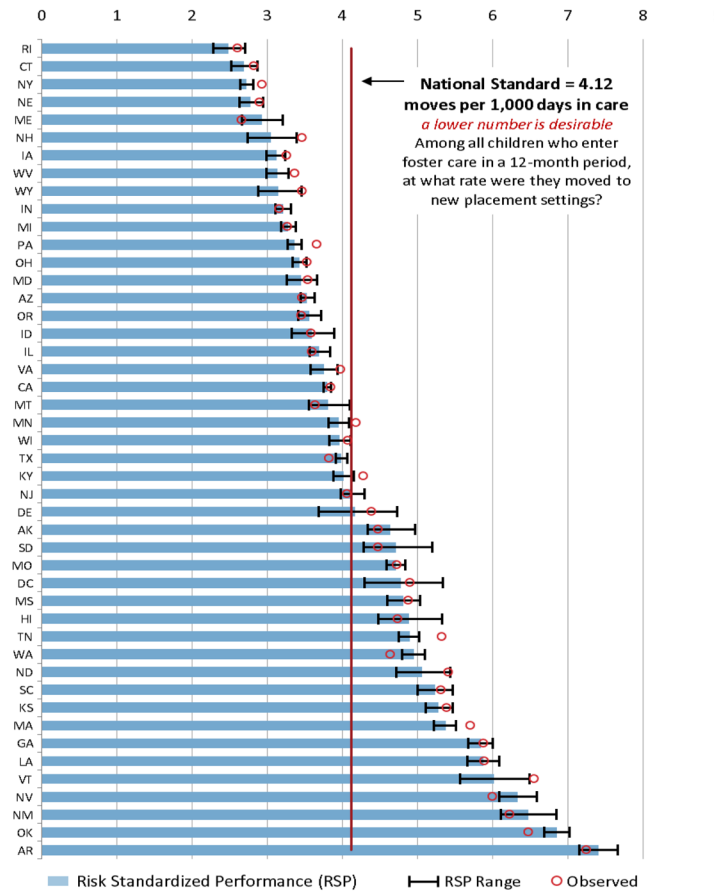
Figure 5 shows state performance on this measure as calculated in May 2015. A state was considered to be in compliance with the national standard for placement stability in foster care if the state’s black RSP range line crosses, touches, or is to the left of (lower value) the red national standard line.

Figure 5 indicates that 27 states were in compliance with this national standard and they are shown as the first 27 states displayed in the figure (from the top).

⁴³ For more detailed information on the specific construction of this indicator, and the various AFCARS data elements used as well as rules about excluding or including data, see the two-page fact sheet on *CFSR Statewide Data Indicators Round 3: Placement Stability*, 2015.

Figure 5. Placement Stability in Foster Care

Risk standardized performance (RSP) = observed performance adjusted by age at entry to care and foster care entry rate. A state meets the national standard (4.12 moves per 1,000 days in care – shown by red line) if its RSP range includes or is lower than that value.



Source: Chart prepared by the Congressional Research Service (CRS) based on *CFSR Round 3 Statewide Data Indicators Workbook*, May 2015. http://www.acf.hhs.gov/sites/default/files/cb/cfsr_stateperformanceworkbook.pdf

Notes: Data used to calculate the national standard, and to show state performance against that standard were submitted by states as part of the Adoption and Foster Care Analysis Reporting System (AFCARS) for three years (April 2011-March 2014). U.S. Census Data (child population estimate by state) were used to calculate foster care entry rate. Data for AL, CO, FL, NC, PR and UT are not included due to data quality issues.

Permanency in 12 Months for Children in Care 12 to 23 Months

This indicator was developed to help assess whether a state achieved the permanency outcome: Children have permanency and stability in their living situations.

It seeks to measure how effectively a state sticks with efforts to find a permanent home even when it is not successful during the child's first year in care.⁴⁴ Accordingly, the measure is focused on children (under age 18) who have been in care for at least one year (12 months) but not as long as two years. The indicator asks: Of all children who at the start of a 12-month period had already been in care for at least 12, but not more than 23, months, how many were successfully moved to a permanent home within that 12-month time period? Permanency in this instance means the child was formally discharged from foster care to be reunited with his/her parent(s), to live with a relative, for adoption or for legal guardianship. In the May 2015 workbook, the national standard was set at 43.6%.⁴⁵

Children's speed of exit from care may be affected by age. Accordingly, a state's observed performance is risk-adjusted by the age of children at the start of the 12-month period. Data used for this indicator are reported by states via the AFCARS. HHS used data from a single year (two reporting periods were linked) to determine the standard and state performance. A state with a risk standardized performance range that includes, matches or is *greater than* 43.6%% meets (or is no different than) the national standard.

