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STATE EFFORTS TO COMPLY WITH FEDERAL CHILD WELFARE REVIEWS

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON WAYS AND MEANS
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

MAY 13, 2004

Serial No. 108–54

Printed for the use of the Committee on Ways and Means

U.S. GOVERNMENT PRINTING OFFICE

99–673 WASHINGTON : 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
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STATE EFFORTS TO COMPLY WITH FEDERAL CHILD WELFARE REVIEWS

THURSDAY, MAY 13, 2004

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HUMAN RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:02 a.m., in room B–318 Rayburn House Office Building, Hon. Wally Herger, (Chairman of the Subcommittee) presiding.

[The advisory announcing the hearing follows:]

ADVISORY

FROM THE COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON HUMAN RESOURCES

FOR IMMEDIATE RELEASE
May 6, 2004
HR–9

CONTACT: (202) 225–1025

Herger Announces Hearing on State Efforts to Comply with Federal Child Welfare Reviews

Congressman Wally Herger (R–CA), Chairman, Subcommittee on Human Resources of the Committee on Ways and Means, today announced that the Subcommittee will hold a hearing to review State efforts to come into compliance with Federal child welfare reviews. **The hearing will take place on Thursday, May 13, 2004, in room B–318 Rayburn House Office Building, beginning at 10:00 a.m.**

In view of the limited time available to hear witnesses, oral testimony at this hearing will be from invited witnesses only. Witnesses will include Federal and State officials familiar with State efforts to come into compliance with Federal child welfare reviews. However, any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Subcommittee and for inclusion in the printed record of the hearing.

BACKGROUND:

The 1994 Social Security Amendments (P.L. 103–432) required the U.S. Department of Health and Human Services, in consultation with the relevant State agencies, to develop a review system to determine if State child welfare programs were operating in compliance with the requirements of Title IV–B and Title IV–E of the Social Security Act. After pilot reviews, focus groups, and public comment, the final regulations on the Child and Family Services Reviews (CFSRs) were released on January 25, 2000, and became effective on March 27, 2000.

The CFSRs cover child protective services, foster care, adoption, family preservation, family support, and independent living programs. The reviews examine outcomes for children and families in three areas: safety, permanency, and child and family well-being. They also examine a number of systemic factors that affect the quality of services delivered to children and families and the outcomes they experience. States are required to develop and implement Program Improvement Plans (PIPs) designed to address and improve all of the outcomes or systemic factors in which the State is not in compliance with the Federal requirement. States have 2 years to implement their plans to improve their programs, and during this period any penalties for non-compliance are waived.

On January 28, 2004, the Subcommittee held a hearing to examine Federal and State oversight systems designed to prevent abuse and neglect of children, including those under State protection. Government and State officials testified at this hearing about the importance of the CFSR process underway in the States in identifying areas in need of improvement. As of April 2004, reviews had been completed in all States. However, no State passed its review, meaning that all States must develop and implement PIPs.

In announcing the hearing, Chairman Herger stated, "We must do all we can to ensure the safety, permanency, and well-being of at-risk children. I'm concerned that none of the States are operating programs that meet Federal expectations in these basic functions. This hearing will give us the opportunity to hear from the

States what steps they are taking to improve their programs to comply with Federal requirements and better protect vulnerable children."

FOCUS OF THE HEARING:

The hearing will focus on State efforts to comply with Federal child welfare review requirements related to safety, permanency, and child and family well-being.

DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:

Please Note: Any person or organization wishing to submit written comments for the record must send it electronically to *hearingclerks.waysandmeans@mail.house.gov,* along with a fax copy to (202) 225–2610, by close of business Thursday, May 27, 2004. In the immediate future, the Committee website will allow for electronic submissions to be included in the printed record. Before submitting your comments, check to see if this function is available. **Finally,** due to the change in House mail policy, the U.S. Capitol Police will refuse sealed-packaged deliveries to all House Office Buildings.

FORMATTING REQUIREMENTS:

Each statement presented for printing to the Committee by a witness, any written statement or exhibit submitted for the printed record or any written comments in response to a request for written comments must conform to the guidelines listed below. Any statement or exhibit not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All statements and any accompanying exhibits for printing must be submitted electronically to *hearingclerks.waysandmeans@mail.house.gov,* along with a fax copy to (202) 225–2610, in WordPerfect or MS Word format and MUST NOT exceed a total of 10 pages including attachments. Witnesses are advised that the Committee will rely on electronic submissions for printing the official hearing record.

2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.

3. All statements must include a list of all clients, persons, or organizations on whose behalf the witness appears. A supplemental sheet must accompany each statement listing the name, company, address, telephone and fax numbers of each witness.

Note: All Committee advisories and news releases are available on the World Wide Web at *http://waysandmeans.house.gov.*

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202–225–1721 or 202–226–3411 TTD/TTY in advance of the event (four business days notice is requested). Questions with regard to special accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Chairman HERGER. Good morning. I would like to welcome all of you to today's hearing to explore State efforts to comply with Federal child welfare reviews. Since 2001, the U.S. Department of Health and Human Services (HHS) and the States have been working together to assess whether State child welfare programs comply with Federal standards and requirements. These reviews, known as the Child and Family Services Review (CFSR), examine whether States are ensuring safety, permanency and well-being for vulnerable children.

As of April 2004, all of the States have completed their CFSR. No State has passed this Federal review, although States vary in

the extent to which their programs meet some Federal standards. States not meeting all of the Federal requirements must work with HHS to develop and implement a 2-year program improvement plan (PIP) in order to avoid financial penalties. Since no State has passed their review, every State must develop a plan to improve their child welfare programs. While many of us are disappointed with the results of the reviews, the process is working as it was intended. This review process emphasized accountability by requiring States to respond with improvement plans when they failed to meet a Federal requirement related to safety, permanency or well-being, because of this process, efforts are underway in every State to improve the delivery and quality of child welfare services.

This Subcommittee has examined a number of oversight issues in child welfare over the past several months. The purpose of today's hearing is to move this process forward by focusing on what States are doing to improve their child welfare programs. I am pleased to welcome representatives from two States to provide firsthand knowledge of their initiatives to improve child welfare services. I hope the States make the most of this opportunity for reform to ensure their child welfare programs comply with Federal requirements.

After our series of hearings, prompted by the story of the four Jackson boys, I would especially like to thank New Jersey for their willingness to come today to discuss their efforts. One of these hearings investigated one of the worst cases of neglect and abuse in the child welfare system, and New Jersey has taken prompt action to hold those foster parents accountable by prosecuting and winning an indictment just last week. I also welcome the U.S. General Accounting Office (GAO) testimony today which will focus on their assessment of the review process in the States.

Finally, I appreciate the willingness of Assistant Secretary Horn to testify about what HHS has learned from this process about the quality of child welfare services, and what improvements we might consider to better protect children in foster and adoptive homes. This Subcommittee has received numerous comments from families involved with the child welfare system. A number of these comments speak to the issues raised as part of the review process. I thank these individuals for taking the time to share their comments with us. All of us share the same goal, to ensure safety, permanency and well-being for at-risk children. We look forward to hearing from all of our witnesses today about the efforts underway and issues for us to consider as we explore proposals that could enhance the quality and availability of child welfare services. Without objection, each Member will have the opportunity to submit a written statement and have it included in the record at this point. Mr. Cardin, would you like to make an opening statement?

[The opening statement of Chairman Herger follows:]

Opening Statement of The Honorable Wally Herger, Chairman, and a Representative in Congress from the State of California

Good morning. I'd like to welcome all of you to today's hearing to explore State efforts to comply with Federal Child Welfare Reviews.

Since 2001, HHS and the States have been working together to assess whether State child welfare programs comply with Federal standards and requirements.

These reviews, known as the Child and Family Services Reviews, examine whether States are ensuring safety, permanency, and well-being for vulnerable children.

As of April 2004, all of the States have completed their Child and Family Services Review. No State has passed this Federal review, although States vary in the extent to which their programs meet some Federal standards.

States that do not meet the Federal requirements must work with HHS to develop and implement a two-year Program Improvement Plan in order to avoid financial penalties. Because no State has passed their review, every State must develop a plan to improve their child welfare services.

While many of us are disappointed with the results of the reviews, the process is working as it was intended. This review process emphasized accountability by requiring States to respond with improvement plans when they failed to meet a Federal requirement related to safety, permanency, or well-being. Because of this process, efforts are underway in every State to improve the delivery and quality of child welfare services.

This Subcommittee has examined a number of oversight issues in child welfare over the past several months. The purpose of today's hearing is to move this process forward by focusing on what States are doing to improve their child welfare programs.

I'm pleased to welcome representatives from two States who are with us to provide first-hand knowledge of their initiatives to improve child welfare services. I hope the States make the most of this opportunity for reform to ensure their child welfare programs comply with Federal requirements. After our series of hearings prompted by the story of the four Jackson boys, I would especially like to thank New Jersey for their willingness to come today to discuss their efforts. One of these hearings investigated one of the worst cases of neglect and abuse in the child welfare system, and New Jersey has taken prompt action to hold those foster parents accountable by prosecuting and winning an indictment just last week. I also welcome GAO whose testimony today will focus on their assessment of the review process in the States.

Finally, I appreciate the willingness of Assistant Secretary Horn to testify about what HHS has learned from this review process about the quality of child welfare services and what improvements we might consider to better protect children in foster and adoptive homes.

This Subcommittee has received numerous comments from families involved with the child welfare system. A number of these comments speak to the issues raised as part of the review process. I thank these individuals for taking the time to share their comments with us.

All of us share the same goal—to ensure safety, permanency, and well-being for at-risk children. We look forward to hearing from all our witnesses today about efforts underway and issues for us to consider as we explore proposals that could enhance the quality and availability of child welfare services.

Mr. CARDIN. Thank you, Mr. Chairman. First, let me welcome Dr. Horn back to our Committee. On both sides of the aisle we respect the work you are doing to improve families and children in our community, and we thank you for your public service.

Mr. Chairman, I want to thank you for holding this hearing. Failures of our child welfare system have been chronicled in gut-wrenching stories in the news, in expert testimony before our own Committee and in numerous reports and surveys.

One recent example was a report issued by the comptroller of the State of Texas, and it is illustrative. What happens in Texas is happening throughout the Nation. He stated, "In Texas, we pride ourselves on taking care of our own. Today, we are failing at this task. Some Texas foster children receive the compassion and care they deserve, but many others do not. The heartbreaking truth is that some of these children are no better off in the hands of the State than they were in the hands of the abusive and neglectful parents."

This disturbing description does not just apply to Texas. Too many vulnerable children across the country do not receive the protection and care they deserve. As we will hear today, the current Federal review of the child welfare system has discovered serious shortcomings in every State in this Nation. These CFSRs have found that most States do not even meet half of the Federal standards for safety, permanency and well-being, and no State has passed all of the standards.

My own State of Maryland has recently completed its review. Preliminary results suggest that it is failing short in many critical areas, including preventing the repeated maltreatment of children, providing stable placement for children in foster care. In fact, it appears that Maryland has failed to meet Federal standards in any of the seven outcome measures for child safety, permanency and well-being. Once the results of the Federal review are final in Maryland, the State will be required to implement a PIP.

I look forward to hearing from our Secretary of Human Resources, Chris McCabe, a very distinguished former legislator who understands the practical problems that we deal with in the legislative arena and was a great leader in the State Senate on child welfare issues and is carrying that commitment to the Ehrlich Administration. It is a pleasure to have Chris as a witness today.

A majority of States have already implemented their so-called PIPs to address problems revealed during the CFSRs. However, the GAO recently reported that a lack of resources has become a significant barrier to States effectively implementing these plans. I know Dr. Horn would hope the Congress would move forward in approving some of the requests that the Administration has made for additional resources, and we certainly hope that that will happen before this Congress adjourns.

Eighty-four percent of the States responding to the GAO survey said insufficient funding presented a challenge affecting the implementation of their PIP and over half the States said it was a very great challenge. This is not to say that more money is the single silver bullet that will defeat the problem. It won't, but the GAO report and other assessments do suggest that additional resources need to be part of the solution. We can pass all of the laws we want in Washington, but we need to recognize that the actual decisions affecting the lives of individual children are being made by caseworkers who are too often underpaid, under trained, overburdened with too many cases. Furthermore, we have to acknowledge the devastating impact that substance abuse has had on the child welfare system, and we need to place a greater value on prevention activities and family support services. Confronting these realities will not be free.

Mr. Chairman, it has been said that the children in the foster care system are America's forgotten children. It is incumbent upon us to prove that statement false. We can and must do more to protect and help these vulnerable children. Mr. Chairman, I do look forward to working with you to come out with an aggressive program to improve the quality of foster care in America, to live up to our commitment to these vulnerable children and to do everything we can to make sure that we act in a responsible way to help this target population. Thank you.

[The opening statement of Mr. Cardin follows:]

Opening Statement of The Honorable Benjamin L. Cardin, a Representative in Congress from the State of Maryland

Mr. Chairman, the failures of our child welfare system have been chronicled in gut-wrenching stories in the news, in expert testimony provided in this very room, and in numerous reports and surveys. One recent example is a report issued by the Comptroller of the State of Texas (who happens to be a Republican), which declared:

> *"In Texas, we pride ourselves on taking care of our own. Today, we are failing at this task. Some Texas foster children receive the compassion and care they deserve, but many others do not. The heart-breaking truth is that some of these children are no better off in the care of the state than they were in the hands of abusive and negligent parents."*

This disturbing description does not just apply to Texas. Too many vulnerable children across the country do *not* receive the protection and care they deserve. As we will hear today, the current Federal review of the child welfare system has discovered serious short-comings in every State. These Child and Family Services Reviews have found that most States do not meet even half of the Federal standards for safety, permanency and well-being; and no State has passed all of the standards.

My own State of Maryland has recently completed its review. Preliminary results suggest that it is falling short in many critical areas, including preventing the repeat maltreatment of children, and providing stable placements for children in foster care. In fact, it appears Maryland has failed to reach the Federal standard in any of the seven outcome measures for child safety, permanency and well-being. Once the results of the Federal review are final in Maryland, the State will be required to implement a program improvement plan or PIP.

I look forward to hearing from Maryland's Secretary of Human Resources, Christopher McCabe, about reforms the State may already be considering to improve our child welfare system. A majority of States have already implemented their so-called PIPs to address problems revealed during the Child and Family Services Reviews (Maryland was in the last group of States to be reviewed).

However, the General Accounting Office (GAO) recently reported that a lack of resources has become a significant barrier to States effectively implementing these plans. 84% of the States responding to the GAO survey said insufficient funding presented a challenge affecting the implementation of their PIP, and over half said it was a "very great" challenge.

This is not to say that more money is the single silver bullet that will defeat the problem —it won't. But the GAO report and other assessments do suggest that additional resources need to be part of the solution.

We can pass all the laws we want in Washington, but we need to recognize that the actual decisions affecting the lives of individual children are being made by caseworkers who are too often underpaid, under-trained, and over-burdened with too many cases.

Furthermore, we have to acknowledge the devastating impact that substance abuse has on the child welfare system, and we need to place a greater value on prevention activities and family support services. Confronting these realities will not be free.

Mr. Chairman, it has been said that children in the foster care system are America's forgotten children. It is incumbent upon us to prove that statement false. We can and must do more to protect and help these very vulnerable children.

I look forward to working with you to achieve that goal. Thank you.

Chairman HERGER. Thank you, Mr. Cardin. I too look forward to working with you on this very important issue. Before we move on to our testimony, I want to remind our witnesses to limit their oral statement to 5 minutes. However, without objection, all of the written testimony will be made a part of the permanent record. To begin our hearing, I would like to welcome Dr. Wade Horn, Assistant Secretary for Children and Families at HHS. Dr. Horn has been before the Subcommittee on a number of occasions, and I thank you for appearing before us today. Dr. Horn?

STATEMENT OF THE HONORABLE WADE F. HORN, Ph.D., ASSISTANT SECRETARY FOR CHILDREN AND FAMILIES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Dr. HORN. Thank you, Mr. Chairman and Members of this Subcommittee, for this opportunity to testify before you again, to discuss the results-oriented CFSRs and child welfare reform. This comprehensive review process has played a critical role in engaging States and assessing the quality of their child welfare systems and, more importantly, undertaking the difficult process of improving their systems.

Today, I would like to discuss with you the latest findings of the CFSRs and the status of the PIP efforts in the States. In addition, I would like to speak to you about the importance of taking action now to provide States with more resources and greater flexibility so they can improve their child welfare systems.

The CFSRs are the cornerstone of our efforts to review State child welfare programs, monitor performance, promote improved outcomes, and ensure compliance with key provisions of the law. The reviews cover outcomes for children and families served by the State child welfare agency in all areas of child welfare services from child protection and family preservation to family reunification and adoption services.

The CFSRs have now been completed in all 50 States, the District of Columbia and Puerto Rico. We have learned many important lessons through this process, including the finding that every State needs to take steps to improve their systems in order to ensure children's safety, permanency and well-being.

By themselves, the review findings would be of little use, however, if the CFSR simply stopped at reporting on current State practice. Rather, to be useful, these findings must be employed to improve State child welfare practice. That is why the most important product of the CFSRs is to engage the States in developing and then implementing PIPs.

These plans are designed to serve as a catalyst for significant reforms of State child welfare systems. Through the PIP process, we are looking for meaningful changes that will lead to lasting improvements in the way that States operate their programs. To date, 33 PIPs have been approved, and we are actively engaged with the remaining States to complete their plans. Many States have been challenged through this process to conceptualize and plan fundamental reforms, and we have been unwilling to accept plans that do not target the key issues affecting outcomes for children and families.

We are hopeful that the innovative solutions being implemented through the State PIPs will result in more positive outcomes for children. For significant improvements in child welfare to be realized, the Federal Government must provide more funding and greater flexibility in the use of Federal funds. Accordingly, the President has proposed increasing funding for the Promoting Safe and Stable Families (P.L. 107–133) program by $1 billion over 5 years, half of which has thus far been appropriated.

In the fiscal year 2005 budget, the President seeks to nearly double the funding level for two key child abuse programs reauthorized this past year as part of the Keeping Children and Families Safe

Act (P.L. 108–36). We urge the Congress to support these vital investments in our Nation's families as you proceed with your work on the fiscal year 2005 budget.

The President recognizes, however, that States need more than increased funding if they are to achieve real improvements in their child welfare systems. They also need increased flexibility in the use of Federal funds. That is why the President has proposed a bold Child Welfare Program Option that would allow States to choose a flexible alternative funding structure under the current Title IV–E foster care entitlement program.

States that choose this program option would be able to use funds for foster care payments, prevention activities, permanency efforts, including subsidized guardianships, case management, administrative activities, training for child welfare staff and other such services that are related to the child welfare field. They would be able to develop innovative and effective systems for preventing child abuse and neglect, keeping families and children safely together and moving children toward adoption and permanency quickly. Although States that do choose the program option would have greater flexibility in how they used the funds, they would still be held accountable for positive results and would be required to maintain the child safety protections under current law.

We have now completed a comprehensive review of every State's child welfare program. It is clear that much work needs to be done to ensure the safety, permanency, and well-being of every child who comes into contact with the child welfare agency or the court. Of course, changing complex child welfare systems will not be fast or easy. We are committed to working with the States and Members of Congress, particularly Members of this Subcommittee, to continuously strive for better outcomes for all of these children and to make the President's bold vision for strengthening the child welfare system through the child welfare program option a reality and secure critical funding in the 2005 fiscal year budget. Thank you for this opportunity to testify before you, and I would be pleased to answer any questions you may have.

[The prepared statement of Dr. Horn follows:]

Statement of The Honorable Wade F. Horn, Ph.D., Assistant Secretary for Children and Families, U.S. Department of Health and Human Services

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you to discuss the results-oriented Child and Family Services Reviews (CFSR) and child welfare reform. The CFSRs represent one of the most important initiatives the Federal Government has ever undertaken to improve child welfare services across the nation. As I have discussed with you at previous hearings, this comprehensive review process has played a critical role in engaging States in assessing the quality of their child welfare systems and, more importantly, undertaking the difficult process of improving their systems.

Today I would like to take this opportunity to discuss with you the latest findings of the Child and Family Services Reviews and the status of Program Improvement Plan (PIP) efforts in the States. In addition, I would like to speak to you about the importance of taking action now to provide States with both more resources and greater flexibility so that they can improve their child welfare systems.

Child and Family Service Reviews

The Child and Family Services Reviews are the cornerstone of our efforts to review State child welfare programs, monitor performance, promote improved outcomes, and ensure compliance with key provisions of law. The reviews cover outcomes for children and families served by the State child welfare agency in the

areas of safety, permanency and child and family well-being. The CFSR reviews assess seven outcome measures and seven systemic factors, and include children in foster care as well as those receiving in-home services. We look at casework practices in the field, review the State agency's capacity to serve children and families effectively, and examine the relationships between the various child welfare serving agencies. The Child and Family Services Reviews cover all areas of child welfare services, from child protection and family preservation, to family reunification and adoption services.

CFSR reviews have now been completed in all 50 States, the District of Columbia and Puerto Rico. We have learned many important lessons through this process, including the finding that all States need to take steps to improve their systems in order to ensure children's safety, permanency and well-being. The following is a summary of some of the key conclusions we have drawn from these reviews:

- States are performing somewhat better on safety outcomes for children than on permanency and well-being outcomes. Still, only six States were in substantial conformity with the outcome measure reflecting the ability to protect children from abuse and neglect. In particularly, States need to work to prevent the repeat abuse and neglect of children and need to improve the level of services provided to families to reduce the risk of future harm, including better monitoring of families' participation in services.
- The timely achievement of permanency outcomes, especially adoption, for children in foster care is one of the weakest areas of State performance. Indeed, no State was found to be in substantial compliance with the outcome measure reflecting whether or not children have permanency and stability in their living situation.
- A strong correlation was found between frequent caseworker visits with children and positive findings in other areas, including timely permanency achievement and indicators of child well-being.
- States need to improve the ways in which they assess the needs of family members and provide services, and engage parents and children when developing case plans.
- Less attention and fewer services are often provided to families whose children have not been removed compared to families whose children are placed in foster care. States need to strengthen up-front preventive services they provide to families in order to prevent unnecessary family break-up and protect children who remain at home. Overall, only six States were in substantial conformity with the outcome measure reflecting whether or not children are maintained in their own homes when appropriate.