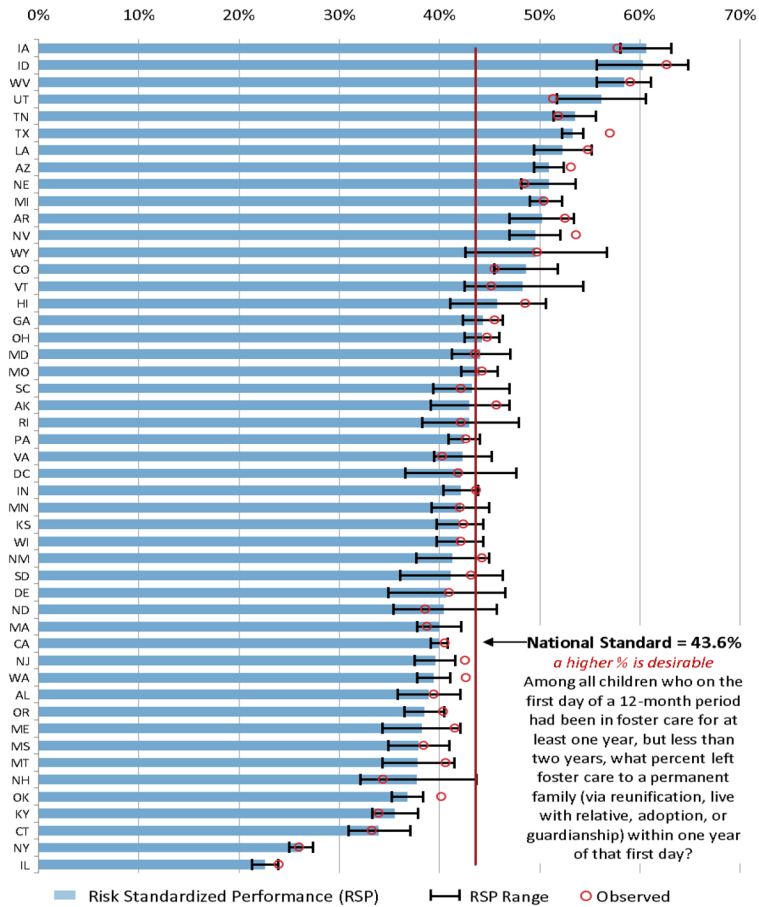
Figure 6 shows state performance on this measure as calculated in May 2015. A state was considered to be in compliance with the national standard concerning permanency for children in care for at least one but not two years if the state's black RSP range line crosses, touches, or is to the right of (higher value) the red national standard line.

Figure 6 indicates that 35 states were in compliance with this national standard and they are shown as the first 34 states displayed in the figure (from the top) as well as New Hampshire (some states lower). d.

⁴⁴ Federal law has specific time frames within which states are to establish permanency goals for a child and no less often than once every 12 months while a child remains in foster care, a court must make a determination related to continued permanency efforts of the state. In the recent Texas child welfare litigation, *MD v. Abbott*, the focus of the case is specifically on the group of children in care for at least 12 (sometimes 18 months). Texas has applied different (less aggressive) permanency efforts for this group of children in care.

⁴⁵ For more detailed information on the specific construction of this indicator, and the various AFCARS data elements used as well as rules about excluding or including data, see the two-page fact sheet on *CFSR Statewide Data Indicators Round 3: Permanency in 12 months for Children in Care 12 to 23 months, 2015*.

Figure 6. Permanency for Children in Foster Care for at Least One but not Two Years
 Risk standardized performance (RSP) = observed performance adjusted by age of children. A state meets the national standard (43.6% - shown by red line) if its RSP range includes or is greater than the national standard.



Source: Chart prepared by the Congressional Research Service (CRS) based on *CFSR Round 3 Statewide Data Indicators Workbook*, May 2015. http://www.acf.hhs.gov/sites/default/files/cb/cfsr_stateperformanceworkbook.pdf
Notes: Data used to calculate the national standard, and to show state performance against that standard were submitted by states as part of the Adoption and Foster Care Analysis Reporting System (AFCARS) for April 2013-March 2014. Data for FL, NC, PR are not included due to data quality issues.