By themselves, these findings would be of little use if the CFSRs simply stopped at reporting on current State practice. Rather, to be useful, these findings must be employed to improve State child welfare practice. That is why the most important product of the CFSRs is to engage the States in developing, and then implementing, Program Improvement Plans designed to address the underlying practice issues that affect outcomes for children and families who come in contact with state child welfare systems.

Program Improvement Plans

Program Improvement Plans are designed to serve as a catalyst for significant reforms of State child welfare systems. Through the Program Improvement Planning process, we are looking for meaningful changes that will lead to lasting improvements in the way that States operate their programs. Of the 46 States for which we have released final reports, all were required to develop Program Improvement Plans (PIP) within 90 days of the completion of the final CFSR report to address areas needing improvement.

Because the PIPs are intended to result in long-term, measurable improvements in State child welfare programs, we rejected PIPs that are "plans-to-plan" rather than plans that include concrete strategies that will lead to positive results. Many States have been challenged through this process to conceptualize and plan fundamental reform, and we have been unwilling to accept plans that do not target the key issues affecting outcomes for children and families and instead have taken the time to work with States to help them re-shape their initial PIP submissions.

To date, 33 PIPs have been approved and we are actively engaged with the remaining States to complete their plans. Below are just a few examples of the kind of innovative efforts we are seeing in States as they use the PIP process to achieve sustained improvements in their child welfare systems:

- The Florida Program Improvement Plan emphasizes training supervisors and staff in the principles of family-centered practice, and re-directing front line

caseworkers to focus on improved needs assessments of children and families, and using those assessments to develop meaningful case plans.

- Through its PIP, Oklahoma has implemented a comprehensive quality assurance review system that focuses front-line supervisors on achieving positive outcomes in cases under their direct supervision. Results of all case reviews are now being posted on an internal website which allows administrators to identify specific supervisory units, offices and counties that are making significant progress toward positive outcomes.
- Over the past two years, Minnesota has been implementing a statewide quality assurance system that mirrors the CFSR and is using this system to provide qualitative feedback to staff and managers on the outcomes of their work. The State also has implemented measures to improve the quality of supervision in local offices as well as improved risk assessment techniques statewide, and has made improvements in case planning and documentation.
- Pennsylvania identified four key strategies to assist them with achieving positive outcomes for children and families involved in its child welfare system, including expanding competency-based training, creating a Center for Excellence in Child Welfare Practice, expanding the quality assurance process, and creating an evaluation and data analysis resource. When the State's quality assurance reviews identify a county or a private provider as performing below an acceptable standard on a CFSR/PIP item, that county receives priority for technical assistance from the Center for Excellence using evidence-based information and effective practices implemented across the country.
- Kentucky is implementing an initiative entitled Coaching, Mentoring and Monitoring though its PIP designed to improve the ability of front-line supervisors to guide social workers in their work with families and children and to apply the knowledge that caseworkers gain through training to their day-to-day activities. Its PIP also is designed to increase the capacity of child welfare supervisors to monitor the practice of front-line social workers and to quickly identify and target areas needing improvement.

We are hopeful that innovative solutions like these being implemented through state PIPs will result in more positive outcomes for children. But for significant improvements in child welfare to be realized, the federal government needs to provide two additional resources: more funding and greater flexibility in the use of federal funds.

Increase Funding

In order to support State efforts to provide needed child welfare services to children and families, the federal government needs to provide additional funding. That is why the President has proposed increasing funding for the Promoting Safe and Stable Families program by $1 billion over five years. Although Congress has only appropriated half that increase thus far, the Administration stands firm in its commitment to seek full funding for this vital program.

In addition, the President's FY 2005 budget seeks to nearly double the funding level for two key child abuse programs reauthorized this past year as part of the Keeping Children and Families Safe Act. The requested level of funding for the Child Abuse Prevention and Treatment State Grants would enable State child protective service systems to expand post-investigative service for child victims, shorten the time to the delivery of post-investigative services and increase services to other at-risk families. Likewise, increased funding for the Community-Based Child Abuse Prevention program would boost the availability of prevention services to an estimated additional 55,000 families. We urge the Congress to support these vital investments in our Nation's families as you proceed with work on the FY 2005 budget.

Child Welfare Program Option

The President recognizes, however, that States need more than increased funding if they are to achieve real improvements in their child welfare systems. They also need increased flexibility in the use of federal funds. That's why the President has proposed a bold Child Welfare Program Option that would allow States to choose a flexible, alternative financing structure over the current title IV–E foster care entitlement program. Over the years, we consistently have heard from States that the title IV–E foster care program is too restrictive because it only provides funds for the maintenance of children in foster care who have been removed from a home that would have been eligible for AFDC if AFDC still existed as a federal program, as well as for costs associated with administering the program and for child welfare training. Under current law, title IV–E funds can not be used for services that could prevent a child from needing to be placed in foster care in the first place, that facili-

tate a child's returning home, or that help move the child to another permanent placement.

Under the President's proposal, States could choose to administer their foster care program more flexibly, with a fixed allocation of funds over a five-year period. States that choose the Program Option would be able to use funds for foster care payments, prevention activities, permanency efforts (including subsidized guardianships), case management, administrative activities, training for child welfare staff and other such service related child welfare activities. They would be able to develop innovative and effective systems for preventing child abuse and neglect, keeping families and children safely together, and moving children toward adoption and permanency quickly. They also would be freed from the time-consuming and burdensome requirements of the current law's income eligibility provisions that continue to be linked to the old AFDC program.

It is important to remember that the President's proposed Child Welfare Program Option would be just that—an option. If for any reason a State did not believe it was in its best interest to participate in the program, then that State could continue to participate in the current title IV–E entitlement program.

Although States that do choose the Program Option would have much greater flexibility in how they use funds, they would still be held accountable for positive results. They would, for example, continue to be required to participate in the CFSR process. They also would be required to maintain the child safety protections under current law, including requirements for conducting criminal background checks and licensing foster care providers, obtaining judicial oversight over decisions related to a child's removal and permanency, meeting permanency timelines, developing case plans for all children in foster care, and prohibiting race-based discrimination in foster and adoptive placements. The Program Option also includes a maintenance of effort requirement to ensure that States selecting the new option maintain their existing level of investment in the program.

We believe this option would offer a powerful new means for States to structure their child welfare services programs in a way that supports the goals of safety, timely permanency and enhanced well-being for children and families while relieving them of unnecessary administrative burdens. We appreciate the continued support of this Committee for consideration of this State flexible funding option as demonstrated through the holding of hearings and in working with the Administration on creating legislative language to make this proposal a reality.

Conclusion

We have now completed a comprehensive review of every State's child welfare program. It is clear that much work needs to be done to ensure the safety, permanency and well-being of every child who comes to the attention of a child welfare agency or court in this country. Of course, changing complex child welfare systems will not be fast or easy. We are committed to working with the States, Members of Congress, community and faith-based organizations and concerned citizens to continuously strive for better outcomes for all of these children. We also remain committed to making the President's bold vision for strengthening the child welfare system through the Child Welfare Program Option a reality and to secure critical funding in the FY 2005 budget.

Thank you for this opportunity to testify before this Committee. I would be pleased to answer questions at this time.

Chairman HERGER. Thank you, Dr. Horn. Congress authorized HHS, back in 1994, to create the CFSR process. While it took 7 years to begin these reviews in the States, you have recently completed all of these reviews. No State has passed their review, which concerns me, given the review's emphasis on ensuring safety, permanency and well-being for at-risk children.

Dr. Horn, could you give a broad overview of the current funding streams available for States to spend on child welfare services? There has been a lot of attention focused on what the reviews measure, as well as the data used to assess the State's performance. Is there any reason for us to think that different data or different measurements would tell us that these programs are, in fact, performing well?

Dr. HORN. First of all, I think it is important for us to keep in mind that in developing the CFSRs, we intended to set a high bar, a high standard to challenge States to improve their systems. We decided not to set a low bar, a minimal standard, that would merely be minimally adequate, but rather to set a high bar to challenge States to improve their systems.

So, I am not quite as surprised as others may be that States have not been able to pass all of the outcome areas and systemic factors in the CFSRs because we wanted to do more than simply say, "Okay. States are doing a minimally acceptable job in their child welfare systems." We wanted to challenge them to do even better, not simply issuing a report card, but working with them, in partnership, through the development of their PIPs and then the implementation of those plans to improve outcomes for children within the child welfare system.

In terms of the various funding streams, the major funding stream is Title IV–E of the Social Security Act (P.L. 74–271), which helps to fund both foster care and adoption assistance. Then there is Title IV–B, also in the Social Security Act, which provides States more flexible funds through a State formula grant program, where they can use those funds for a variety of purposes within child welfare. Then we have the Child Abuse Prevention and Treatment Act (CAPTA) (P.L. 93–247), which provides funding for both the prevention of child abuse and also for support of the child protection system itself, in terms of investigation of reports of child abuse and neglect and follow-up services.

The difficulty, in my view, is that the largest Federal funding stream is Title IV–E. States can use these funds for eligible children including a look-back provision to the old Aid to Families with Dependent Children Act (AFDC) (P.L. 74–271) program. States can use these funds to help pay for the maintenance costs of those children in foster care. States can also draw down money for the administrative costs of overseeing the program and for training child welfare staff and foster care personnel within the foster care system.

Notice, when I talked about the IV–E program, I never used the word "services," and that is the problem. You cannot use a penny of the largest Federal funding stream to provide services to children. You can't use it to provide prevention services, you can't use it to provide reunification services, you can't use it to support family preservation services, you can't use it to provide intensive wraparound services once the child is in foster care. We are paying for a lot of process, for administrative costs, and we are paying for some of the maintenance payments for some of the children in care. It seems to us, if we are going to drive real improvements, we have to find a way to provide funding for services, and that is what the President's Flexible Funding State Option would do.

Chairman HERGER. Thank you, Dr. Horn. The gentleman from Maryland, Mr. Cardin, to inquire.

Mr. CARDIN. Dr. Horn, again, thank you for your service and your testimony here today. We may differ on what approach to reach the results, but I think we share the same, common objective. It is highly unlikely this Congress is going to pass the reforms that you are referring to. The last time I checked, I don't believe

we even have a bill that has been filed yet that represents the Administration's proposal in this area.

The Pew Foundation just recently came out with a report that I would hope that the Chairman will have a chance to review, and there are suggestions out there that we need to sort of put together and come up with a strategy on more flexibility to the States, while still maintaining the strong and increasing Federal role in dealing with this problem.

I guess my question to you, I understand that you are proposing the full funding of the Promoting Safe and Stable Families Act, but beyond that, to implement these PIPs, it is going to cost money. States don't have the money. Would you be prepared to support additional Federal resources this year so that we can make some progress in expecting the States to be able to implement these correction plans? Shouldn't we be a partner in that?

Dr. HORN. We are supportive of increased resources and funding in the child welfare field. In the President's fiscal year 2005 budget, there is nearly $190 million annually in new spending for child welfare. That includes a $100-million increase for the full funding of the Safe and Stable Families program. It includes about $75 million a year in additional funding under the Child Abuse Prevention and Treatment Act, and it includes about $15 million new dollars for additional training and education vouchers under the Independent Living Program. If you add those up, we are up to $190 million in additional funds coming from the Federal Government to help support the child welfare system.

Mr. CARDIN. I hope that we will be successful in getting those funds, but I would suggest we need to be even more aggressive. In 2002, there was a survey done of investigation of 3.2 million children, nearly 90 to 100,000 were found to be victims of abuse and neglect, but the report showed that over 40 percent received no additional services. It seems to me that that is going to be an extremely costly intervention for just that target population, in addition to the other problems we have in the child welfare system. I believe it was the Children's Defense Fund estimated that alone could cost an extra billion dollars a year. Now, we may argue with that dollar amount, but it is certainly a significant amount of additional resources if we are going to really expect States to follow up services with these abused children. So, I guess do you agree with that? Do we need to do a lot more in regards to this target population? Where are the resources coming from?

Dr. HORN. We certainly agree that more resources are a part of the solution. If you look at, for example, our increases under CAPTA, our increase of $20 million for the child abuse State grant program would allow States to increase the percentage of post-investigative services to child victims of abuse and neglect from 58 percent to 75 percent. We also estimate that we could reduce the length of time between the initial investigation and delivery of those services from the current 48 days to 30 days. That is an improvement.

Under the President's increase of $32 million for the community-based Child Abuse Prevention Program, it is estimated that currently we serve about 184,000 families, and with this $32-million increase, we could increase that by 55,000 families. That is real

progress. Unfortunately, in the budgetary process, we sometimes make the perfect the enemy of the good.

Mr. CARDIN. No, and I agree with that. I don't expect we are going to solve this problem overnight, and I do acknowledge that this has been one area where the Administration has come in with additional resources. I would just urge that we figure out a way to make sure these resources become real and as significant as possible, targeted to our expectations on the evaluations. I will just mention one other area: casework issues. The surveys that I have seen is that caseworkers basically have twice as many children to supervise, as we would expect them to, and the reports also show that the more supervision in a case, the better the outcome. That is just another example that we really need to focus on.

I agree, money is not the answer to the problem, but we are not going to solve the problem without additional resources, and I think at this point it is incumbent upon the Federal Government to figure out ways that we can work with the States and get them the help, with the expectation that we are going to demand progress, as we are under these reviews. I hear your responses, and I am encouraged by it, but I think we are going to have to be even more bold in our approaches here on Capitol Hill. Thank you, Mr. Chairman.

Chairman HERGER. You are welcome. The gentleman from Louisiana, Mr. McCrery, to inquire.

Mr. MCCRERY. Thank you, Mr. Chairman, and thank you, Dr. Horn, for your continued work. I am glad you are where you are and really appreciate not only your expertise, but your dedication to the job. Just a note, not in response necessarily to Mr. Cardin, but just to try to show us where we are, the States do have the capability to add funding to provide services., and even though we have gone through a couple of tough years budgetwise at the State level, they seem to be recovering now with the economy. In fact, the National Conference of State Legislatures recently predicted that 36 States, I believe, are projecting surpluses for 2004. So, that is quite a turnaround for the last couple of years, and so we are hopeful that States will be able to start picking up some of that slack. In your written testimony you report that, "Particularly, States need to work to prevent repeat abuse and neglect of children." What are some things that States can do to accomplish that?

Dr. HORN. One of the things that I think is important is that States have the resources to be able to implement services to children after, it has been determined that they have been abused and neglected. One of the sources for those kinds of services is the CAPTA. As I have mentioned, the President feels strongly about increasing funding under CAPTA so that we can both shorten the length of time it takes to deliver those services to families after a child has been determined to have been abused or neglected and increase the number of families that get those kinds of services. If we are able to do that, we will be in a better position to prevent recurrent maltreatment.

In addition, we also have to also focus on prevention of child maltreatment in the first place, and there are some very promising models for doing that. I am particularly impressed with David Olds' work in using nurse practitioners to visit homes of high-risk

families after a child is born, provide services early in the life of that child, and support for that family in parenting that child. He has been able to demonstrate that by providing voluntary home visiting by a nurse practitioner, substantiated child abuse and neglect can be reduced, by 75 percent over the next 16 years of that child's life.

So, we do have some good models about how to do this. I do agree with Congressman Cardin and others that we need to provide additional resources so that States can provide these kinds of services, but I also agree with you that this is not solely a Federal Government responsibility and that State governments also have a responsibility to provide funding through the State legislatures to support these kinds of services as well.

Mr. MCCRERY. Just to be accurate, I misspoke. I said 36. They actually predict 32 States will have surpluses. I had a chance to review that note. Originally, this responsibility was a State responsibility, wasn't it? States were doing this before the Federal Government got involved.

Dr. HORN. Yes.

Mr. MCCRERY So, I would hate to think that we are moving toward total Federal funding, total Federal control of this system. It is true that States I think needed some assistance from the Federal Government, certainly, in terms of standards and so forth, but I hope that we are not moving toward total Federal control. I would certainly not be in favor of that. So, I am hopeful that the States will start to exercise their traditional role and fund these programs adequately. Why do you think States are not focusing enough attention on up front preventive services, such as preventing family breakup and protecting children who remain at home with their family?

Dr. HORN. One of the reasons, at least in terms of the Federal Government's role, is because we provide them with the bulk of the money to be used after the fact, not to prevent child and abuse from occurring in the first place. As I have said, the biggest funding source from the Federal Government is Title IV–E. Title IV–E is all about after-the-fact funding, and not services.

A more rational system and a more compassionate system would be one that would say we are going to try to prevent the abuse and neglect from happening in the first place, not simply working to try to have a pristine system that takes care of kids after they have been abused and neglected. The problem is that States are sort of hamstrung, to a large degree, by the categorical nature of the Federal funding streams, and so I think that they have not been able to focus as much as they would like to on those prevention services.

I think more than that, having worked in and around the child welfare system all of my professional life as a child psychologist, child welfare is a system that is driven by headlines, and you do not hear a headline, "Child abuse was prevented today." So, if you never see that headline, then it is hard to get the political will within States to dedicate resources for prevention.

One of the good developments that has come out of this CFSR process is focusing the attention of the political leadership within States on the need to invest State resources in prevention to get better outcomes for kids. So, we are hopeful that one of the good

things that has happened, as States emerge from difficult economic times, as you have noted, that when they start to see additional resources available to them, one place they will look to invest them is in the child welfare system.

Chairman HERGER. The gentleman from Michigan, Mr. Levin, to inquire.

Mr. LEVIN. Thank you. Welcome. We seem to have a hearing on this every, how often has it been, no matter who is ruling the roost here, and it is hard to really figure out where things are, and how much progress has been made and what the answers are, and you say that there is not enough State flexibility because of the way the program is devised. In a way, you would think that since the Federal Government is picking up a considerable portion of the foster care programs, it would free the States to spend more of their money on prevention, but that does not seem to happen, and I think we have to do more for prevention. Let me ask you, the program option, I guess no specific proposal has been introduced along these lines?

Dr. HORN. The Administration hasn't introduced legislation, but we are very actively engaged in working with the staff of this Subcommittee to help develop such legislation.

Mr. LEVIN. How long has that been going on?

Dr. HORN. For about the last year.

Mr. LEVIN. How, I mean, what is the problem?

Dr. HORN. Well, there are a lot of technical details to work out. The biggest difficulty is trying to figure out a method that keeps the program option cost neutral.

Mr. LEVIN. Cost neutral?

Dr. HORN. That is right, but that is not an insurmountable obstacle.

Mr. LEVIN. The assumption it has to be cost neutral?

Dr. HORN. The State option does need to be cost neutral, but again recall that we have also asked for increased funding so that all States, including those that do not choose the flexible funding option, would benefit from increased funding.

Mr. LEVIN. What has happened to that? We pass bills here all the time, and we do not worry about funding them.

[Laughter.]

So, you are talking about, no, I meant that seriously.

Dr. HORN. In terms of what has happened to the budgetary increases?

Mr. LEVIN. So, let me ask you some more about the program option. The moneys would go to the States, it is your idea, for a 5-year period, and the States could draw the money year-by-year or they could draw the money, they could draw more than a fifth of the money each year?

Dr. HORN. They would have the option to either take the money in annual increments, according to what baseline projections suggest——

Mr. LEVIN. So, they could take more than a year from the baseline, they could take 2 years at once?

Dr. HORN. No. The most they could take would be the total amount over 5 years divided by 5 and take a fifth of that in equal installments across the 5 years. The advantage of that is that as

the baseline spending increases, they would actually get more money up front than they would get under the current system. They could invest that in prevention, and thereby prevent the need for foster care services later on.

Mr. LEVIN. Say that didn't work out, and they had to use the money for other services, what would happen then?

Dr. HORN. We have planned for that. What we have suggested is that, in cases where there is an unexpected increase in the foster care population, not due to policy changes that they have implemented, but due to a real increased need for foster care, that States would be able to draw down additional funds from the billion dollar contingency fund currently authorized under the Temporary Assistance for Needy Families program (P.L. 104–193). No State has ever drawn any money down from this fund.

So, we feel that there is a safety valve for States who experience unexpected increases in foster care caseloads, despite their best efforts to implement prevention programs.

Mr. LEVIN. So, what is the difference between this idea, and it is useful to talk about it, and a block grant to the State?

Dr. HORN. A block grant is one in which you take the entire amount of money, and then you figure out some formula, distribute it to all 50 States plus Puerto Rico and the District of Columbia and then they spend the money based upon the State plan that they have submitted, but this is an option. So, a State that didn't want to do this, doesn't have to do it.

Mr. LEVIN. So, this is an optional block grant.

Dr. HORN. If that is the way you want to think of it, sure.

Chairman HERGER. Thank you. The gentlelady from Connecticut, Mrs. Johnson, to inquire.

Mrs. JOHNSON. Thank you. Let me summarize what I conclude from your testimony. We have a chart that shows that many States have complied with every systems improvement requirement. All States have complied with a number of system improvement requirements. Very few States have complied with more than one outcomes measure. Frankly, this is damning. I have been on this Committee since the late eighties, when Tom Downey was Chairman, and we had the first expose of how appalling our foster care system was nationwide. That is how we got into this.

Now, I hope you don't take this personally, Wade, because I think very highly of you. You are doing a great job. This is catastrophic. Then when you look at what we are going to talk to the States about doing. First of all, you look at the failure issue, timely achievement of permanency, no State has met the standard. Somewhat better safety outcomes, six States are in substantial conformancy. This review was excellent, and I am glad you put the time into it because we needed to know, but what it tells us is what we have been doing since the late 19eighties isn't doing much, and in the PIP programs, what are we focusing on? We are focusing on better training of supervisors, better training of staff, better assessment, better plans. I circulate, and I know Mr. Cardin does, and I know many Members of the Committee, you go to your own agencies, they are good. We have a lot of good people out there, but we are not paying attention. To go back to this issue of the flexible grants, we have been trying to do that, I have been try-

ing to do that since the early eighties. There isn't any other answer, and I will not support one thin dime more for the training of supervisors, I won't do it, because even if all of the systems comply, the outcomes don't.

So, we have got to do something far more aggressive. We know, I have seen it, Baylor University took all of their kids with mental health problems who were in the hospital more than 6 months, put heavy services into the families, and the hospital time went down 2 months. Think of the re-entry change, think of the cost changes, and we can do this. We, the Federal Government, are the impediment to change because we don't pay until you remove the child from home. That is what we have been talking about.

Flexibility masks the underlying problem in the system. The underlying problem in the system is us, and because we don't pay until you remove, we talk about supervisors, we talk about technology, we talk about systems. We are not talking about kids. The fact that you could give that example of a nurse practitioner. I can tell you agencies in my district that have the resources to place a family aide in a family at risk so that there can be some education about parenting, education about budgeting. You know, abuse comes from not knowing how to handle a miserable, awful child. There is not a child I have ever met that isn't really miserable and awful some of the time——

[Laughter.]

No adult in their right mind wouldn't become frustrated and angry. I love being a grandparent because all of a sudden it looks so easy. I mean, just relax.

[Laughter.]

So, we know what to do. One of the funny things here is that the correlation found between frequent caseworker visits with children and positive findings, we know that. You gave us an example of that. So, this Committee and the community, because the community has been unwilling to risk, also. We have had forms of this flexible grant program, and in the days when the foster care funding was streaming up, and you could see how much money you were going to get, and still you wouldn't take risks.

So, my belief is not one thin dime more for what we are doing. We should take every penny we have got, pair it as challenge grants, so that if you can give us a plan that shows how you will use this money, and you need to tell us what you need to strengthen your local services. So, that, in Connecticut, for instance, we have a place now where, if there is a problem, you can put all of the siblings all together in the kids' home, so that the whole family can think this through and figure out what needs to be done. So, either all of those kids go back to their home or all of those kids go to one placement. There is a lot we could be doing, but I think these challenge grants should only go to States that have really thought through how do we strengthen community-based services so that the services are immediately available to the family and the child, but I also think they should not go to a State that hasn't changed their State law.

We give people tickets for parking their car in the wrong place, and we do not compel parents of children, of families that are at risk, who clearly have alcohol or drug problems, to participate in

treatment. So, how long are we going to pretend that by training supervisors, you are going to make changing kids' lives? We are not going to do it. We have got to get real, and we need to pass a bill that takes every cent we can possibly find and pairs it with the challenge of show us how you are going to change your system, so you begin to meet the needs early of the whole family, and then you will go to flexible funding, you will get this money, but we want changes in your law that hold adults accountable, as well as children, instead of just harping on our caseworkers who are not able to get parents to participate. Anyway, I have gone way over my time, but I thought this was an indictment of work that I have been a part of on this Committee either as a Member or as Chairman for, what now, almost 20 years, and I quit.

Chairman HERGER. Please don't quit, Mrs. Johnson.

[Laughter.]

Dr. HORN. If I may take a moment to respond.

Chairman HERGER. The time has expired. However, I think, Mrs. Johnson, you make some very good points, and, Dr. Horn, I would like for you to respond, if you would.

Dr. HORN. First of all, I am bound and determined, before you and I retire, that we are going to reform the child welfare system and make it better for children. We have been working together on this for about 15 years now, and I am bound and determined to do something about this because it is appalling that we haven't made systemic reform in child welfare to date.

I saw a press release recently, in which Congressman Miller said that the results of these CFSRs was "bad news" for those in the Administration to want to provide more flexible funding. Frankly, this is bad news for those who want to defend the current system. If the current system was working so darn good, we could leave it alone, but that is not what we have found. We need to do something dramatic to allow, encourage and motivate States to do better by the children that come in contact with the child welfare system.

Mrs. JOHNSON. Well said.

Chairman HERGER. Thank you. Turning to Mr. McDermott to inquire.

Mr. MCDERMOTT. Thank you, Mr. Chairman. I appreciate the opportunity to talk. I wish we had a bill to look at, but since we don't, I will have to go on what I sort of surmise is going on here. When you put a block grant out there, and you say to the States you can choose a block grant or you can choose to stay in the old program, obviously, you want them to go to the block grant, don't you?

Dr. HORN. It is completely up to the State.

Mr. MCDERMOTT. That would be up to the State. That is exactly what you said. Yes, okay. The next question is would that be the purpose of pointing it out? You want to get off the old program?

Dr. HORN. It depends on whether the State feels that that would be a better way to structure their child welfare system.

Mr. MCDERMOTT. I think it is simply giving the State the option and that they choose what they see as their best interests. This is the recording that we did on the 11th of June, 2003. Now, this is so much baloney. I don't know how you have the gall to come up here. Where is the bill? If this Administration wants to

make a change, and we have got to make a change, and I am going to be here 17 years, and we are going to change this thing, when are you going to put a piece of legislation on this dais for us to look at?

You are saying exactly what you said 1 year ago, and I don't know how many times before that. So, this hearing is wonderful. I really do appreciate Mr. Herger doing it. It was Mr. McCrery who was in the Chair last time, but we will wring our hands, and we will talk about "ain't it awful," and I will show you some articles from the New York Times about how awful it is and all of the rest, but until this Administration moves off their behind and does something, it is just talk. You are wasting our time coming up here.

Now, I know you were asked up here, and I don't mean to berate you for coming up here, because you were asked up here, but there is no evidence whatsoever that anybody wants, GAO. We had commissioned this thing in March 2003, and they said, "Cause of caseworker turnover: low pay, risk of violence, staff shortages, high caseloads, administrative burdens, inadequate supervision, inadequate training." Then it says over here, "Practices to improve recruitment and retention: university training partnerships, accreditation, leadership and mentoring programs, competency-based interviews, recruitment bonuses." Now, I think you agree to all of that, don't you? Why don't you write a bill and put some money behind it?

Dr. HORN. Congressman, I can tell you that we have been working with the staff of this Subcommittee. I have met personally——

Mr. MCDERMOTT. Which staff? Tell me which one of these staff you are working with.

Dr. HORN. I have also met personally with the Ranking Member, Mr. Cardin, on this bill. We have had substantive conversations about it.

Mr. MCDERMOTT. Substantive conversations.

Dr. HORN. Yes, we have, and I would be very happy to come and talk with you about it as well.

Mr. MCDERMOTT. It is not a matter of talking. If you think this should be changed, and you put it in the President's budget year after year after year, why don't you come up with a piece of legislation? The Republicans control the Presidency, the bureaucracy, the Senate, the House, and you people keep talking about it. You want to have this hearing, so you can get on television and look like you care about children, I know. It is very nice to see that. There is not one single bit of sincerity in what is going on here. You can have substantive talks till the cows come home, and if you don't put a piece of legislation up here for us to work on, either you or the Chairman, I don't know, if he wrote it, I think you guys would, they would dump all over him. I understand why he isn't wasting his time because everything is coming out of the White House. You can't possibly come up here and talk about caring about kids when you have done what you have done.

Dr. HORN. Well, I think——

Mr. MCDERMOTT. You know all of the States, every State out there is in trouble financially, and you say, "Well, look, guys. We are going to give you the money and let you do whatever you want

with it. We are not going to give you any more money, understand, just the same amount of money, and that is going to fix it." Well, then put a bill up here.

Dr. HORN. You have just said something factually incorrect.

Mr. MCDERMOTT. Oh, okay. I am sorry.

Dr. HORN. The fact is that the Bush Administration put a billion dollars of sincerity on the table.

Mr. MCDERMOTT. Has it been used?

Dr. HORN. Congress has appropriated half of that, and we have continued to push for the other half in our budget. We have also put additional money on the table for the Child Abuse and Prevention Treatment Act. To say, that I don't care about kids, Congressman, with all due respect, that is horse hockey.

Mr. MCDERMOTT. Well, you can authorize money, but the question is whether it gets spent, and the GAO comes up again and again with these reports that suggest that it "ain't" happening. We have got these new studies. Everybody has gone out to all of these States and done these studies. It isn't happening. The proof is in the pudding.

Dr. HORN. The President of the United States does not appropriate money. The Congress of the United States does. The President has included a billion dollar increase in Safe and Stable Families in his budget for the last 2 years. Half of that has been appropriated and is being spent. In addition, the President, this year, in his 2005 budget request, has asked for doubling funding for CAPTA. It is part of his budget. It is now up to Congress to act, and I am very willing to work as aggressively as I can, with the Congress, to make sure that those additional funds are, in fact, appropriated.

Mr. MCDERMOTT. So, you are laying the blame for this at the feet of the Congress, right?

Dr. HORN. I didn't say that.

Mr. MCDERMOTT. Well, you said it isn't——

Chairman HERGER. The gentleman's time has expired.

Mr. MCDERMOTT. We just do what we are doing. Thank you.

Chairman HERGER. The gentleman's time has expired. I might mention the purpose of this hearing is because we do care. I believe that all of us care. It is obviously an area that we have not seen the success that we would like, and that is an understatement, but we are moving ahead. I might also mention that the Pew Foundation has been conducting a study of this for the last year. I understand their findings will be out this coming week. We intend, this Subcommittee and this Congress, to move forward working with all of the interested parties to try to make sure that these children have the care and the results that they deserve. With that, I want to thank——

Mr. CARDIN. Would the Chairman just yield for one moment, very briefly?

Chairman HERGER. Yes.

Mr. CARDIN. Thank you, Mr. Chairman. First, let me thank you for those comments. I would hope that we would have a chance for a hearing on the Pew recommendations because I think they are innovative, and I think they may help us try and bring this to a conclusion. I would like to make just one observation. I agree with

everything that Mrs. Johnson said, except that my two grandchildren are perfect. They have never been wrong.

[Laughter.]

Other than that——

Mrs. JOHNSON. That shows you don't visit them often.

[Laughter.]

Mr. CARDIN. They live in my house a couple days a week. No, they are perfect, though. I have never seen them do anything wrong.

Chairman HERGER. That is the beauty of being a grandparent.

Mr. CARDIN. I do think we need to look at the reality, and the reality is that we are not going to pass in this Congress a revision of the child welfare system. There is just not enough time in the calendar. We are not going to have a bill. It is not going to happen. I would urge that we take Mrs. Johnson's suggestion, and that is take a look at the PIPs. These are specific action agendas dealing with service and figure out a way, through Federal and State funds, that we can get those programs implemented. I think that is what we really need to look at in the interim until we can figure out how we are going to redo the Federal structure for child welfare.

Mrs. JOHNSON. Mr. Chairman?

Chairman HERGER. Yes.

Mrs. JOHNSON. Since I kind of started this, the critical line of complaining, I think we certainly do need to hear what Pew has to say. That is very constructive. It is part of the reason that we don't have the legislation yet. It is also true that there is, in my estimation, really no way of having any GAO report come out in the future any different from that one if we don't begin to look at the local level of services, and we cannot prescribe and dictate in detail that level. That is why this issue of flexibility is really, really critical. We can't have all of that money socked into out of placement when it could be so much better used.

So, it is about prevention and system change, and to make system change, we have to have some courage to recognize that the old silo approach isn't going to work and the community does. The community has got to be much more aggressive in working with us to say, "How do we get the money down to all of those people we know are doing a good job, so they can hire more people because they are doing their job?" They know how to train. They are doing it. They just don't have enough, they can't make this switch from all of that money into foster care, and with two-family working, we are having a harder and harder time getting foster care. So, the fundamental workings of the structure are sliding away, and we are stuck on old language.

So, I hope the Pew recommendations and getting more deeply into this will maybe give us criteria that we could develop about the quality of local providers, but we really have to have a lot of hands-on involvement, but we have got to do something different than more money into this system.

Chairman HERGER. I thank the gentlelady. With that, I thank you, Dr. Horn, for your testimony, a very lively discussion we have had. With that, I would like to invite our next panel to have a seat at the table. Today, we will be hearing from Cornelia Ashby, Direc-

tor of Education, Work force and Income Security Issues for the GAO; Edward Cotton, Director of the Division of Youth and Family Services for the State of New Jersey; and Christopher McCabe, Secretary of the Maryland Department of Human Resources. Ms. Ashby?

STATEMENT OF CORNELIA M. ASHBY, DIRECTOR, EDUCATION, WORKFORCE, AND INCOME SECURITY ISSUES, U.S. GENERAL ACCOUNTING OFFICE

Ms. ASHBY. Mr. Chairman and Members of the Subcommittee, thank you for inviting me here today to discuss States' efforts to comply with Federal CFSRs. While our full statement covers the experiences of States and the Administration for Children and Families (ACF) in conducting all aspects of these reviews, this morning, I will focus on States' experiences, developing, funding, and implementing 2-year PIPs, the final phase of the review process for States found to be deficient.

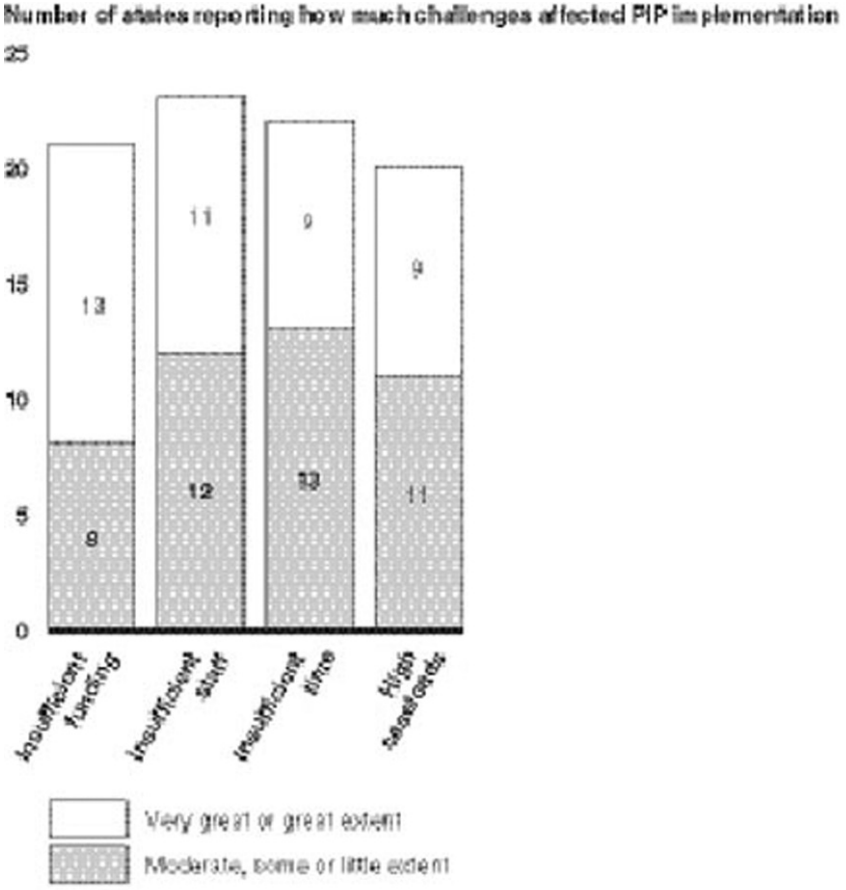
Once ACF approves the PIP, States are required to submit quarterly progress reports. Federal child welfare funds can be withheld if States do not show adequate progress in implementing their PIPs, but these penalties are suspended during the 2-year PIP implementation period.

My comments are based on the findings from our April 2004 report on CFSRs. These findings were based on information obtained from a survey of the 50 States, the District of Columbia and Puerto Rico, post-survey follow-up phone calls with 10 States, visits to California, Florida, New York, Oklahoma and Wyoming, and examination of the 31 PIPs available as of January 31, 2004, and interviews with ACF officials and contractors, as well as child welfare experts.

Forty-one States are engaged in PIPs, but uncertainties have affected the development, funding and implementation of these plans. While ACF has provided States with regulations and guidance to facilitate PIP development, several States commented in our survey that multiple aspects of the PIP approval process were unclear. These included how much detail and specificity ACF expects the plans to include, the type of feedback States could expect to receive, when States could expect to receive feedback and whether a specific format was required. Officials in three of the five States we visited told us that ACF had given States different instructions regarding acceptable PIP format and content.

At least 9 or 36 percent of the 25 States responding to a question in our survey on PIP implementation identified insufficient funding, staff and time, as well as high caseloads, as their greatest challenges. The chart to my right depicts these results.

[The chart follows:]



Source: GAO survey.

For example, as the first bar shows, 13 of the 25 or 52 percent of the States responding to this question, reported that insufficient funding was challenging to a very great or great extent. In addition, 11 States or 44 percent reported that insufficient staff was a very great or great challenge. An equal share, 9 States or 36 percent, reported that insufficient time and high caseloads were significant challenges.

While ACF has provided some guidance, ACF regional officials expressed uncertainty about how best to monitor States' progress and apply estimated financial penalties when progress was slow or absent, and 3 of the 5 States we visited reported frustration with the limited guidance ACF had provided on the PIPs quarterly reporting process.

Based on data from the States that have been reviewed to date, the estimated financial penalties range from about $91,000 to more than $18 million, but the impact of these potential penalties remains unclear. Some States had mixed responses about the effect of financial penalties on PIP implementation. One official said that

incurring the penalties was equivalent to shutting down social service operations in one office for a month, while other officials in the same State thought it would cost more to implement PIP strategies than it would to incur financial penalties.

In our full statement, we explain that according to several State officials and child welfare experts, data improvements could enhance the reliability of CFSR findings. Without using more reliable data, ACF may be over—or underestimating the extent to which States are actually meeting the needs of the children in their care. These over—or underestimates can, in turn, affect the scope and content of the PIPs that States must develop in response.

In our full statement, we also explain that, since 2001, ACFs focus has been almost exclusively on the CFSRs, and regional staff reported limitations in providing assistance to States to help them meet key Federal goals. Staff from half of ACFs regions told us they would like to provide more targeted assistance to States. State officials in the five States we visited said that ACFs existing technical assistance efforts could be improved.

In our April 2004 report, we recommended that the Secretary of HHS ensure that ACF uses the best-available data to measure State performance. We also recommended that the Secretary clarify PIP guidance and provide guidance to regional officials, explaining how to better integrate the many training and technical assistance activities for which they are responsible with the CFSR responsibilities. Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions.

[The prepared statement of Ms. Ashby follows:]

Statement of Cornelia M. Ashby, Director, Education, Workforce, and Income Security Issues, U.S. General Accounting Office

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me here today to discuss states' efforts to comply with federal Child and Family Services Reviews (CFSR). As you are aware, in 2001, the Department of Health and Human Services' (HHS) Administration for Children and Families' (ACF) began implementing the CFSRs to hold states accountable for improving child welfare outcomes. Unlike prior federal reviews—which determined states' adherence to certain process measures—ACF designed the CFSR as an outcome-oriented approach to assess children's safety; their timely placement in permanent homes; and their mental, physical, and educational well-being; and it developed certain standards against which to measure states' success in these areas.[1] ACF also designed the reviews to assess states' performance across a range of systemic factors, such as caseworker training and foster parent licensing. The CFSR has multiple phases, consisting of a statewide assessment; an on-site review, which culminates in the release of a final report; and the development and implementation of a program improvement plan (PIP) when states are found to be deficient. Pursuant to CFSR regulations, ACF can withhold federal funds if states do not show adequate progress implementing their PIPs.

My testimony today will focus on three key issues: (1) ACF's and the states' experiences preparing for and conducting the statewide assessments and on-site reviews;

[1] The CFSR measures state performance on 45 performance items, which correspond to 7 outcomes and 7 systemic factors. The outcomes relate to children's safety, permanency, and well-being, and the systemic factors address state agency management and responsiveness to the community. Six national standards, as reported in the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS), apply to 5 of the 45 items. Three of these standards are based on the 75th percentile of all states' performance—adoption; stability of foster care placements; and length of time to achieve reunification, guardianship, or permanent placement with relatives—because a higher incidence is desirable. However, the remaining three standards—recurrence of maltreatment, incidence of child abuse/neglect in foster care, and foster care re-entries—are based on the 25th percentile of state performance because lower incidence is a desired outcome for these measures.

(2) ACF's and the states' experiences developing, funding, and implementing items in their PIPs; and (3) additional efforts, if any, that ACF has taken beyond the CFSR to help ensure that all states meet federal goals of safety, permanency, and well-being for children. My comments are based on the findings from our April 2004 report.[2] Those findings were based on a survey of all 50 states, the District of Columbia, and Puerto Rico regarding their experiences during each phase of the CFSR process;[3] post-survey follow up phone calls with key states;[4] and site visits to California, Florida, New York, Oklahoma, and Wyoming to obtain first-hand information on states' experiences. We selected these states for diversity in their location, size, program administration, performance on the CFSR, and the timing of their review. We also examined all 31 approved PIPs available as of January 1, 2004, and conducted interviews with ACF's senior officials, regional staff from all 10 regions, ACF contractors, staff from all 10 national resource centers,[5] and key child welfare experts. We conducted our work between May 2003 and February 2004 in accordance with generally accepted government auditing standards.