Permanency in 12 Months for Children in Care 24 Months or More

This indicator was developed to help assess whether a state achieved the permanency outcome: Children have permanency and stability in their living situations.

It seeks to measure how effectively a state sticks with efforts to find a permanent home even when it is not successful during the child's first two years in care. Accordingly, the measure is focused on children (under age 18) who have been in care for at least two years (24 months). The indicator asks: "Of all children who at the start of a 12-month period had already been in care for at least 24 months, how many were successfully moved to a permanent home within that 12-month time period?" Permanency in this instance means the child was formally discharged from foster care to be reunited with his/her parent(s), to live with a relative, for adoption or for legal guardianship. In the May 2015 workbook, the national standard was set at 30.3%.⁴⁶

Children's speed of exit from care may be affected by age. Accordingly, a state's observed performance is risk-adjusted by the age of children at the start of the 12-month period. Data used for this indicator are reported by states via AFCARS. HHS used data from a single year (two reporting periods linked) to determine this standard and state performance. A state with a risk standardized performance range that includes or is *greater than* 30.3% was considered in compliance with this standard.

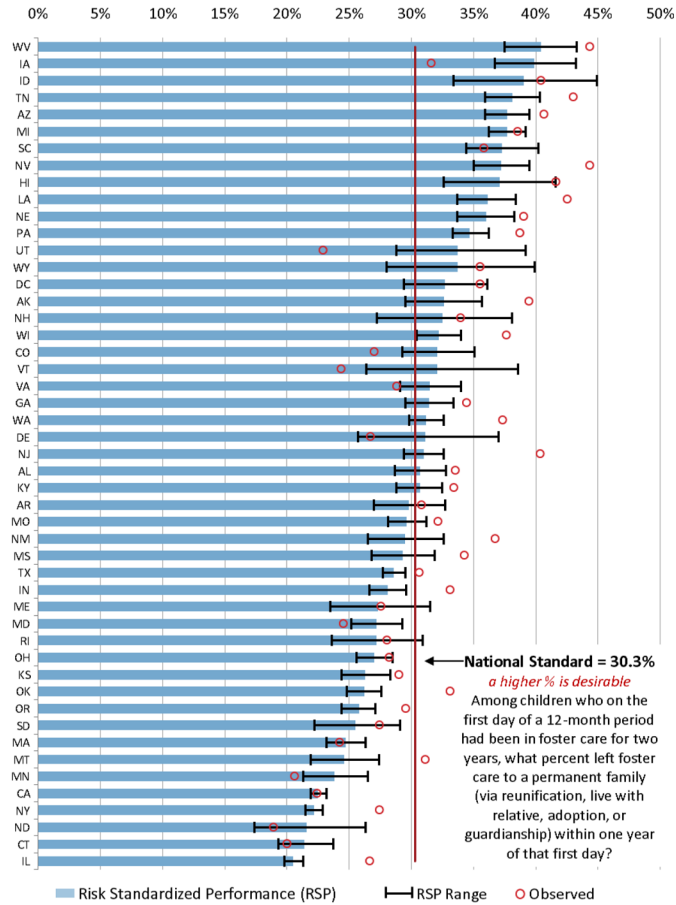
Figure 7 shows state performance on this measure as calculated in May 2015. A state was considered to be in compliance with the national standard concerning permanency for children in care for two years or more if the state's black RSP range line crosses or is to the right of (higher value) the red national standard line.

Figure 7 indicates that 33 states were in compliance with this national standard and they are shown as the first 31 states displayed in the figure (from the top) as well as Maine and Rhode Island (lower).

⁴⁶ For more detailed information on the specific construction of this indicator, and the various AFCARS data elements used as well as rules about excluding or including data, see the two-page fact sheet on *CFSR Statewide Data Indicators Round 3: Permanency in 12 months for Children in Care 24 months or More*, 2015.

Figure 7. Permanency for Children in Care For Two Years or More

Risk standardized performance (RSP) = observed performance adjusted by age of children. A state meets the national standard (30.3% - shown by red line) if its RSP range includes or is higher than the national standard.



Source: Chart prepared by the Congressional Research Service (CRS) based on *CFSR Round 3 Statewide Data Indicators Workbook*, May 2015. http://www.acf.hhs.gov/sites/default/files/cb/cfsr_stateperformanceworkbook.pdf

Notes: Data used to calculate the national standard, and to show state performance against that standard were submitted by states as part of the Adoption and Foster Care Analysis Reporting System (AFCARS) for April 2013-March 2014. Data for FL, NC, PR are not included due to data quality issues.