In summary, ACF and many state officials perceive the CFSR as a valuable process and a substantial undertaking, but some data enhancements could improve its reliability. ACF staff in 8 of the 10 regions considered the CFSR a helpful tool to improve outcomes for children, and 26 of 36 states responding to a relevant question in our survey commented that they generally or completely agreed with the results of the final CFSR report, even though none of the 41 states with final CFSR reports released through 2003 has achieved substantial conformity on all CFSR outcomes and systemic factors. Additionally, both ACF and the states have dedicated substantial financial and staff resources to the process. Nevertheless, several state officials and child welfare experts we interviewed questioned the accuracy of the data used in the review process and noted that additional data from the statewide assessment could bolster the evaluation of state performance. While states' PIP planning is under way, uncertainties have affected the development, funding, and implementation of these plans. Officials from 3 of the 5 states we visited said ACF's PIP-related instructions were unclear, and at least 9 of the 25 states reporting on PIP implementation in our survey stated that insufficient funding, staff, and time, as well as high caseloads, were among the greatest challenges. While ACF has provided some guidance, ACF and state officials remain uncertain about PIP monitoring efforts and how ACF will apply financial penalties if states fail to achieve their stated PIP objectives. Further, since 2001, ACF's focus has been almost exclusively on the CFSRs and regional staff report limitations in providing assistance to states in helping them to meet key federal goals. To improve its oversight, we recommended in our April 2004 report that the Secretary of HHS ensure that ACF use the best available data to measure state performance, clarify PIP guidance, and help regional offices better integrate their oversight responsibilities.

Background

ACF's Children's Bureau administers and oversees federal funding to states for child welfare services under Titles IV–B and IV–E of the Social Security Act, and states and counties provide these child welfare services, either directly or indirectly through contracts with private agencies.[6] Among other activities, ACF staff are responsible for developing appropriate policies and procedures for states to follow to obtain and use federal child welfare funds, reviewing states' planning documents required by Title IV–B, conducting states' data system reviews, assessing states' use of Title IV–E funds, and providing technical assistance to states through all phases

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[2] U.S. General Accounting Office, *Child and Family Services Reviews: Better Use of Data and Improved Guidance Could Enhance HHS's Oversight of State Performance* (GAO–04–333, April 20, 2004).

[3] We achieved a 98 percent response rate from this survey; Puerto Rico was the only non-respondent.

[4] The 10 states participating in our phone follow-up surveys were Arkansas, Iowa, Kansas, Mississippi, North Dakota, New Jersey, Pennsylvania, Rhode Island, Utah, and West Virginia.

[5] ACF has established cooperative agreements with 10 national resource centers to help states implement federal legislation intended to ensure the safety, permanency, and well-being of children and families. ACF sets the resource centers' areas of focus, and although each center has a different area of expertise, such as organizational improvement or information technology, all of them conduct needs assessments, sponsor national conference calls with states, collaborate with other resource centers and agencies, and provide on-site training and technical assistance to states.

[6] Title IV–B of the Social Security Act, consisting of two subparts, is the primary source of federal funding for services to help families address problems that lead to child abuse and neglect and to prevent the unnecessary separation of children from their families. Funding under Title IV–E of the Social Security Act is used primarily to pay for the room and board of children in foster care.

of the CFSR process. In addition, ACF staff coordinate the work of the 10 resource centers to provide additional support and assistance to the states.

Spurred by the passage of the 1997 Adoption and Safe Families Act (ASFA), ACF launched the CFSR in 2001 to improve its existing monitoring efforts, which had once been criticized for focusing exclusively on states' compliance with regulations rather than on their performance over a full range of child welfare services. The CFSR process combines a statewide self-assessment, an on-site case file review that is coupled with stakeholder interviews,[7] and the development and implementation of a 2-year PIP with performance benchmarks to measure progress in improving noted deficiencies. In assessing performance through the CFSR, ACF relies, in part, on its own data systems, known as NCANDS and AFCARS, which were designed prior to CFSR implementation to capture, report, and analyze the child welfare information collected by the states.[8] Today, these systems provide the national data necessary for ACF to calculate national standards for key performance items against which all states are measured and to determine, in part, whether or not states are in substantial conformity on CFSR outcomes and systemic factors.[9] Once ACF approves the PIP, states are required to submit quarterly progress reports. Pursuant to CFSR regulations, federal child welfare funds can be withheld if states do not show adequate PIP progress, but these penalties are suspended during the 2-year PIP implementation term.[10]

In preparation for the next round of CFSRs, ACF officials have formed a Consultation Work Group of ACF staff, child welfare administrators, data experts, and researchers who will propose recommendations on the CFSR measures and processes. The group's resulting proposals for change, if any, are not yet available.

The CFSR Is a Valuable Yet Substantial Undertaking, but Data Enhancements Could Improve Its Reliability

ACF and many state officials perceive the CFSR as a valuable process—highlighting many areas needing improvement—and a substantial undertaking, but some state officials and child welfare experts told us that data enhancements could improve its reliability. ACF staff in 8 of the 10 regions considered the CFSR a helpful tool to improve outcomes for children. Further, 26 of the 36 states responding to a relevant question in our survey commented that they generally or completely agreed with the results of the final CFSR report, even though none of the 41 states with final CFSR reports released through 2003 has achieved substantial conformity on all 14 outcomes and systemic factors. In addition, both ACF and the states have dedicated substantial financial and staff resources to the process. However, several state officials and child welfare experts we interviewed questioned the accuracy of the data used to compile state profiles and establish the national standards. While ACF officials in the central office contend that stakeholder interviews and case reviews compliment the data profiles, many state officials and experts reported that additional data from the statewide assessment could bolster the evaluation of state performance.

The CFSR Is a Valuable Process for ACF and the States

ACF and state officials support the objectives of the review, especially in focusing on children's outcomes and strengthening relationships with stakeholders, and told us they perceive the process as valuable. For example, ACF officials from 8 regional offices noted that the CFSRs were more intensive and more comprehensive than the

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[7] The term stakeholder refers to two groups: (1) agency stakeholders, such as judges or advocates, whose responsibilities are closely related to the work of the child welfare agency and who can comment on the agency's overall performance on outcomes and systemic factors, and (2) case-specific stakeholders, such as parents, caseworkers, children, or others who are interviewed to provide first-hand information that supplements reviewers' assessment of paper or electronic case files.

[8] States began voluntarily reporting to NCANDS in 1990, and in 1995 started reporting to AFCARS on the demographic characteristics of adoptive and foster children and their parents, as well as foster children's type of placement and permanency goals. We recently issued a report on states' child welfare information systems and the reliability of child welfare data. U.S. General Accounting Office, Child Welfare: Most States Are Developing Statewide Information Systems, but the Reliability of Child Welfare Data Could Be Improved, GAO–03–809 (Washington, D.C.: July 31, 2003).

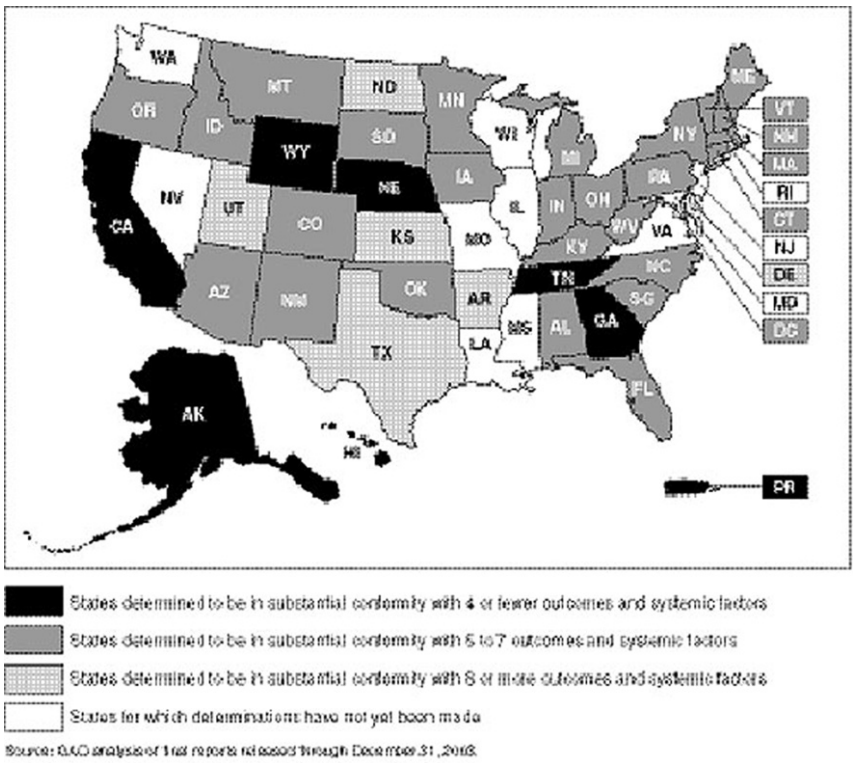
[9] States achieve substantial conformity on outcomes and systemic factors when at least 90 percent of applicable cases are substantially achieved; stakeholder interviews confirm that state plan and other program requirements are in place and functioning as described in the applicable regulations or statute; and performance on items with national standards, where applicable, meets the applicable threshold.

[10] The formula for calculating penalties is based in part on each state's allocation of federal child welfare funds from Titles IV–B and IV–E and the number of outcomes and systemic factors for which substantial conformity has not been achieved.

other types of reviews they had conducted in the past, creating a valuable tool for regional officials to monitor states' performance. In addition, state officials from every state we visited told us that the CFSR process helped to improve collaboration with community stakeholders. Furthermore, state staff from 4 of the 5 states we visited told us the CFSR led to increased public and legislative attention to critical issues in child welfare. For example, caseworkers in Wyoming told us that without the CFSR they doubted whether their state agency's administration would have focused on needed reforms. They added that the agency used the CFSR findings to request legislative support for the hiring of additional caseworkers.

Along with the value associated with improved stakeholder relations, the ACF officials we talked to and many state officials reported that the process has been helpful in highlighting the outcomes and systemic factors, as well as other key performance items that need improvement. According to our survey, 26 of the 36 states that commented on the findings of the final CFSR report indicated that they generally or completely agreed with the findings, even though performance across the states was low in certain key outcomes and performance items. For example, not one of the 41 states with final reports released through 2003 was found to be in substantial conformity with either the outcome measure that assesses the permanency and stability of children's living situations or with the outcome measure that assesses whether states had enhanced families' capacity to provide for their children's needs. Moreover, across all 14 outcomes and systemic factors, state performance ranged from achieving substantial conformity on as few as 2 outcomes and systemic factors to as many as 9.[11] As figure 1 illustrates, the majority of states were determined to be in substantial conformity with half or fewer of the 14 outcomes and systemic factors assessed.

FIGURE 1: STATE PERFORMANCE ON THE 14 CFSR OUTCOMES AND SYSTEMIC FACTORS



[11] California and Puerto Rico were determined to be in substantial conformity on 2 outcomes and systemic factors, while North Dakota achieved substantial conformity on 9.

States' performance on the outcomes related to safety, permanency, and well-being—as well as the systemic factors—is determined by their performance on an array of items, such as establishing permanency goals, ensuring worker visits with parents and children, and providing accessible services to families. The CFSR showed that many states need improvement in the same areas. For example, across all 41 states reviewed through 2003, the 10 items most frequently rated as needing improvement included assessing the needs and services of children, parents, and foster parents (40 states); assessing the mental health of children (37 states); and establishing the most appropriate permanency goal for the child (36states).

ACF and the States Report That Reviews Have Been a Substantial Undertaking

Given the value that ACF and the states have assigned to the CFSR process, both have spent substantial financial resources and staff time to prepare for and implement the reviews. In fiscal years 2001–03, when most reviews were scheduled, ACF budgeted an additional $300,000 annually for CFSR-related travel. In fiscal year 2004, when fewer reviews were scheduled, ACF budgeted about $225,000. To further enhance its capacity to conduct the reviews, and to obtain additional logistical and technical assistance, ACF spent approximately $6.6 million annually to hire contractors. Specifically, ACF has let three contracts to assist with CFSR-related activities, including training reviewers to conduct the on-site reviews, tracking final reports and PIP documents, and, as of 2002, writing the CFSR final reports. Additionally, ACF hired 22 new staff to build central and regional office capacity and dedicated 4 full-time staff and 2 state government staff temporarily on assignment with ACF to assist with the CFSR process. To build a core group of staff with CFSR expertise, ACF created the National Review Team, composed of central and regional office staff with additional training in and experience with the review process. In addition, to provide more technical assistance to the states, ACF reordered the priorities of the national resource centers to focus their efforts primarily on helping states with the review process.

Like ACF, states also spent financial resources on the review. While some states did not track CFSR expenses—such as staff salaries, training, or administrative costs—of the 25 states that reported such information in our survey, the median expense to date was $60,550, although states reported spending as little as $1,092 and as much as $1,000,000 on the CFSR process.[12] Although ACF officials told us that states can use Title IV–E funds to pay for some of their CFSR expenses, only one state official addressed the use of these funds in our survey, commenting that it was not until after the on-site review occurred that the state learned these funds could have been used to offset states' expenses. States also reported that they dedicated staff time to prepare for the statewide assessment and to conduct the on-site review, which sometimes had a negative impact on some staffs' regular duties. According to our survey, 45 states reported dedicating up to 200 full-time staff equivalents (FTE), with an average of 47 FTEs, to the statewide assessment process.[13] Similarly, 42 states responded that they dedicated between 3 and 130 FTEs, with an average of 45 FTEs, to the on-site review process. For some caseworkers, dedicating time to the CFSR meant that they were unable or limited in their ability to manage their typical workload. For example, Wyoming caseworkers whose case files were selected for the on-site review told us that they needed to be available to answer reviewers' questions all day every day during the on-site review, which they said prevented them from conducting necessary child abuse investigations or home visits. Child welfare-related stakeholders—such as judges, lawyers, and foster parents—also contributed time to the CFSR.

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[12] These values are state-reported and reflect officials' estimates of costs associated with all CFSR-related activities except those incurred during PIP implementation. In reporting on their expenses, states were instructed to include the value of training, travel, infrastructure, technology, food, administrative supplies, and any other expenses associated with the CFSR process. States were also asked to provide supporting documentation for this particular question, but most states were unable to provide documentation. Many states reported that they did not track CFSR-related expenses. The 25 states that did provide estimates were in different phases of the CFSR.

[13] The number of FTEs participating in each phase of the CFSR is state-reported. While states were not given specific instructions for how to calculate FTEs, they were asked to report only on the phases of the CFSR that they had started or completed. Therefore, states' responses varied depending on the phase of the CFSR process they were in and the methods they used to calculate FTEs.

States and Child Welfare Experts Report That Several Data Improvements Could Enhance CFSR Reliability

State officials in the 5 states we visited, as well as child welfare experts, reported on several data improvements that could enhance the reliability of CFSR findings. In particular, they highlighted inaccuracies with the AFCARS and NCANDS data that are used for establishing the national standards and creating the statewide data profiles, which are then used to determine if states are in substantial conformity. These concerns echoed the findings of a prior GAO study on the reliability of these data sources, which found that states are concerned that the national standards used in the CFSR are based on unreliable information and should not be used as a basis for comparison and potential financial penalty.[14] Furthermore, many states needed to resubmit their statewide data after finding errors in the data profiles ACF would have used to measure compliance with the national standards.[15] According to our national survey, of the 37 states that reported on resubmitting data for the statewide data profile, 23 needed to resubmit their statewide data at least once, with one state needing to resubmit as many as five times to accurately reflect revised data. Four states reported in our survey that they did not resubmit their data profiles because they did not know they had this option or they did not have enough time to resubmit before the review.

In addition to expressing these data concerns, child welfare experts as well as officials in all of the states we visited commented that existing practices that benefit children might conflict with actions needed to attain the national standards. For example, officials in New York said that they recently implemented an initiative to facilitate adoptions. Because these efforts focus on the backlog of children who have been in foster care for several years, New York officials predict that their performance on the national standard for adoption will be lower since many of the children in the initiative have already been in care for more than 2 years. Experts and officials from multiple states also commented that they believe the on-site review case sample of 50 cases is too small to provide an accurate picture of statewide performance, although ACF officials stated that the case sampling is supplemented with additional information.[16] For example, Oklahoma officials we visited commented that they felt the case sample size was too small, especially since they annually assess more than 800 of their own cases—using a procedure that models the federal CFSR—and obtain higher performance results than the state received on its CFSR. Furthermore, because not every case in the states' sample is applicable to each item measured in the on-site review, we found that sometimes as few as 1 or 2 cases were being used to evaluate states' performance on an item. For example, Wyoming had only 2 on-site review cases applicable for the item measuring the length of time to achieve a permanency goal of adoption, but for 1 of these cases, reviewers determined that appropriate and timely efforts had not been taken to achieve finalized adoptions within 24 months, resulting in the item being assigned a rating of area needing improvement.[17] While ACF officials acknowledged the insufficiency of the sample size,[18] they contend that the case sampling is augmented by stakeholder interviews for all items and applicable statewide data for the five CFSR items with corresponding national standards, therefore providing sufficient evidence for determining states' conformity.

All of the states we visited experienced discrepant findings between the aggregate data from the statewide assessment and the information obtained from the on-site review. We also found that in these 5 states, ACF had assigned an overall rating of area needing improvement for 10 of the 11 instances in which discrepancies occurred. ACF officials acknowledged the challenge of resolving data discrepancies, noting that such complications can delay the release of the final report and increase

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[14] GAO–03–809.

[15] ACF provides states with their statewide data about 6 months prior to the on-site review, during which time states are allowed to make corrections to the data and resubmit the updated data so it can be used when determining state conformity with CFSR measures.

[16] According to our calculations—which assumed that the attribute of interest occurred in about 50 percent of the cases—a sample size of 50 would produce percentage estimates with a 95 percent margin of error of approximately plus or minus 14 percentage points. This level of variability is a limitation when attempting to interpret estimates based on this sample size.

[17] Because 1 of the 2 cases applicable to the adoption measure was assigned a rating of area needing improvement, 50 percent of the cases for this item were assigned a rating of area needing improvement. As a result, the item was given an overall rating of area needing improvement since both cases would have needed to be assigned a rating of strength for this item to meet the 85 percent threshold necessary to assign an overall rating of strength.

[18] An ACF statistician also confirmed that the CFSR sample is too small to generalize to the states' populations and that the three sites, from which cases are selected, also are not representative.

or decrease the number of items that states must address in their PIPs. While states have the opportunity to resolve discrepancies by submitting additional information explaining the discrepancy or by requesting an additional case review, only 1 state to date has decided to pursue the additional case review.[19] Further, several state officials and experts also told us that additional data from the statewide assessments—or other data sources compiled by the states—could bolster the evaluation of states' performance, but they found this information to be missing or insufficiently used in the final reports. For example, child welfare experts and state officials from California and New York—who are using alternative data sources to AFCARS and NCANDS, such as longitudinal data that track children's placements over time—told us that the inclusion of this more detailed information would provide a more accurate picture of states' performance nationwide. An HHS official told us that alternative data are used only to assess state performance in situations in which a state does not have NCANDS data, since states are not mandated to have these systems.

Given their concerns with the data used in the review process, state officials in 4 of the 5 states believed that the threshold for achieving substantial conformity was difficult to achieve. While an ACF official told us that different thresholds for the national standards had been considered, ACF policy makers ultimately concluded that a threshold at the 75th percentile of the nationwide data would be used. ACF officials recognize that they have set a high standard. However, they believe it is attainable and supportive of their overall approach to move states to the standard through continuous improvement.

Program Improvement Planning Under Way, but Uncertainties Challenge Plan Development, Implementation, and Monitoring

Forty-one states are engaged in program improvement planning, but many uncertainties, such as those related to federal guidance and monitoring and the availability of state resources, have affected the development, implementation, and funding of the PIPs. State PIPs include strategies such as revising or developing policies, training caseworkers, and engaging stakeholders, and ACF has issued regulations and guidance to help states develop and implement their plans. Nevertheless, states reported uncertainty about how to develop their PIPs and commented on the challenges they faced during implementation. For example, officials from 2 of the states we visited told us that ACF had rejected their PIPs before final approval, even though these officials said that the plans were based on examples of approved PIPs that regional officials had provided. Further, at least 9 of the 25 states responding to a question in our survey on PIP implementation indicated that insufficient time, funding, and staff, as well as high caseloads, were the greatest challenges they faced. As states progress in PIP implementation, some ACF officials expressed a need for more guidance on how to monitor state accomplishments, and both ACF and state officials were uncertain about how the estimated financial penalties would be applied if states fail to achieve the goals described in their plans.

State Plans Include a Variety of Strategies to Address Identified Weaknesses

State plans include a variety of strategies to address weaknesses identified in the CFSR review process. However, because most states had not completed PIP implementation by the time of our analysis, the extent to which states have improved outcomes for children has not been determined.[20] While state PIPs varied in their detail, design, and scope, according to our analysis of 31 available PIPs, these state plans have focused to some extent on revising or developing policies; reviewing and reporting on agency performance; improving information systems; and engaging stakeholders such as courts, advocates, foster parents, private providers, or sister agencies in the public sector.[21] Table 1 shows the number of states that included

[19] Virginia requested an additional case review to resolve a discrepancy between the statewide data and on-site review findings for the item measuring the state's performance on foster care re-entries. According to an ACF regional official, the state met the national standard for this item but the case review findings showed the state did not meet the threshold for this measure. At the time of publication of our April 2004 report, ACF and the state were still finalizing plans to conduct the additional case review, and until the review is completed, the state cannot receive its final report.

[20] As we reported in our April 2004 report, only Delaware and North Carolina had completed the 2-year term of their PIPs, and ACF was still analyzing the states' progress and had not determined if there has been overall improvement or if ACF will apply financial penalties.

[21] Although 41 states were developing or implementing PIPs when our April 2004 report was published, we reviewed the 31 available PIPs that ACF had approved as of January 1, 2004.

each of the six categories and subcategories of strategies we developed for the purposes of this study.

Table 1: Number of States Including Each of the PIP Strategy Categories Used in This Study

PIP strategy category	Description (number of states that included the strategy in their PIP)
Policies and procedures	Review, modify, or develop/implement any policy, procedure or case practice standard (31) Enhance foster home/parent licensing standards (7) Develop child and family assessment tools, such as protocols for risk/safety determinations (28) Identify and adopt any promising practices (19)
Data collection and analysis	Review and report on agency performance through self-assessments or internal audits/review (31) Apply federal CFSR or similar process for internal statewide case reviews (16) Improve information and data collection systems (31)
Staff supports	Train and develop caseworkers (through dissemination and training on policy or through revisions to overall curriculum) (30) Assess and monitor staff responsibilities, skills, or performance (24) Recruit additional staff/retain staff (14) Lower caseloads (11) Increase caseworker pay (1)
Foster parent supports/ services and resources for children and families	Train and develop foster families'/providers' skills and capacities (27) Recruit and retain foster families (22) Increase involvement of foster or birth families in case (18) Expand service array for children and families (includes developing or enhancing transportation systems to transport siblings and parents for visits, creating one-stop centers for assistance, modifying visitation services, and providing any additional support services) (27) Engage stakeholders such as courts, advocates, foster homes, private providers, or sister agencies in public sector, e.g., mental health (can include consultation, training, or formal partnering to improve services or placements) (31) Create or improve monitoring of contracts with private providers to enhance service delivery (includes development of performance based or outcome-based contracts or other evaluations of provider performance) (25)
State legislative supports	State request for legislative action to support any of the above strategies (20)
Federal technical assistance	State request technical assistance from ACF or any resource center to support any of the above strategies (27)

Source: GAO analysis.

Our analysis also showed that many states approached PIP development by building on state initiatives in place prior to the on-site review. Of the 42 surveyed states reporting in our survey on this topic, 30 said that their state identified strategies for the PIP by examining ongoing state initiatives. For example, local officials in New York City and state officials in California told us that state reform efforts—borne in part from legal settlements—have become the foundation for the PIP. State officials in California informed us that reform efforts initiated prior to the CFSR, such as implementing a new system for receiving and investigating reports of abuse and neglect and developing more early intervention programs, became integral elements in the PIP.

Insufficient Guidance Hampered State Planning Efforts, but ACF Has Taken Steps to Clarify Expectations and Improve Technical Assistance

ACF has provided states with regulations and guidance to facilitate PIP development, but some states believe the requirements have been unclear. For example, several states commented in our survey that multiple aspects of the PIP approval

process were unclear, such as how much detail and specificity the agency expects the plan to include; what type of feedback states could expect to receive; when states could expect to receive such feedback; and whether a specific format was required. Officials in the states we visited echoed survey respondents' concerns with officials from 3 of the 5 states informing us that ACF had given states different instructions regarding acceptable PIP format and content. For example, California and Florida officials told us that their program improvement plans had been rejected prior to final approval, even though they were based on examples of approved plans that regional officials had provided. In addition, California officials told us that they did not originally know how much detail the regional office expected in the PIP and believed that the level of detail the regional office staff ultimately required was too high. Specifically, officials in California said that the version of their plan that the region accepted included 2,932 action steps—a number these officials believe is too high given their state's limited resources and the 2-year time frame to implement the PIP.

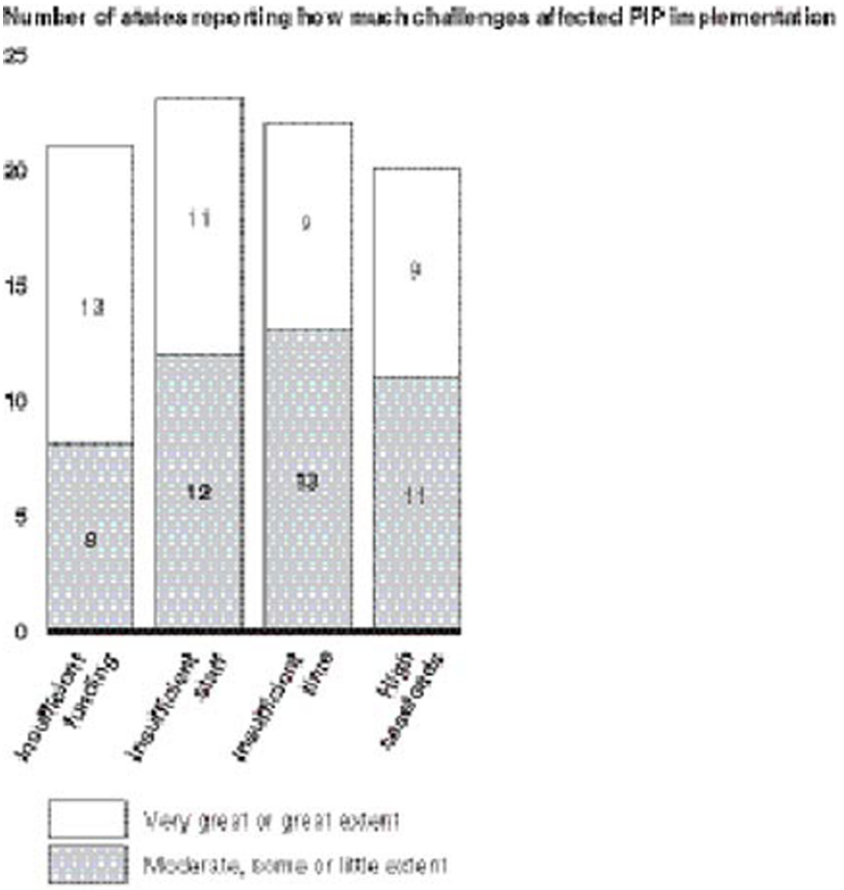
ACF officials have undertaken several steps to clarify their expectations for states and to improve technical assistance. For example, in 2002, 2years after ACF released the CFSR regulations and a procedures manual, ACF offered states additional guidance and provided a matrix format to help state officials prepare their plans. ACF officials told us the agency sends a team of staff from ACF and resource centers to the state to provide intensive on-site technical assistance, when it determines that a state is slow in developing its PIP. Further, ACF has sent resource center staff to states to provide training almost immediately after the completion of the on-site review to encourage state officials to begin PIP development before the final report is released. Our survey results indicate that increasing numbers of states are developing their PIPs early in the CFSR process, which may reflect ACF's emphasis on PIP development. According to our analysis, of the 18 states reviewed in 2001, only 2 started developing their PIPs before or during the statewide assessment phase. Among states reviewed in 2003, this share increased to 5 of 9.

Evidence suggests that lengthy time frames for PIP approval have not necessarily delayed PIP implementation, and ACF has made efforts to reduce the time the agency takes to approve states' PIPs. For example, officials in 3 of the 5 states we visited told us they began implementing new action steps before ACF officially approved their plans because many of the actions in their PIPs were already under way. In addition, according to our survey, of the 28 states reporting on this topic, 24 reported that they had started implementing their PIP before ACF approved it. Further, our analysis shows that the length of time between the PIP due date, which statute sets at 90 days after the release of the final CFSR report, and final ACF PIP approval has ranged considerably—from 45 to 349 business days. For almost half of the plans, ACF's approval occurred 91 to 179 business days after the PIP was due. Our analysis indicated that ACF has recently reduced the time lapse by 46 business days. This shorter time lapse for PIP approval may be due, in part, to the ACF's emphasis on PIP development. According to one official, ACF has directed states to concentrate on submitting a plan that can be quickly approved. Another ACF official added that because of ACF's assistance with PIP development, states are now submitting higher-quality PIPs that require fewer revisions.

State and Federal Uncertainties Cloud PIP Implementation and Monitoring

Program improvement planning has been ongoing, but uncertainties have made it difficult for states to implement their plans and ACF to monitor state performance. Such uncertainties include not knowing whether state resources are adequate to implement the plans and how best to monitor state reforms. In answering a survey question about PIP implementation challenges, a number of states identified insufficient funding, staff, and time—as well as high caseloads—as their greatest obstacles. Figure 2 depicts these results.

FIGURE 2: MOST COMMON CHALLENGES AFFECTING STATES' PIP IMPLEMENTATION



Source: GAO survey.

Note: This is based on responses from 25 states. The results reported in the figure are a sum of the states reporting that the issue was a challenge to PIP implementation to a very great extent, great extent, moderate extent, or some/little extent. States not included answered no extent, no basis to judge, or not applicable.

One official from Pennsylvania commented that because of the state's budget shortfall, no additional funds were available for the state to implement its improvement plan, so most counties must improve outcomes with little or no additional resources. A Massachusetts official reported that fiscal problems in his state likely would lead the state to lay off attorneys and caseworkers and to cut funding for family support programs. While state officials acknowledged that they do not have specific estimates of PIP implementation expenses because they have not tracked this information in their state financial systems, many states indicated that to cope with financial difficulties, they had to be creative and use resources more efficiently to fund PIP strategies. Of the 26 states responding to a question in our survey on PIP financing, 12 said that they were financing the PIP strategies by redistributing current funding, and 7 said that they were using no-cost methods. In an example of the latter, Oklahoma officials reported pursuing in-kind donations from a greeting card company so that they could send thank-you notes to foster parents, believing this could increase foster parent retention and engagement. Aside from funding challenges, states also reported that PIP implementation has been affected by staff workloads, but these comments were mixed. In Wyoming, for example, caseworkers

told us that their high caseloads would prevent them from implementing many of the positive action steps included in their improvement plan. In contrast, Oklahoma caseworkers told us that the improvement plan priorities in their state—such as finding permanent homes for children—have helped them become more motivated, more organized, and more effective with time management.

ACF officials expressed uncertainty about how best to monitor states' progress and apply estimated financial penalties when progress was slow or absent, and 3 of the 5 states we visited reported frustration with the limited guidance ACF had provided on the PIPs quarterly reporting process. For example, 4 regional offices told us that they did not have enough guidance on or experience with evaluating state quarterly reports. Some regional offices told us they require states to submit evidence of each PIP action step's completion, such as training curricula or revised policies, but one ACF official acknowledged that this is not yet standard procedure, although the agency is considering efforts to make the quarterly report submission procedures more uniform. Moreover, ACF staff from 1 region told us that because PIP monitoring varies by region, they were concerned about enforcing penalties. Shortly before California's quarterly report was due, state officials told us they still did not know how much detail to provide; how to demonstrate whether they had completed certain activities; or what would happen if they did not reach the level of improvement specified in the plan. Based on data from the states that have been reviewed to date, the estimated financial penalties range from a total of $91,492 for North Dakota to $18,244,430 for California, but the impact of these potential penalties remains unclear. While ACF staff from most regional offices told us that potential financial penalties are not the driving force behind state reform efforts, some contend that the estimated penalties affect how aggressively states pursue reform in their PIPs. For example, regional office staff noted that 1 state's separate strategic plan included more aggressive action steps than those in its PIP because the state did not want to be liable for penalties if it did not meet its benchmarks for improvement. State officials also had mixed responses as to how the financial penalties would affect PIP implementation. An official in Wyoming said that incurring the penalties was equivalent to shutting down social service operations in 1 local office for a month, while other officials in the same state thought it would cost more to implement PIP strategies than it would to incur financial penalties if benchmarks were unmet. Nevertheless, these officials also said that while penalties are a consideration, they have used the CFSR as an opportunity to provide better services. One official in another state agreed that it would cost more to implement the PIP than to face financial penalties, but this official was emphatic in the state's commitment to program improvement.

ACF's Focus Rests Almost Exclusively on Implementing the CFSR

To implement the CFSRs, ACF has focused its activities almost entirely on the CFSR review process, and regional staff report limitations in providing assistance to states in helping them to meet key federal goals. ACF officials told us the CFSR has become the agency's primary mechanism for monitoring states and facilitating program improvement, but they acknowledged that regional office staff might not have realized the full utility of the CFSR as a tool to integrate all existing training and technical assistance efforts. Further, according to ACF officials, meetings to discuss a new system of training and technical assistance are ongoing, though recommendations were not available at the time of publication of our April 2004 report. Levels of resource center funding, the scope and objectives of the resource centers' work, and the contractors who operate the resource centers are all subject to change before the current cooperative agreements expire at the close of fiscal year 2004.

ACF officials told us that the learning opportunities in the Children's Bureau are intentionally targeted at the CFSR, but staff in 3 regions told us that this training should cover a wider range of subjects—including topics outside of the CFSR process—so that regional officials could better meet states' needs. All 18 of the courses that ACF has provided to its staff since 2001 have focused on such topics as writing final CFSR reports and using data for program improvement, and while ACF officials in the central office said that the course selection reflects both the agency's prioritization of the CFSR process and staff needs, our interviews with regional staff suggest that some of them wish to obtain additional non-CFSR training. In addition, although ACF organizes biennial conferences for state and federal child welfare officials, staff from 5 regions told us that they wanted more substantive interaction with their ACF colleagues, such as networking at conferences, to increase their overall child welfare expertise. Further, staff from 6 of the 10 regions told us that their participation in conferences is limited because of funding constraints.

ACF staff in all 10 regions provide ongoing assistance or ad hoc counseling to states, either through phone, e-mail, or on-site support, but staff from 6 regions told

us they would like to conduct site visits with states more regularly to improve their relationships with state officials and provide more targeted assistance. Further, staff in 4 regions felt their travel funds were constrained and explained that they try to stretch their travel dollars by addressing states' non-CFSR needs, such as court improvements, during CFSR-related visits. While an ACF senior official from the central office confirmed that CFSR-related travel constituted 60 percent of its 2002 child welfare-monitoring budget, this official added that CFSR spending represents an infusion of funding rather than a reprioritization of existing dollars, and stated that regional administrators have discretion over how the funds are allocated within their regions. In addition, the same official stated that he knew of no instance in which a region requested more money for travel than it received.

Concerns from state officials in all 5 of the states we visited echoed those of regional office staff and confirmed the need for improvements to the overall training and technical assistance structure. For example, state officials in New York and Wyoming commented that ACF staff from their respective regional offices did not have sufficient time to spend with them on CFSR matters because regional staff were simultaneously occupied conducting reviews in other states. However, our survey results revealed that states reviewed in 2003 had much higher levels of satisfaction with regional office assistance than those states reviewed in 2001, which suggests improvements to regional office training and technical assistance as the process evolved.

Concluding Observations

ACF and the states have devoted considerable resources to the CFSR process, but to date, no state has passed the threshold for substantial conformity on all CFSR measures, and concerns remain regarding the validity of some data sources and the limited use of all available information to determine substantial conformity. The majority of states surveyed agreed that CFSR results are similar to their own evaluation of areas needing improvement. However, without using more reliable data—and in some cases, additional data from state self-assessments—to determine substantial conformity, ACF may be over—or under-estimating the extent to which states are actually meeting the needs of the children and families in their care. These over—or under-estimates can, in turn, affect the scope and content of the PIPs that states must develop in response.

In addition, the PIP development, approval, and monitoring processes remain unclear to some, potentially reducing states' credibility with their stakeholders and straining the federal/state partnership. Similarly, regional officials are unclear as to how they can accomplish their various training and technical assistance responsibilities, including the CFSR. Without clear guidance on how to systematically prepare and monitor PIP-related documents, and how regional officials can integrate their many oversight responsibilities, ACF has left state officials unsure of how their progress over time will be judged and potentially complicated its own monitoring efforts.

To ensure that ACF uses the best available data in measuring state performance, we recommended in our April 2004 report that the Secretary of HHS expand the use of additional data states may provide in their statewide assessments and consider alternative data sources when available, such as longitudinal data that track children's placements over time, before making final CFSR determinations. In addition, to ensure that ACF regional offices and states fully understand the PIP development, approval, and monitoring processes, and that regional offices fully understand ACF's prioritization of the CFSR as the primary mechanism for child welfare oversight, we recommended that the Secretary of HHS issue clarifying guidance on the PIP process and evaluate states' and regional offices' adherence to this instruction and provide guidance to regional offices explaining how to better integrate the many training and technical assistance activities for which they are responsible, such as participation in state planning meetings and the provision of counsel to states on various topics, with their new CFSR responsibilities. In response to the first recommendation, HHS acknowledged that the CFSR is a new process that continues to evolve, and also noted several steps it has taken to address the data quality concerns we raise in our report. We believe that our findings from the April 2004 report, as well as a previous report on child welfare data and states' information systems, fully address HHS's initial actions, as well as the substantial resources the agency has already dedicated to the review process. However, to improve its oversight of state performance, our recommendation was meant to encourage HHS to take additional actions to improve its use of data in conducting these reviews. In response to the second recommendation, HHS said that it has continued to provide technical assistance and training to states and regional offices, when appropriate. HHS noted that it is committed to continually assessing and addressing training

and technical assistance needs. In this context, our recommendation was intended to encourage HHS to enhance existing training efforts and focus both on state and on regional officials' understanding of how to incorporate the CFSR process into their overall improvement and oversight efforts.

Mr. Chairman, this concludes my prepared statement. I would be pleased to respond to any questions that you or other members of the subcommittee may have.

Chairman HERGER. Thank you, Ms. Ashby. Mr. Cotton?

STATEMENT OF EDWARD E. COTTON, DIRECTOR, DIVISION OF YOUTH AND FAMILY SERVICES, NEW JERSEY DEPARTMENT OF HUMAN SERVICES, TRENTON, NEW JERSEY

Mr. COTTON. Good morning. On behalf of the New Jersey Department of Human Services, I do want to begin by thanking you, Chairman Herger and Members of the Committee, for giving us the opportunity to update you on the progress or reforming New Jersey's child welfare system. Six months ago, we testified before this Committee regarding how New Jersey was unable to prevent the plight of four starving children who should have fared far better and been better served by their State's child protection agency.

I am pleased to tell you that all four of these children are doing very well. They have gained considerable weight and height and are thriving in safe environments. We do acknowledge that this case, among others, required our State's immediate and concerted attention. Since that time, New Jersey has undertaken significant reform measures not only to respond to that case, but to go far beyond that and reform the entire child protection and child welfare system. Governor James McGreevey has courageously and energetically taken up the cause of at-risk children. We have begun implementing a long-overdue plan to restructure the State's child welfare system and the entire system that exists to protect children of New Jersey from abuse or neglect.

This year, Governor McGreevey has dedicated an additional $15 million to this effort. In addition, he has committed another $305 million over the next 2 years, $125 million for fiscal year 2005 and another $180 million in fiscal year 2006 to this effort. We agreed to create this plan and totally restructure our child welfare system as part of a court-approved settlement reached last summer in a lawsuit filed against the State and anticipate the plan will be approved in Federal court in June.

We have already made progress in some critical areas of child welfare reform. We have initiated the practice of placement assessments for children in foster care to assure their safety. We have expanded substance abuse services by adding another 850 treatment slots to serve an additional 2,500 families. We have also hired an additional 158 frontline caseworkers, case aides and supervisors to address heavy caseloads and have implemented a mobile response system for children in crisis in 3 of our State's 4 largest counties, so they can be stabilized at home and not require placement.

We have also hired 86 youth case managers to begin reducing the number of youth inappropriately placed in institutional settings, and we have hired nurses and nurse practitioners in each of our 32 district offices to expedite medical screenings for children entering foster care and have added 77 treatment beds for adoles-

cents who need mental health services. Division staff, parents, youth, providers and many others have helped shaped this comprehensive reform plan, and it enjoys broad support in New Jersey. That is because, simply put, our current child welfare system has not worked. It hasn't worked because, for more than 20 years, the system has not been adequately funded and case practice has not kept up with research-based strategies that work, and we have not adequately involved the communities in the resolutions.

Year after year, funding has been carved out of the Department of Youth and Family Services (DYFS) budget to pay for initiatives and programs elsewhere in State government that at the time were deemed to be more important. Today, we see the results of that neglect, a system that is understaffed, undertrained, underequipped, under siege and leaving children in harm's way. This should not come as a surprise. We have a lopsided child welfare system, one that puts most resources into dealing with child abuse after it happens and very little into preventing child maltreatment. The plan we have asked our State legislature to fund will turn that situation around. Governor McGreevey's fiscal support is a testimony to his dedication to fix the system. Just shy of half of the $125 million in State funds, about 45 percent, in this plan is for services to develop and support preventive and intervention services and programs in communities throughout New Jersey.

Indeed, the backbone of our system must be in the community and not at DYFS. To that end, part of this 45 percent, $56 million, will be used to establish a system of community collaboratives that embrace and give structure to the role of communities in planning and executing critical social services in their neighborhood. These collaboratives will be organized and run in the community by members of the community to oversee the effort for their community.

We are also going to focus on key issues that destroy families, and hurt children, and lead to abuse and neglect. These are substance abuse, domestic violence, homelessness and mental illness. To address these issues, we are providing funds for programs helping children affected by domestic violence, and we have partnered with our State's Department of Community Affairs to provide housing for domestic violence victims. We are spending more than $22 million to expand mental health services in the communities and $18 million in Federal and State funds to address the medical needs of children touched by DYFS by having a medical director and placing nurses and nurse practitioners in our offices. We are also helping families fund secure, affordable housing by creating low-income units and providing section 8 vouchers. I see my time is up. So, if I could hit on one more point here, I do want to talk about recruiting foster parents.

First, we certainly need to do a better job of recruiting and supporting those resource families. This is a major issue to me. I, personally, have had 27 children in my home, and I believe our plan encompasses foster homes, adoptive homes and kinship homes to make these programs work and that the recruiting is the backbone of our system. Our goal is to recruit a thousand new foster resource families in the next 15 months, with emphasis on finding homes for hard-to-place children, medically fragile babies, sibling groups and older children.

[The prepared statement of Mr. Cotton follows:]

Statement of Edward E. Cotton, Director, Division of Youth and Family Services, New Jersey Department of Human Services, Trenton, New Jersey

Good morning. On behalf of New Jersey Department of Human Services, I want to begin by thanking you, Chairman Herger, and members of this committee for giving us the opportunity to update you on the progress of reforming New Jersey's child welfare system.

Six months ago, we testified before this committee regarding how New Jersey could have neglected to prevent the plight of four starving children who should have been far better served by their state's child protection agency. I want to say that all of us who are responsible for administering the State's child welfare system are as concerned about those children as are all of you, who sit on this committee.

I am pleased to tell you that all four of those children are doing well—all of them have gained considerable weight and height and are thriving in safe environments. We certainly acknowledge that this case, among others, required our State's immediate and concerted attention.

Since that time, New Jersey has undertaken significant reform measures, not only to respond to that particular case, but to go far beyond that and reform the State's entire child protection and welfare system.

In New Jersey, Governor McGreevey has courageously and energetically taken up the cause of at-risk children.

We are talking about helpless children—children who are caught up in desperate situations from which they cannot break free, without help.

In New Jersey, we have begun implementing a long-overdue plan to restructure the State's child welfare system, also known as the Division of Youth and Family Services and, indeed, the entire system that exists to protect the children of New Jersey from abuse and neglect.

This year, Governor McGreevey has dedicated $15 million to this effort. In addition, he has committed another $305 million to it over the next two Fiscal years—$125 million for Fiscal Year 2005 and another $180 million in Fiscal year 2006.

The title of our plan for reforming this system is very straightforward. It is called *"A New Beginning: The Future of Child Welfare in New Jersey."*

We agreed to create this plan, and to totally restructure our child welfare system, as part of a court-approved settlement reached last summer in a lawsuit filed against the State.

We anticipate that the plan will be approved in Federal District Court in June.

Once that happens, we will be under Court mandate to make the plan happen.

And, we already have made progress in some critical areas of our child welfare reform:

We have initiated the practice of placement assessments for children in foster care to ensure their safety;

We have expanded substance abuse services by adding 850 treatment slots to serve 2,500 more families;

We have hired 158 front-line caseworkers, case aides, and supervisors to help address heavy caseloads;

We have implemented a mobile response system for children in crisis in three of our State's largest counties so they can be stabilized at home and not require placement;

We have expanded intensive in-home behavioral services for another 1,000 children so they can remain in their own homes;

We have hired 86 youth case managers to begin reducing the number of youth inappropriately placed in institutional settings;

We have hired nurses and nurse practitioners in each of our District Offices to expedite medical examinations for children entering foster care;

We have added 77 treatment beds for adolescents who need mental health services.

Division staff, parents, youth, providers and many others have helped shape this comprehensive and all-too-necessary reform plan—and it enjoys broad support.

That is because, simply put, our current child welfare system doesn't work.

It doesn't work because, for more than 20 years, the system has not been adequately funded, and case practice has not kept up with research-based strategies that work.

Year after year, funding has been carved out of the DYFS budget to pay for initiatives and programs elsewhere in state government that, at the time, were always deemed to be more important.

Today, we can see the results—a system that is understaffed, undertrained, underequipped, under siege and leaving children in harm's way.

This should come as no surprise.

We have a lopsided child welfare system—one that puts most of its resources into dealing with child abuse—*after it happens*—and *very little into preventing* child maltreatment.

The plan we have asked our State Legislature to fund will turn that situation on its head.

And, Governor McGreevey's staunch fiscal support is a true testimony to his dedication to fixing the state's child welfare system.

Just shy of half *(45 percent)* of the $125 million in state funds in this plan for Fiscal Year 2005, or roughly *$56 million*, will be used to develop and support prevention and intervention services and programs *in communities* throughout New Jersey.

Indeed, the *backbone* of our new system *must be* in the community and not at DYFS.

To that end, part of the *$56 million* will be used to establish a system of community collaboratives that embrace and give structure to the role of communities in planning and executing critical social services in their neighborhoods.

These collaboratives will be organized and run *in* the community by members *of* the community to oversee the effort *for* their community.

Let me review with you the other major goals in our plan for reforming child welfare in New Jersey.

In line with our goal of doing much more to prevent child abuse and neglect, we intend to focus on the ***core issues*** that destroy families and hurt children.

These issues are well known and well documented. They are: substance abuse, domestic violence, homelessness and mental illness.

To address these issues, we plan to provide funds for programs that help children affected by **domestic violence,** and we have partnered with our State's Department of Community Affairs to provide housing for family victims.

We will spend more than *$22.7 million* to greatly expand **mental health** services in the community, including mobile response teams to provide mental health services for children in their homes.

We will commit about *$18 million* in federal and state dollars to address the medical needs of children touched by DYFS by hiring a medical director for the agency, placing nurses in local offices, and enrolling children in foster care in HMOs so they have a family doctor.

We will help troubled families find secure, affordable **housing** by creating 40 affordable low-income rental housing units and providing Section 8 vouchers and home loans to foster, adoptive and kinship families.

Finally, this plan takes the scourge of substance abuse head on, dedicating *$21.6* million in federal and state dollars to innovative treatment options for families.

Other critical problems in our child welfare system have festered over the years—caseloads are a prime example.

Caseloads in DYFS have long been unacceptably high—and this problem is worsening.

Our intake and investigative practices are inconsistent and have raised safety concerns.

We plan to create a *centralized hotline* that will make sure that every call in the state that is made to report allegations of abuse and neglect, receives uniform screening and rapid response.

We also will employ a special cadre of *forensically-trained investigators* whose major focus will be on ensuring that newly-reported children are safe.

To also bring some relief, we propose hiring and training hundreds of new caseworkers, supervisors, and aides, selecting from a growing pool of pre-screened and interviewed applicants.

We will establish specialized positions, tailored tightly to the needs of children and families, rather than the demands of the bureaucracy.

We will, *for the first time*, have special workers for adolescents and resource families, community developers to identify community resources.

We also will make sure our workers have the equipment they need to get their jobs done, including cars, computers, cell phones and cameras.

Finally, we must do a better job of recruiting and supporting resource families.

If community prevention and intervention programs are to be the backbone of our system, then we must recognize that these families are its heart and soul.

Our new system will acknowledge the importance of these resource families and do a better job of recruiting them and supporting them.

Our goal is to recruit 1,000 new resource families in the next 15 months with an emphasis on finding homes for hard-to-place kids—boarder babies, sibling groups and older children.

Having said that, I'd like to point out another critical problem our plan will help us correct.

No child, not even adolescents, should be living in institutions if they don't need to.

Because we lack resource families, treatment homes, and community—based residential services for teenagers, too many children end up spending too much time in institutions.

The Commissioner and I visited a youth detention center where I saw three and four adolescents living in rooms that had been designed for one.

Often, judges, faced with a paucity of options for teens, place children in juvenile detention because there are too few alternatives in the community.

It is unconscionable that we are incarcerating children because of our failure to develop the kind of alternatives called for in this plan.

Our plan calls for us to expand foster care options, dramatically increase treatment homes and expand other community-based treatment options for troubled teenagers.

By hiring dozens of youth case managers and stationing them in juvenile detention and shelters, those kids who do end up in detention can be directed out to more appropriate placements, quickly and efficiently.

Another target outlined in the plan is our goal of finding more family members to provide homes for boarder babies—infants who remain hospitalized even after they have been medically cleared because their parents are unable or unwilling to take them home.

These infants should be in homes, with parents or other family who love them.

No hospital staff, no matter how generous and kind hearted, can ever seriously be considered an adequate replacement.

We need to find homes for these babies—either with well-trained foster homes or with caring relatives.

This is a general description of how we intend to create a system that is different from the one we have fallen into today through bad decisions and too little funding.

Our system doesn't work and it is failing kids.

The results of our failures have been predictable.

As adults, thousands of these children are still in our mental health, welfare and correctional systems.

We have helped consign our children to this fate by years of short-sighted decision-making.

And, at this point, there is no way that we can make such a stunted and ineffective system work simply by tightening our belts, or by shifting a few people here or there.

We cannot fix the system we have.

We need to create a new system.

This new system must be one that doesn't begin working after children have been damaged, but which is literally interwoven into the fabric of the community in which our most troubled families live.

This progress in New Jersey notwithstanding, we have determined that only $16 million, or 13 percent, of the $125 million in state funds that the Governor has requested this year can be matched with Title IV–E funds.

One of the reasons for this is well known to this committee: Title IV–E eligibility is based on AFDC standards established eight years ago. As a result, the universe of children eligible for federal assistance is diminishing each year. One of the most important steps this committee can take to assist states to protect children is to expand eligibility for protective services to all abused and neglected children.

Another major barrier is that Title IV–E funding is not available for many of the most important services that are included in the plan, including prevention, investigations of child abuse or neglect, workforce development, emergency assistance, subsidized guardianship, post-adoption supports, and substance abuse. Title IV–E still places too much emphasis on removing the child from the home rather than on best practices.

We also recommend a state option under Title IV–E for the voluntary relinquishment of parental rights without court involvement. There are occasions when a parent is actively responsible and appropriately planning for his or her child's future

by executing such a document. In those cases, we do not believe review by the court should be required as it is now.

Furthermore, New Jersey believes that states should be allowed to reinvest any disallowance in Title IV–E funds to correct deficiencies found in the reviews. This is the common sense policy that is used in the Food Stamps program and it has proven to be very effective.

In general, there is an urgent need at the federal level for more flexibility and greater financial commitment to respond to the growing problem of child abuse and neglect. Supporting families and protecting children must become a national priority.

In short, we are a system that is already in motion, simply waiting for the funding we need to begin to go forward, with determination.

Again, I want to thank the subcommittee for giving me this opportunity to testify today on New Jersey's efforts to reform its child welfare system and I would be happy to take any questions that you might have now.

Chairman HERGER. Thank you very much, Mr. Cotton. Just as a comment, you mentioned that you have 27 foster children in your home?

Mr. COTTON. I have had over——

Chairman HERGER. You have had them.

Mr. COTTON. I don't have them right now.

[Laughter.]

Chairman HERGER. No, I understand that.

Mr. COTTON. I have had 27 over the past 3 decades.

Chairman HERGER. Thank you very much. I think it is very important, as we are having this hearing, to emphasize that, of course, our concern is for those homes where it is not working. However, it also is important to emphasize that in the vast majority of these homes, we do have caring individuals like yourself, where the program is working, and that we need to ensure that it is working in all of the homes not just most of them. With that, Mr. McCabe?

STATEMENT OF THE HONORABLE CHRISTOPHER J. McCABE, SECRETARY, MARYLAND DEPARTMENT OF HUMAN RESOURCES, BALTIMORE, MARYLAND

Mr. MCCABE. Good morning, Mr. Chairman and Members of the Committee. It is good to see my friend, Congressman Cardin, from Baltimore, and I appreciate your kind words at the beginning of the hearing. I am also glad, although he has left, Dr. Wade Horn is someone I have known very well. He is a Maryland resident as well.

So, I am very honored to be here on behalf of Governor Robert Ehrlich, a former colleague of yours, who is my boss, who is Governor of the State of Maryland, to be able to talk to you a little bit about the CFSR process and how it impacts our State of Maryland.

I bring you greetings from Robert Ehrlich, who I have known for over 20 years this summer. We both share a deep commitment to public service. I first served with former Delegate Ehrlich, from 1990 to 1994, in the Maryland General Assembly in the first of my three terms in the Maryland State Senate. The Maryland Department of Human Resources is Maryland's human service agency. We employ approximately 7,000 employees throughout the State. We have an approximately $1.5-billion budget. Two out of every $3

that we expend for a variety of human service needs come from the Federal Government.

In my role as Secretary of the Maryland Department of Human Resources, I am daily aware that when news is made by our Department, it is typically not positive. When a child is abused or harmed, society takes notice, rightfully so, and it leads to great reflection by the department and heartache by frontline workers on what could have been done differently. Sadly, there are times when little can be done to address some of the cases that are in our custody.

Maryland welcomes the opportunity to work with the Nation's Children's Bureau in quest to improve services to America's most vulnerable children. Over 10,000 of these children are entrusted to the care, custody and oversight of social service agencies throughout Maryland's 24 local jurisdictions. We have a State-administered system in our State. Maryland, as you may know, is 47 out of 50 States being evaluated through the Federal Child Welfare Reviews. Now, they are all completed. The timing gives the Ehrlich Administration the opportunity to establish its own PIP, and that is a good thing.

As I testify today, there are no less than five independent evaluations, and I believe that there are more than that, of child welfare programs in our State, including the CFSR and the State Child Welfare Accountability Task Force, chaired by the chief of Casey Strategic Services in Baltimore. In addition, our Baltimore City Department of Social Services, which oversees over 60 percent of our State caseloads in child welfare and public assistance, has 11 work groups discussing ways in which to improve the delivery of services. In fact, the Baltimore City Department of Social Services has been operating under a Federal consent decree since 1989, and the local agency is obligated to make systemic improvements in their programs.

In preparation for the Federal CFSR last November, Maryland completed an extensive self-assessment of its child welfare programs. When I came on board, it was very clear to me in my first days that we had much work to do, and I undertook some internal processes as well. Three Maryland counties were included in the CFSR, including Baltimore City. All parties were generally satisfied with the professionalism of the process, and we cooperated, I think, very well. Our State has received preliminary results, and Mr. Cardin indicated the results of some them, which demonstrate that we have much work to do, but that is what I expected, and I don't shy away from the need to improve. Maryland's picture is just that. It is a snapshot in time.

All States show the need for improvement, and I believe that the foundation for change begins with transparency, owning up to our weaknesses, while recognizing the inherent challenges in human service work as we seek to serve those most in need. That is the way I view our challenge to prepare our PIP, and we will do so in cooperation with the Federal Government.

On June 8th, we will be visited by the ACF to initiate the planning process by providing on-site training for Maryland's PIP. Several work groups will operate over a 90-day period to develop the plan, and over the next 2 years, based on Maryland's plan, we ex-

pect that a new framework to guide all of our efforts in child welfare will dramatically alter child welfare programming.

On a practical level, I also appreciate the opportunity to tell you of the day-to-day challenges in my State in protecting children and achieving permanency for children out of the custody of their natural parents. Child safety is the number one priority in family services at our local offices, but we continue to be stressed with stagnant resources, staffing resources and more dangerous environments, particularly in our urban centers.

Whenever possible, we seek to preserve families for the many obvious reasons all of the experts tell us that we want to keep families together through family preservation programs. We must, and do, balance the immediate safety needs of children. Within our 24 jurisdictions we have slightly different practices and programs and some uneven results.

In our foster care system, we are daily challenged to find appropriate placement for the State's children. Traditional foster homes are not increasing in number in our State, communities are objecting to the proliferation of group homes, and high-end care and therapeutic foster placements ranging in annual costs from $50,000 to $200,000 per year are needed for older children with severe behavioral and emotional issues. As children linger in foster care, at an early age, say, 5 to 12, we are able to preserve them in the foster specific system. As they get older, particularly males, this is my assessment, they become more troubled, emotional and behavioral issues become more prevalent, and we begin to see the need for high-end care and greater needs.

In closing, I wish to note that the child welfare work we do in Maryland, as across the State, is highly complicated. We are talking about human beings and human weaknesses. Each and every day we dread the headline that the State of New Jersey saw in their newspapers. We have had ours in Maryland. We try to learn from those experiences. Mostly what I tell our caseworkers on the frontline, is that they are supported by senior management. The Governor does also. They have tough jobs under trying circumstances. They are not the cause of some of the problems we have. It is just a very complicated system, and we are glad to work with the Congress and the Federal Government to make improvements that are necessary. Thank you, Mr. Chairman.

[The prepared statement of Mr. McCabe follows:]

Statement of The Honorable Christopher J. McCabe, Secretary, Maryland Department of Human Resources, Baltimore, Maryland

Dear Mr. Chairman and Members of the Committee:

- Thank you for this opportunity to speak to you this morning on the child and family services review process and child welfare issues in general. I am honored to be here and wish you well with the many difficult decisions you have before you in the Congress.
- I bring you greetings from your former colleague, Governor Robert L. Ehrlich, Jr. whom I have known for twenty years this summer. We both share a deep commitment to public service. I served with former delegate Ehrlich from 1990–1994 in the Maryland General Assembly in my first of three terms in the Maryland State Senate.
- In my role as Secretary of the Maryland Department of Human Resources, I am daily aware that when news is made by our department, it is typically not

positive. When a child is abused or harmed, society takes notice, rightfully so, and it leads to great reflection by the department and heartache by front-line workers on what could have been done differently. Sadly there are times when little can be done to address some cases.

- Maryland welcomes the opportunity to work with the Nation's Children's Bureau in the quest to improve services to America's most vulnerable children. Over 10,000 of these children are entrusted to the care, custody, and/or oversight of social services agencies throughout Maryland's 24 local jurisdictions.
- Maryland, as you may know, is 47th of 50 states being evaluated through the federal child welfare reviews. The timing gives the Ehrlich administration the opportunity to establish its own program improvement plan.
- As I testify today, there are no less than five independent evaluations of child welfare programs in our state, including the child and family services review (CFSR) and a state child welfare accountability task force chaired by the Chief of Casey Strategic Services.
- In addition, our Baltimore City Department of Social Services, which oversees over 60% of our state caseloads in child welfare and public assistance, has eleven work groups discussing ways in which to improve the delivery of services.
- In fact, the Baltimore City Department of Social Services has been operating under a Federal consent decree since 1989, and the local agency is obligated to make systemic improvements in their programs.
- In preparation for the federal child and family services review last November, Maryland completed an extensive self-assessment of its child welfare program.
- Three Maryland counties were included in the review, including Baltimore City. All parties were generally satisfied with the professionalism of the process.
- Our State has received preliminary results, which indicate that we have much work to do, but that is what I expected. Maryland's picture is just that—"a snapshot in time." All States show need for improvement.
- Our State views the challenge to meet the high standards set by the Children's Bureau as a catalyst to achieve for Maryland's most vulnerable children that which every child deserves—a permanent home, safety, and a sense of well-being. Setting the standards high is imperative to good outcomes for all of America's children and a benchmark for all of the other recommendations from the review.
- On June 8, 2004, Federal representatives will initiate the planning process by providing on-site training to Maryland's program improvement plan team. Several workgroups will operate over the 90-day period to develop the plan.
- Over the next two years, based on Maryland's program improvement plan, we expect that a new framework to guide all our efforts in child welfare will dramatically alter child welfare programming.
- As Secretary of Maryland's public child welfare system, I am committed to attaining Federal requirements for substantial conformity with standards for child protective services, foster care, adoption, family preservation/family support and independent living services.
- Our Nation is challenged to assure that no child in America is without a family to call his or her own, that children are safe and have a sense of well-being. Through National, State, local, community, and faith-based collaboratives, Maryland is ready to meet the challenge.
- On a practical level, I appreciate the opportunity to tell you of the day-to-day challenges in my state in protecting children and achieving permanency for children out of the custody of their natural parents.
- Child safety is the number one priority in family services at our local offices, but we are stressed with stagnant staffing resources and more dangerous environments, particularly in our urban centers.
- In our foster care system, we are daily challenged to find appropriate placement for the state's children. Traditional foster homes are not increasing in number, communities are objecting to the proliferation of group homes, and high end care in therapeutic foster placement, ranging in annual cost between 50k—200k, are needed for older children with severe behavioral and emotional issues.
- For greater perspective, I encourage you to review the report of the Pew Commission on Foster Care, which is being released next week here in Washington by Chairmen Gray and Fenzel.
- On a final note, States are eagerly anticipating the reauthorization of TANF; we in Maryland are already implementing systems to prepare for TANF II and universal engagement.
- In fact, we are approaching 100% engagement throughout Maryland. Reauthor-

ization legislation, among other things, will provide States with much needed additional child care funding for temporary cash assistance clients and lower income workers.

- Thank you again for this opportunity to speak with you.

Chairman HERGER. Thank you, Mr. McCabe. The gentlelady from Connecticut, Mrs. Johnson, to inquire.

Mrs. JOHNSON. Thank you very much. I just wanted to check a fact that I heard you say, Ms. Ashby, to see if it is correct. Did you say that some of the States are saying that the cost of implementing their PIP would be greater than the penalties?

Ms. ASHBY. We did hear that from at least one State official.

Mrs. JOHNSON. Thank you. I just think my statement about not one more penny is related to some of this. We don't have evidence that implementing the kind of thing we have been doing is going to make the system change we need. Mr. Cotton, your document was very helpful, and I appreciate, Mr. McCabe, your testimony and your frank realization of where you are and what has to be done. Mr. Cotton, by actually putting numbers to the changes that you have to make, that was very helpful. So, basically, what I hear you saying is, $320 million over 2 years is going to enable you to strengthen services at the local level, as well as do some of the additional hiring and training you need to do; is that correct?

Mr. COTTON. Yes, and that is $320 million additional dollars to our existing budget.

Mrs. JOHNSON. Right, I understand that, over and above. Then, presumably, the result of that in 2 years would be, to at least some extent, to slow down the number of kids going into foster care; would you not assume that that would be the case?

Mr. COTTON. Our goals are to make fewer children get reabused by having better up-front safety assessments and taking care of those children getting out more immediately, preventing children from going into foster care by having better in-home services based in their own communities, and when they have to go into care, being based in their own communities and getting the kinds of services that allow them to return home as soon as possible.

Mrs. JOHNSON. So, if you had an opportunity to freeze your Federal dollars at your current outplacement rate, so that as you were able to slow the flow of placement into foster care, you didn't suffer any reduction in funding, as some of those kids got placed permanently and, for other reasons, moved out of the foster care specifically system, that would gradually free money then to strengthen your local community services structure.

Mr. COTTON. Absolutely. We could use that money for more up front services.

Mrs. JOHNSON. So, if we could right now, at least for a State like you that has made the investment to begin the turnaround, protect you from any decline for 10 years of your foster care dollars, that would be a help, wouldn't it?

Mr. COTTON. Yes.

Mrs. JOHNSON. It would also be an incentive.

Mr. COTTON. Absolutely.

Mrs. JOHNSON. So, I think that is useful for us to know, because we may not be able to solve this all at once. It might be that we want to have some small windows of opportunity. Maybe, who knows, we could even get that in the budget document now that any State that whatever, so we need to really be aggressive about the kind of situation that you face.

Secondly, any State that wants to do what you did, and we will put some up front money because it is better to do this without a court order. The court order system has been extremely costly and, in some cases, really destructive of morale, and everything, and flexibility in States, and I don't want to see, I am glad you are doing what you are doing, but I am sorry you are doing it under court order, but if that is what it took to get more money.

So, maybe what we ought to be looking at is how do we learn from your experience and other States that are doing the same, as to what kind of challenge grant we need to put out there and what are the requirements for it so that we can get the attention to both adolescent service capacity development, which is absolutely a really big issue here because those kids are increasingly not going to fit in the foster care system, substance abuse treatment, big issue.

Now, don't you find you need a change in State law, though, so that families will really get, incidently, I thought the end of your testimony, which you didn't get to, where you recommend some changes in the IV–E eligibility law, where the old AFDC criteria is gradually reducing access to the IV–E dollars, even for outplaced children in the current system——

Mr. COTTON. Yes.

Mrs. JOHNSON. Then also your recommendation that we be able to voluntarily relinquish parental rights without court involvement in certain situations, we appreciate those practical suggestions. I think those are all, the more we get of those kinds of practical suggestions, the more we can move forward with specific steps, even if we can't necessarily get agreement on an umbrella. Thank you very much.

Mr. COTTON. We would certainly be glad to work with you.

Chairman HERGER. Thank you, Mrs. Johnson. The gentleman from Maryland, Mr. Cardin, to inquire.

Mr. CARDIN. Thank you, Mr. Chairman. I thank all three of you for your testimony. It is not often I have the opportunity to have my secretary across the aisle from me, where I can ask him questions and have it on the record. So, I am going to take advantage of this, if you don't mind.

[Laughter.]

I am glad to have Secretary McCabe here, who is a friend, and as I said earlier, I am very proud of his public service. This report is rather disturbing, to say the least, and I am sure you are concerned about it, also. I know you are in the early stages of doing the PIP, and it is too early to comment on the specifics, but looking at it, you have put safety as your top priority, and yet the two major categories, children are first and foremost protected from abuse and neglect, Maryland did not achieve substantial conformity; children are safely maintained in their homes whenever possible and appropriate, Maryland did not obtain substantial conformity, and you started looking at child well-being and perma-

nency, where we did not meet the national standards. Do you anticipate that you are going to be able to implement a PIP? Will it require additional resources?

Mr. MCCABE. Congressman, we welcome more resources throughout the system, both at the State level and at the Federal level. Before I can make I think any definitive comment about any of those specific findings, we are going to sit down or I welcome the opportunity to sit down and learn more from the people that perform the reviews. As I said in my testimony, I think that Maryland is where a lot of States are, and we have much room to improve.

Mr. CARDIN. Jim McCrery said two things that, of two things he said, one I strongly agree, one I will reserve until I hear your response. The line of responsibility rests with the States, and our hearing here is not to take over that responsibility, but to provide a framework where you can achieve excellence and to be a partner.

A second statement he made, and I will reserve judgment until I get your response on this, that the States are just flowing with money, surpluses. I was not aware that is true of Maryland, but maybe you are going to correct the record and tell me that the resources are now available at the State level, that something has happened that I am not aware of in our State.

Mr. MCCABE. I would not want to question the good Congressman on the financial condition of States. The Governor, when he came into office, was faced with a $1.7 billion structural deficit. Actions last year by the executive departments reduced that to a certain degree. We went into fiscal year 2005 with an $850 million deficit, and those are really, compared to a lot of States, that is not a bad condition to be in. So, we are still operating under deficits.

There are some indications that sales tax revenues in Maryland are increasing, and so there is some more moneys that are coming in before the end of the fiscal year closing, and maybe that is what is being referred to. I think other States are seeing that. Having said that, the budgets that we are dealing with in our department have grown over $100 million in fiscal year 2005 versus 2004, but almost all of that is in maintenance payments for foster care. It does not reflect additional funding of salaries for caseworkers, necessarily. So, the Governor understands the need to continue to provide foster care payments. We typically run a large deficit in that program, usually about $50 million annual deficit just in foster care payments.

Mr. CARDIN. I appreciate your frankness here, but you are stressed with stagnant staffing resources, which I know, in a letter that I wrote to you questioning the judgment of closing local offices, your response was that it is going to free up some money for additional caseworkers to be hired.

Mr. MCCABE. Correct.

Mr. CARDIN. Were you able to hire additional caseworkers?

Mr. MCCABE. We have hired 50 new caseworkers not only in child welfare, but also in public assistance. Congressman Cardin, you will be receiving a letter from me, today or tomorrow, talking about those consolidation plans in Baltimore City.

Mr. CARDIN. Now, according to the accreditation for Children and Family Services, your case workload should be between 12 and 18. Have we met that in Maryland?

Mr. MCCABE. We, as we speak, Congressman, we have opportunities to make offers to approximately 70 individuals just graduating from the University of Maryland School of Social Work with master's in social work degrees. Those will be allocated to Maryland's counties based on the number of workers that we have in child welfare versus the number of foster care cases that they have, and some counties are significantly out of balance. We hope to achieve 90 percent of the Child Welfare League of America's (CWLAs) standards in our State. By allocating these individuals, we will be achieving 90 percent of CWLA standards. So, in Baltimore City, because of the consent decree that requires us to get to a certain case ratio, we are currently over 90 percent of the CWLA standards.

Mr. CARDIN. Mr. Chairman, if I could, I appreciate, Secretary McCabe, that I will be getting a reply to our inquiries, I asked staff ahead of time whether we had the ratios of caseworkers to children, and we did not have that in our policy. If you could provide that for Maryland, and Mr. Cotton, if you could provide that for New Jersey——

[The information follows:]

Maryland Department of Human Resources
Baltimore, Maryland 21212
June 10, 2004

Hon. Wally Herger, Chairman
Congress of the United States
U.S. House of Representatives
Committee on Ways and Means
Subcommittee on Human Resources
Washington, DC 20515

Dear Congressman Herger:

Thank you for your letter regarding my testimony before the Subcommittee on Maryland's efforts to comply with the Federal Child Welfare Reviews. I understand that as a result of that hearing, the Subcommittee is seeking information to address Congressman Ben Cardin's request for Maryland's child welfare worker-to-caseload ratios.

I have enclosed the overall ratio of filled child welfare caseworkers to caseload by both individual local jurisdictions and statewide. The caseload figures were obtained from the Social Services Administration's Monthly Management Report for December 2003. The number of filled caseworker positions is calculated as of March 1, 2004.

Additionally, I committed to make job offers this year to all Title IV–E BSW and MSW graduates of the University of Maryland School of Social Work. In preparation for this, 79 Position Identification Numbers (PINs) were identified for the purpose of hiring Child Welfare workers. These PINs were distributed according to need based on caseload-to-worker ratio. In the event a Title IV–E graduate cannot be hired into any of these PINs, I authorized the local offices to hire a qualified candidate from the State's eligibility list. Once these positions are filled, and assuming caseloads similar to the 2003 averages, the worker-to-caseload ratio will be reduced to the numbers shown in the far right column.

These figures include all jurisdictions with the exception of Montgomery County. All of the Montgomery County Department of Health and Human Services staff positions are now county, not State. Beginning in Fiscal Year 1998, State resources supporting Montgomery County services staff are provided as a grant to the County. Montgomery County uses these funds along with local funds to support its county positions. Therefore, none of the State's tracking systems include county positions and, without a count of workers in the various Child Welfare Services, the Department of Human Resources is unable to compute actual caseload ratios for this jurisdiction.

Sincerely,

Christopher J. McCabe
Secretary

LOCAL JURISDICTION	FILLED CASEWORKER POSITIONS	AVERAGE MONTHLY CASELOAD	WORKER TO CASELOAD RATIO	WORKER TO CASELOAD RATIO AFTER FILLING ADDITIONAL POSITIONS
Allegany	43.3	540.3	1:12.5	1:12.5
Anne Arundel	81.3	1,397.8	1:17.2	1:16.4
Baltimore City	723.5	12,682.1	1:17.5	1:17.5
Baltimore County	108.1	2,003.3	1:18.5	1:17.6
Calvert	16.5	262.0	1:15.9	1:15.9
Caroline	11.5	173.9	1:15.1	1:15.1
Carroll	24.0	383.9	1:16.0	1:16.0
Cecil	26.5	478.3	1:18.0	1:16.2
Charles	32.5	650.6	1:20.0	1:17.3
Dorchester	15.0	140.7	1:9.4	1: 9.4
Frederick	34.0	975.7	1:28.7	1:18.1
Garrett	15.0	176.2	1:11.7	1:11.7
Harford	42.5	784.7	1:18.5	1:17.2
Howard	28.0	572.6	1:20.4	1:18.5
Kent	9.0	52.0	1:5.8	1: 5.8
Prince George's	111.5	2,219.2	1:19.9	1:17.1
Queen Anne's	10.1	113.9	1:11.3	1:11.3
St. Mary's	23.1	390.4	1:16.91	1:16.9
Somerset	15.5	209.2	1:13.5	1:13.5
Talbot	10.0	155.3	1:15.5	1:15.5
Washington	56.0	979.1	1:17.5	1:17.5
Wicomico	25.0	646.8	1:25.9	1:17.5
Worcester	13.5	309.2	1:22.9	1:17.7
Statewide Total	**1,475.4**	**26,297**	**1:17.8**	**1:16.9**

Mr. COTTON. Sure.

Mr. CARDIN. I think it would be helpful for us to know what the caseload is for the caseworkers that are handling the children that are included in the Federal responsibility.

Mr. COTTON. We would be glad to do that.

[The information follows:]

New Jersey Division of Youth and Family Services
Trenton, New Jersey 08625

Honorable Benjamin L. Cardin
1102 Longworth House Building
U.S. House of Representatives
Washington, DC 20515

Following the testimony of Edward E. Cotton, Director of the New Jersey Division of Youth and Family Services, on May 13, 2004 before the Subcommittee on Human Resources, Committee on Ways and Means, we received a request for the ratio of caseworkers to children from Chairman Herger, asking that we respond by email to you. At the current time in New Jersey, we have both generic field offices and field offices that specialize in adoption cases. The staff to child ratios for these offices are 1: 42.2 and 1: 16.9, respectively.

Thank you.

Joseph Versace
Data Analysis and Reporting Unit

Mr. CARDIN. Thank you. Thank you, Mr. Chairman.

Chairman HERGER. You are welcome. Mr. Cotton, if you could give us perhaps an update on the current status of the Jackson boys and the case against their adoptive parents.

Mr. COTTON. Thank you, Mr. Chairman. As I think was referenced early, an indictment just came out on the parents, so I don't want to comment on that at this time. That is really a matter with the prosecutor's office. The children themselves, I mentioned briefly they are doing very well. I have seen them recently, particularly the oldest child, the 19-year-old, who I saw quite a bit after this occurred. I didn't see him for about 8 weeks. I don't know that I would have recognized him. He has substantially gained weight. His face has filled out. He is taller. The younger children have grown.

All look much healthier, pretty much are like normal kids, although, for their age, they are still small. For example, the 9-year-old looks like a really healthy 6-year-old right now, but healthy. They are adjusting. They are in foster homes, and I don't want to get into details of that. Most of them are together. They are doing very well in foster placement. They are being reintegrated into schools, as they were home schooled for a while. There haven't been any serious medical problems after the initial medical problems that were very serious were dealt with. We haven't had any recurrence of any serious medical problems. The foster parents are extremely happy with them. There haven't been behavior problems. So, things are going very well.

Chairman HERGER. We are very happy to hear that.

Mr. COTTON. Thank you.

Chairman HERGER. Mr. McCabe mentioned in his testimony how there was some redirection of funds, I believe, in some of their programs. Could you tell me where New Jersey found the State resources to devote to improving its child welfare programs? You mentioned you had increased your funding fairly considerably.

Mr. COTTON. Well, we have increased our funding $15 million this year that was found from savings or reallocations of money from various spots. The $125 million that I spoke of next year, and the $180 million after that, are in the governor's budget. They have not been legislatively approved yet at this point, but they are State

funds in the Governor's budget, so that will be part of the entire State budget that will be funded when it is passed.

Chairman HERGER. Very good. I would like to thank each of our panel members for——

Mr. CARDIN. Mr. Chairman, before we adjourn, could I ask your patience so I could ask Ms. Ashby one question on a technical point?

Chairman HERGER. The gentleman from Maryland is recognized, yes.

Mr. CARDIN. Thank you. If I understand correctly, the States are required to issue quarterly reports on the progress that has been made, but the anticipated penalties would probably be after 2 years. My concern is whether there is enough leverage in the current law, as you see it, to expect progress to be made with the penalty provisions that are in current law or whether we need to revisit that issue as to how we can make sure that progress is being made on a quarterly basis.

Ms. ASHBY. I can't answer that question, per se, regarding the current law. I am not an attorney, and perhaps if you wanted GAO to officially answer that later, I could consult with our attorneys and do that, but I will say one thing that is relevant to your question. Right now, with regard to the penalties, it is unclear what penalties, if any, will be sought from States that do not make adequate progress on their PIPs, and that is an uncertainty that the States are aware of, and that is affecting their decisions, in terms of what they are going to do. The ACF officials, themselves, have told us that they are not sure how they are going to handle the penalties. So, even given the current law, it is not clear what is going to occur.

Mr. CARDIN. That might be an issue we might want to look into. Thank you.

Chairman HERGER. Thank you. Again, I want to thank each of our panel members for taking the time to appear today to discuss State efforts to reform their child welfare system. I look forward to continuing to work with all of you to ensure that States improve their programs to comply with Federal requirements and, with that, this hearing stands adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

[Submissions for the record follow:]

Statement of Honorable Joe Baca, a Representative in Congress from the State of California

I would like to thank Chairman Herger and Ranking Member Cardin for having this very important hearing. The lives of our children and stability of the family are in danger. While it is important to review state efforts to change this destructive system, we should not do that without first hearing the personal testimony of those families that were ripped apart and destroyed by local child protective services (CPS).

That is why, two months ago, I sponsored a Town Hall Forum on CPS Reform in San Bernardino, California.The forum was held to hear testimony and receive evidence of what many parents, grandparents, and advocacy organizations describe as "a festering cauldron of fraud, corruption, abuse of power and exploitation of children."

During the eight hours of testimony, impassioned tales of rampant abuses of power, denials of due process protections, violations of civil rights, and accusations

of blatant defrauding of the American taxpayer were presented by documentation, video, and prepared statements. In addition to local and regional activists, Arizona State Representative Ray Barnes and other staff members representing California legislators joined in the forum. Testimonies included documentation of a scheme designed by state counties and service providers to "maximize the federal funding stream" through financial incentives. While this in itself is not irregular, the focus on revenue at the cost of safety may be putting children and families at risk.

The testimonies continued unabated as parents and extended family members presented the committee with documentation of violations of state and federal statutes, denial of civil rights and predation upon vulnerable children and families by child welfare workers that regularly exceed their authority.

According to testimony, the unwarranted seizure of children from non-neglectful homes has become a national problem of staggering proportions. At any given time, there are now more than half a million children in custody in the United States. It was reported in the forum that an estimated one out of every twenty children goes into government custody and that CPS routinely violates the constitutional rights of parents and their children in the process of their "intervention."

Nearly one-and-a-quarter million children now come under government observation each year in America. Witnesses stated that only about three percent of the children who are seized or taken into custody were physically abused. What is even worse they said, is that the children who are taken into state custody have an eight to eleven times greater chance of being abused than those who remain in their own homes.

Although most states have laws requiring a speedy trial to test the flimsy and often anonymous allegations against the parent, evidence was given that showed that often nearly a year passes before the parent even gets a partial chance to tell a judge their side of the story.

According to the forum there is little protection for the family once a court focuses its attention on a parent. Witnesses told stories of courts circumventing such basic rights as burden of proof, presumption of innocence and rules of evidence. They routinely violate due process, and equal protection rights. The system moves into a parent's life and does nothing to help. As news reports and evidence from the forum has shown, scandals and abuse of power exist within the family and juvenile law industry.

As evidenced by this forum, abuses and errors in judgement are common. Instead of receiving comfort and encouragement, innocent parents and grandparents are often drawn into a system that has a sub-par record of protecting the children entrusted to it.

I am hoping to learn from this hearing what can be done and what has been done to protect our children and their families. It is a good start to monitor the states and review their practices. I hope that the result of this will yield concrete steps to protect our children and families from false accusations and destructive policies within the state CPS.

Please find attached the list of witnesses at the CPS forum in San Bernardino.

Speakers from Southern California

Ms. Patricia Barry Esq. Los Angeles, Los Angeles County

Darla Elwood Mother of five children Saugus, Los Angeles County

Fred Baughman, M.D. Retired Neurologist San Diego, San Diego County

Mrs. Trini M. Estrada-Brown Paternal Aunt Riverside, Riverside County

Mrs. Margaret Estrada-German Paternal Grandmother Norwalk, Los Angeles County

Mr. Howard Jeff Blaydes Father Lakewood, Los Angeles County

Rev. Joseph Campbell Mrs. Cheri Campbell Grandparents Morongo Valley, San Bernardino County

Mr. Peter W. Carissimo, ASA Author and Corporate CEO Newport Beach, Orange County

Ms. Cynthia Curry-Gilmore Maternal Grandmother, Guardian, Teacher, Los Angeles Unified School District

Member, United Teachers Los Angeles

Member, California American Family Rights Association Tujunga, Los Angeles County

Ms. Betty Curry Maternal Great Grandmother D.A. Investigator, Child Support Division (Ret.) Moorpark, Ventura County,

Mr. Kirk DeWitt Father Victorville, San Bernardino County

Ms. Desiree Nelson Fourteen-year-old victim of abuse

Mr. Paul Nelson and Mrs. Linda Nelson Parents of victim Simi Valley, Ventura County

Candace Owen Mother West Los Angeles, Los Angeles County

Ms. Linda Wallace Pate, Esq. Attorney at Law Los Angeles, Los Angeles County

Mr. Herbert Weisel Grandfather Adelanto, San Bernardino County

Speakers from Northern California

Ms. Karen Anderson Certified Mediator in accordance with the California Dispute Resolution Programs Act Certified Domestic Violence/Sexual Assault Counselor by Office of criminal justice, Ione, Amador County

Ms. Theresa Cook Mother and Advocate Co-Director, Parents Against Corrupt System (PACS) Member, NAACP Santa Clara, Santa Clara County

Ms. Donna Crowder U.S. Army Veteran Nurse Grandmother, Mother of a Marine Past President North Kiwanis, Merced Addressed State Senate Health and Human Services Committee, April 5, 2000, regarding abuses of power by County CPS. Member, Lost Cherokee Tribes of Arkansas and Missouri

Mrs. LaDonna Gonzales, daughter Miss Yolanda Valenzuela, granddaughter

Mrs. Jeane Nelson, mother Merced, Merced County

Mrs. Nancee Crowell California-Nevada State Director, National Foster Parent Coalition Benton, Mono County

Ms. Myrna Fernandez Mother Burlingame, San Mateo County

Ms. Donna Fryer Paralegal/Law Student Sole Custodial Parent Former CPS Victim Campbell, Santa Clara County

Ms. Mary Gilbert Mother and Advocate Butte County Employee Affiliate, California Protective Parents Association Affiliate, Government Watch Magalia, Butte County

Ms. Michelle Tidmore Grandmother and Advocate Legal Eagles Law Research East Contra Costa Legal Education and Advocacy Project Working in cooperation with Contra Costa Bar Association Antioch, Contra Costa County

Ms. Shawna Tidmore, Mother of Zierra, Kierra, Joseph and Logan

Ms. Michelle Lujan Mother of Kerri, Jason, Justin, Jacob, Chuckie, Alan, and Angel several of whom have been taken by CPS Contra Costa County

Mr. Joseph K. Brown Father of Austin, Cheyenne, Cheyne, taken by CPS Network Administration Consultant Volunteer Firefighter Connecticut

Mr. William O. Tower Father, Victim of Abuse by Human Services as a child and as a parent both in Maine and California Member of American Family Rights Association

Mrs. Anne E. Tower Mother, Victim of Abuse by Human Services in Maine and California Member, American Family Rights Association Fair Oaks, Sacramento County, California Speakers from Outside California

Mr. Fred Baker Former Foster Care Provider in Los Angeles County North Carolina

Ms. Patti Diroff Paralegal Member, Children's Rights Council Aunt of a 5-year boy and a 2-year-old boy Testifying on behalf of their family from Asheville, Buncombe County, North Carolina

Mr. Glee A. Burt Maternal Grandfather

Mrs. Elizabeth L. Burt Maternal Grandmother

Mrs. Jennifer McLean Mother Mr. Joe McLean Stepfather Jacksonville, Pulaski County, Arkansas

Ms. Sherilyn Claverie Mother New Orleans, Louisiana

Ms. Elaine Wolcott Ehrhardt Mother Member, American Family Rights Association Port Orchard, Kitsap County, Washington

Mr. Ted Gunderson FBI Senior Special Agent in Charge (Ret) California and Nevada

Ms. Judi Amber Chase Co-Founder, The Earth Harmony Foundation Co-chair, The International Rights Children Committee Creator, The Every Child is Everyone's Child Campaign Author, "Walls of Secrecy" to be released Spring 2004 California and Colorado

Mr. Tom Hanson Public Advocate for Poor Children and Family Rights Former Foster Child Texas

Mr. Matthew Kneen Ms. Lori Fields Parents of two children who died while in foster care Minneapolis, Minneapolis County, Minnesota

Ms. Christine M. Korn Mother, Grandmother Director of Colorado Family Rights Association Affiliate, American Family Rights Association Representing American Family Advocacy Center of Colorado Penrose, Fremont County, Colorado

Mr. Earl David Retired Airline Pilot Father of an abused son Member, Judicial Reform Member, J'Accuse of Oklahoma Oklahoma City, Oklahoma County, Oklahoma

Mrs. Joanna Wright President, Hope4Kidz, Inc. Making Time For Kids, Because Kids Can't Wait for Time Advocate, Foster Children in State Residential Treatment Centers Houston and Austin, Houston and Austin Counties, Texas

Statement of Child Welfare League of America

The Child Welfare League of America (CWLA) welcomes this opportunity to offer testimony on behalf of our 1,000 public and private nonprofit child-serving member agencies nationwide for this hearing to examine the Child and Family Services Review (CFSR) process and the accompanying Program Improvement Plan (PIP) component of these reviews. We appreciate this Subcommittee's on-going commitment to examine our nation's child welfare system and the important opportunity this offers to explore ways to ensure that all children in this country are protected from abuse and neglect.

CWLA urges Congress to take a close look at what we are learning about the needs of state child welfare systems and to work with states and local child welfare partners to find ways to address these needs. The CFSR process is an important opportunity to address the reforms of the child welfare system that are needed to ensure safety and permanency for our most vulnerable children.

The Need For An Effective Federal Oversight Mechanism

The assortment of mechanisms currently in place that provide oversight for state child welfare systems were reviewed by this Subcommittee in a hearing earlier this year. That hearing began the focus on the Child and Family Services Reviews that are the main tool that the federal government uses to measure the performance of state child welfare agencies and to hold states accountable for services to children though a results-oriented approach.

During CFSRs, the federal government determines: (1) if a state child welfare agency's practice is in conformity with Title IV–B (Promoting Safe and Stable Families and Child Welfare Services) and Title IV–E (Foster Care and Adoption Assistance) requirements; (2) if children and families are achieving desirable outcomes; and (3) if a state needs assistance with its efforts to help children and families achieve positive outcomes.

The Child and Family Services Review process was the result of a 1994 congressional mandate that was included as amendments to the Social Security Act (P.L. 103–432). That law required the U.S. Department of Health and Human Services (HHS) to review state child welfare programs to ensure "substantial conformity" with state plan requirements in Titles IV–B and IV–E of the Social Security Act. That law requires that state child welfare programs be measured or judged in certain areas or standards. Over the next several years, HHS and the states worked to develop this review process according the dictates of the law. The planning for CFSRs was completed in 2000. The initial round of state reviews began in 2001 and was completed a few weeks ago.

The decision by Congress to create a comprehensive review process was an important step for this nation's child welfare system. Some states have used this process as a way to engage other critical partners in an examination of their child welfare systems. Partners, such as the state's legislative body, the news media, and the community, are critical to creating and maintaining a system that, nationally, must protect the one million who are victims of abuse and neglect, the more than 500,000 children in foster care and other out-of-home placements, the 50,000 children adopted each year from the child welfare system, and the thousands of other families receiving prevention and support programs.

What the Child and Family Service Reviews Tell Us

The results of the CFSR process have been mixed and the bottom line is that no state has been found to be in conformance with all fourteen outcome measure and systemic factors. States were slightly stronger in the safety outcomes than in the permanency and well-being outcomes. States were weakest in helping children achieve their permanency goals in a timely manner and in helping families with services they need to care for their children. The U.S. Children's Bureau has been very careful not to compare states in any area, but rather encourages a state to compare itself over a period of time, measuring progress and improvement.

These Results Cannot Simply be Viewed as Pass or Fail

The Children's Bureau does not use the term "fail" or "pass," but considers the outcomes in terms of "in substantial conformity" or "not in substantial conformity." The CFSR process is intended to reflect both the areas in which the state is doing well and the areas in which the state needs to make improvement. While it is appropriate to focus on the areas that need improvement, the entire child welfare system must be considered when evaluating state performance and making subsequent changes based on that evaluation. For most states, the CFSRs have held few new surprises, but now states are being held accountable in two areas: (1) outcomes for children and families in terms of safety, permanency, and child and family well-being; and (2) the administration of state programs that directly affect the capacity to deliver services leading to improved outcomes. This accountability had not been a focus in the past. The CFSR is also just the first step. States will also be evaluated in their ability to implement the changes outlined in their Program Improvement Plan.

How the Measurements Used in the Child and Family Service Reviews Can Be Improved

CWLA recognizes that there are serious flaws in the measurements used in the Child and Family Services Reviews. The scope and reliability of measurable outcomes need to be refined to improve comparability among states and to also produce measures that reflect good practice in the field. The current measures fall short in these areas and CWLA believes that the measures need to be reexamined.

CWLA has participated in work with all of the states through a National Working Group to Improve Child Welfare Data. Through that process, CWLA has documented the reliability deficiencies in the placement stability federal outcome measure, as well as reliability and accuracy problems with the measure on child maltreatment in foster care. Recommendations from this National Working Group were presented to the U.S. Children's Bureau and have resulted in improved guidance from HHS to the states.

The establishment of common definitions for widely used terms such as 'placement,' would also go a long way to produce comparable information that informs Congress of the efficacy of the child welfare system. CWLA has started a process working with states to determine definitional standards. That work will result in more clearly established common standards for the federal measures, using the existing federal guidelines.

CWLA also has recommended to HHS that the methodology to produce outcome measures be modified to include measures derived from longitudinal analysis, to complement the present point in time and exit cohort data. Longitudinal data is based on entry cohorts of children and this approach mitigates inherent biases associated with point in time and exit group data. This approach also is preferable for showing the effects of agency programs and policies.

State child welfare systems vary widely in terms of the populations they serve (juvenile justice, mental health, domestic violence, etc.), their administrative structures (county—or state-based), and their regional locations (rural, urban, north, south, etc.). CWLA recommends that states be allowed to use alternate measures to assess how their child welfare system is improving the safety, permanency, and well-being of children. These measures may vary according to the particular idiosyncratic elements of particular state systems.

The current measures do not necessarily reflect good practice. They are an artifact of aggregate data reported by the states through the Adoption Foster Care Analysis Review System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS). CWLA believes that the next generation of outcomes should be shepherded by an interdisciplinary group of state and federal participants, advocacy and consumer organizations, the research and academic communities, and the general public. Through this type of collaboration, evidence-based measurements can be identified and pursued as meaningful outcomes for children.

Building on the Program Improvement Plans

As a result of performance on the Child and Family Services Reviews, states are required to draft and submit to HHS a Program Improvement Plan. These plans are varied in format and design. A recent report for the U.S. General Accounting Office [1]

[1] Child and Family Services Review: Better Use of Data and Improved Guidance Could Enhance HHS's Oversight of State Performance. U.S. General Accounting Office (GAO–04–333), April 2004.

found that the instruction and response from HHS regarding the Program Improvement Plans has not always been timely or consistent for all states.

A review of the Program Improvement Plans offers some valuable insight into some of the key issues facing state child welfare systems. The GAO report[2] found that the most common challenges affecting states' Program Improvement Plan implementation was insufficient funding, insufficient staff, insufficient time, and high caseloads.

Seventeen of the initial 18 states[3] to have finalized Program Improvement Plans referenced the need for more training. Worker and supervisory training should address the need for increased skill and competency in conducting safety assessments, in working with families experiencing substance abuse and domestic violence, in assisting youth transitioning from foster care, in assisting children and families in need of specialized services, and in providing effective supervision. There is also a need for comprehensive training and mentoring of new workers.

At least 12 of the initial 18 Program Improvement Plans reviewed cited the need for more or better access to mental health services. Twelve of the 18 state plans reviewed planned to step up their recruitment efforts in finding both adoptive and foster parents. More than one-third discussed the need for increased collaborations with the courts. Eleven of the 18 states included in their plans greater access to services for families and children, including services such as aftercare, family intervention, therapeutic services; strategies for filling the gaps, including those found in rural areas; and access to important supports such as housing or income support.

States are not required to include information or details on what it will cost the state to fully implement the PIP. Each state makes a determination based on resources as how to fund the requirements described in the PIP. The decisions to fund the improvements outlined in each states Program Improvement Plan now relies on each state's ability to dedicate scarce additional state resources.

Without new, dedicated federal resources to assist states implement the needed improvements, states will continue to struggle to comply with federal expectations and may be penalized as a consequence. CWLA supports legislation pending before this Subcommittee, the Child Protection Improvement Act (H.R. 1534), sponsored by Representative Benjamin Cardin (MD), that begins to address this need. That legislation would give states new federal resources to assist states in the implementation of their Program Improvement Plans. H.R. 1534 would provide grants to states to help implement program improvements and would provide an additional bonus for the most successful states.

Imposition of Penalties Are Misguided and May Have Unintended Consequences

Once a state has received federal approval of the Program Improvement Plan, quarterly reports of progress, with supporting data, are required. At the end of the two-year PIP, a final report is prepared and HHS determines if a state had achieved compliance. Failure to achieve compliance may result in financial penalties.

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. The GAO report[4] estimated financial penalties could range from a total of $91,492 for North Dakota to $18,244,430 for California. If a state is sanctioned for not achieving substantial conformity, private providers may also be affected. The decisions to pass on sanctions will be made at the local level.

While oversight and enforcement are critical to making the child welfare system better, an enforcement mechanism that relies on penalties is misguided. The result of the imposition of penalties for states that are not able to fully implement their Program Improvement Plan would only result in reduced funding for child welfare services in the state at time when more is needed. Penalties would hamper a state's ability to make the needed improvements.

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[2] Ibid.

[3] AL, AZ, AR, CA, DE, FL, GA, IN, KS, MA, MN, NM, NY, OK, OR, PA, TN.

[4] GAO–04–333, Child and Family Services Review: Better Use of Data and Improved Guidance Could Enhance HHS's Oversight of State Performance. U.S. General Accounting Office (), Washington, DC: April 2004.

Need For National Standards

Unlike other systems that provide critical services to children and families, such as schools and hospitals, there are no comprehensive, nationally mandated standards for child welfare services. For many years, CWLA has been the principal national organization responsible for developing child welfare standards. CWLA's twelve volumes of standards provide best practice guidance on many aspects of child welfare, including the quantification of caseload ratios. Unfortunately, there remains a wide gap between the best practices recommended in these standards and what actually occurs in practice in many jurisdictions.

The absence of a core set of nationally agreed-upon standards by which agency services can be measured seriously compromises quality and consistency across child welfare services. The lack of clear agency policy and accountability with regard to best practice all too frequently permits "freelance" and unstructured casework practice. It fosters decision-making that, by default, may be driven by individual workers who are often inexperienced and inadequately trained. The lack of national standards by which agencies are held accountable has played out nationally in recent reports of the disappearance, serious injury, and death of children. In addition to these most tragic examples, without complying with such standards, many agencies are ill-equipped to provide the basic care and protection of children and support to families that we expect of an effective child welfare system.

CWLA proposes the federal government establish national standards for child welfare practice that would be linked to the federal Child and Family Service Reviews. Once established, nationally adopted child welfare standards would provide guidance to state efforts to achieve the child welfare outcomes and meet the requirements of state Program Improvement Plans. Establishing national standards of practice for child welfare services, and creating and implementing a process for states to use to "gear up" to the standards, would result in more consistent, quality practice across jurisdictions and nationally. It would provide clear guidance to states in their efforts to achieve the child welfare outcomes and make improvements as laid out in their Program Improvement Plans. It would provide a needed practice framework, enabling child welfare service systems to achieve good outcomes for children and families and to be accountable for the important work that they do.

CWLA's Call for Comprehensive Child Welfare Reform

Based on the findings of the CFSR process and the documented needs expressed in the PIPs, CWLA continues to urge Congress to take action on what is truly needed to build the system of care so that children are protected. CWLA recognizes that the child welfare system, as currently constructed, cannot protect all children adequately. Failures occur. They are not limited to any single state. These failures will continue to occur until we put into place a comprehensive child welfare system. There is a compelling national interest in providing consistent levels of safety, protection, and care for America's children across each state.

The national child welfare system continues to be in need of:

- A reliable, responsive, and predictable method of guaranteed funding, for a full range of essential services, as well as placement and treatment services.
- A means of maintaining consistent focus on safety, permanency, and well-being as outcomes for children.
- Rigorous standards combined with strong federal and state accountability mechanisms.
- Recruitment and support of an adequately trained child welfare workforce, foster and adoptive parents, mentors, and community volunteers.
- Resources that enable parents to provide adequate protection and care for their children. Direct tribal access to Title IV–E funding. Allowing Native American tribes and tribal consortia to apply to the U.S. Department of Health and Human Services to directly administer the Title IV–E foster care and adoption assistance program would increase opportunities for Native American children to find permanent families and receive the supports they need.

Without all of these elements in place the well-being of many of our country's children will continue to be threatened.

New Investments Needed

The findings of the CFSRs and the PIPs have made it clear that states need help in order to successfully care and protect our children. The federal government must recognize its unique role in better supporting state efforts.

Implement Program Improvement Plans

All states have now undergone their federally mandated Child and Family Services Reviews. States are now putting together Program Improvement Plans that outline what improvements are needed to better ensure that children are protected. Many states will struggle to implement these plans unless resources are provided.

Legislation pending before the Subcommittee sponsored by Representative Benjamin Cardin (H.R. 1534) offers an innovative approach that would target funds to assist states in the implementation of their Program Improvement Plans. H.R. 1534 would provide grants to states to help implement program improvements and would provide an additional bonus for the most successful states.

Increase Support for Prevention and Early Intervention Services

Resources are needed for primary prevention services that can prevent many families from ever reaching the point where a child is removed from the home. Prevention and early intervention services play a vital role for children and families in communities. Family support, home visiting, and in-home services enable many parents to gain competence and confidence in their parenting while addressing other family concerns. Child care, housing, and job training/employment are services that enable families to stay together to the fullest extent possible. These and other preventive services need to be much more available to families early on, as well as when a crisis occurs.

Community-based child protection programs have demonstrated that many families can be helped before there is a need for protective intervention with the family. Often, the family can identify what is needed and be connected to resources—and contact with the formal child welfare system can be averted. Often, after a formal report has been made, a child can be maintained safely at home with sufficient supports, clear expectations, and monitoring. At all points in the continuum, however, ongoing, targeted assessment must be taking place. Both the initial child protective services investigation and placement prevention services require appropriate immediate assessments of the family, the child, and the community. CWLA supports the Act To Leave No Child Behind (H.R. 936) that would allow states to claim reimbursement under the Title IV–E foster care program to address these needs. In addition, we urge Congress to approve the Administration's requested increases under the Child Abuse Prevention and Treatment Act.

Increase Funding for Promoting Safe and Stable Families

CWLA, along with members of this Subcommittee, supports increased funding to $505 million for the Promoting Safe and Stable Families program (PSSF). States use these funds for family support, family preservation, adoption, and family reunification. Since 2001 when this program was last reauthorized, Congress has had the ability to add $200 million to the $305 million in mandatory funding. Despite the best efforts of members of this Subcommittee, Congress had never approved more than $405 million for PSSF.

Restore Funding for the Social Services Block Grant

CWLA again calls for the restoration of funding to $2.8 billion for the Social Services Block Grant (SSBG, Title XX of the Social Security Act). In 2000, SSBG represented 17% of all federal funding for child welfare services. While SSBG funds can be used for an array of social services, such as child care or services for the aging, states chose to spend these funds on child welfare services more than any other service area. In federal FY 2001, child protection and child foster care services each accounted for 22% of SSBG expenditures; 43 states used SSBG funds to address child protection services; and 35 states used SSBG to fund foster care.

Support the Adoption Incentives Fund

CWLA, along with members of this Subcommittee, supports full funding of $42 million for the Adoption Incentives Fund. This is an important fund that provides resources to the states to encourage the adoption of children. Increased funding is especially needed to help states reach the new target of facilitating the adoption of older children. Congress, led by the work of this Subcommittee, reauthorized the Adoption Incentives fund just last year. Despite that effort, the 2004 funding does not provide the full $42 million.

Adopt Strategies to Better Support the Child Welfare Workforce

A well-trained, reliable, and experienced workforce is a critical element to making children safer. Legislation pending in this Subcommittee introduced by Representative Pete Stark (CA), H.R. 2437, as well as H.R. 1534 mentioned earlier, encourages a number of workforce strategies, including expanded access to training for new and current child welfare workers. In the U.S. Senate, Senator Mike DeWine (OH) has

sponsored legislation (S. 407) that expands college loan forgiveness to this part of our nation's workforce.

Change the Eligibility for Title IV–E Foster Care and Adoption Assistance

To ensure child safety, permanency, and well-being, federal funding should be provided for all children in out-of-home care. Congress has mandated legal and permanency protections for all foster and adopted children, however, federal funding is only available to pay for the costs of children who are eligible for Title IV–E of the Social Security Act. The current law links Title IV–E eligibility to archaic standards that each state had in place under their 1996 AFDC eligibility standards.

Since AFDC no longer exists, this continues to be an administrative burden on the states. Even more critical, however, is the fact that as time goes by, fewer and fewer children will be eligible for federal support. Data gathered by the Urban Institute indicates that as of 2000, approximately 57% of all children in out-of-home placement were eligible for Title IV–E funding. Some states may be able to serve less than one-third of their children in out-of-home placement through the use of Title IV–E foster care fund. If the current eligibility link remains, fewer and fewer children will be eligible for federal foster care and adoption assistance.

Expand Family Reunification Services

Reunification is the first permanency option states consider for children entering care. Yet, in many ways, it is the most challenging option to achieve in a plan-based, permanent way. Forty-three percent (239,552) of children in care on September 30, 2000, had a case plan goal of reunification with their parents or other principal caretaker while 57% (157,712) of the children who exited care during FY 2000 returned to their parent's or caretaker's home. Successful permanency through reunification requires many things, including skilled workers, readily available supportive and treatment resources, clear expectations and service plans, and excellent collaboration across involved agencies, at a minimum. The Act To Leave No Child Behind (H.R. 936) would allow states to claim reimbursement under the Title IV–E foster care program to address these needs.

Support Kinship Permanency and Guardianship

One area that can serve as an important tool in providing children with a safe and permanent setting is the use of guardian kinship care arrangements. Some states have used various resources to fund this permanency option. A few states have utilized federal Title IV–E funds to support guardianship through the use of Title IV–E waivers.

CWLA supports a federally funded guardianship permanency option available through Title IV–E to allow states to provide assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have committed to care for on a permanent basis. Kinship guardianship assistance agreements and payments would be similar to the adoption assistance agreements in that they would take into consideration the circumstances and the needs of the child.

Kinship care, when properly assessed and supported, has been shown to provide safe and stable care for children who remain with or return to their families. Twenty-five percent of children in care are living with relatives, some of whom will not be able to return to their parents. States vary in their use of relative homes for foster care even though federal regulations state that there is a preference for relative placements. States are challenged to provide the financial, social, and legal supports that are needed to ensure safety and permanency in kinship placements. Generally there is a lack of case management and support services made available to relative and legal guardian providers.

Conclusion

The Child and Family Services Reviews offer a valuable opportunity to carry out a serious and ongoing examination of how well our nation's child welfare system is taking care of and protecting our children. The Program Improvement Plans also provide valuable information about what is truly needed to build the system of care so that children can be protected.

The improvements to the child welfare system can only be made through an improved system of shared financing responsibilities among federal, state, local, and tribal governments. Now is the time for the federal government to help support states in their efforts to implement needed changes by providing states with the needed resources. Without additional support, states cannot reach the goals of im-

proved outcomes for the children and families that are touched by our nation's child welfare system.

Statement of Anita M. Crowley, Wichita Falls, Texas

My personal experience with Child Protective Services has being wearing different "hats" at different points in my life. I have been a foster parent, educational advocate, foster parent trainer, and most recently a parent with a biological child in the system. My husband and I were foster parents to in excess of twenty children in our home and worked closely with social workers, CASA volunteers, attorneys', educational advocates, counselors and teachers. I furthered my experience with employment as a legal assistant to a family practice attorney. In a desire to seek information for my own case and to create a support network for myself, I did research on the internet.

I feel it imperative to share with you my experiences with our system as well as cases I have learned of due to the abuse of power that I have seen in the CPS system. I personally have not met anyone who came through this system feeling that they have benefited from their experience with this unit. My understanding was that this institution was designed to protect children while whenever possible, keeping families together. This is not the way this organization is functioning. In my own case, it was not even attempted.

Our Courts are taking whatever recommendation given by CPS. Hearings are held in the hallway, oftentimes never making it into the courtroom. When parents attempt to defend themselves they are told things like: "don't say things about your child that will hurt their self esteem," "children don't lie," "children don't lie about these kinds of things," "better to destroy one hundred parents then allow even one child to be harmed." While I understand the need to protect children, I find it appalling that we would consider the premise of throwing away any life for another, even in the name of child protection. My family and I spent literally hundreds of man-hours as well as thousands of dollars building a case for mine and my spouse's defense as well as to support (show) the need for mental help for my daughter. Come the time to present it to the Court, the Judge refused to hear it since he said it would hurt my daughter to hear our case. It is acceptable to the Court for my daughter to destroy my livelihood and my husband's life but not for us to present a defense in the event that she is not telling the truth.

District Attorneys file papers based on whatever they are told by CPS. Police investigations are not always done to verify the information. If the DA does not have a strong case, they will allow the case to drag on for years to allow the case to be settled for lesser charges or dismissed.

Attorneys employed by the parents locally are often afraid to defend their clients due to fear of repercussions against their families. Others will give in on cases of their clients to gain favor for their family members. Some lawyers are so inexperienced that they do not have the knowledge to properly defend their clients; those who know of the resources available are so expensive that most parents cannot afford the proper defense and that is when it remains a civil matter. The average price of a defense of one parent in a criminal case is considered the price of a new car. I personally cannot afford a new car and that would be the case even if I had not faced this situation. There is no such thing as a public defender against CPS. A public defender is only a consideration if it becomes a criminal matter and will not assist in the civil case; it is not their job. It would make the criminal case more difficult to defend because working through any steps that would be required for the civil case would give information to be used against the defendant in the criminal case. The other issue regarding attorneys is that each parent must retain their own representation since their issues might conflict. The majority of children in the system are those of low income to poverty level; one cannot help but feel that this is a reflection of the fact that those are in fact, the same people who cannot afford to defend themselves.

The abuse of power from these factors crosses more lines than most people can even begin to fathom. There is double dipping of the pots. If a child is brought into the system for multiple reasons (which is usually the case) then there is the ability for more than one dip. Welfare is provided for this child plus parents are charged with child support.

There is a system of ensuring that many people are paid from this pot as well. There is a program that is easy to see is the pattern. Once the case is assigned to a caseworker the child will be going into counseling as well as the parents into by parenting classes, CASA workers will be assigned. Family workers might be needed

or supervised visitation, which will require a social worker to supervise visitation. Often times there will be testing or evaluations required such as psychologists or sexual abuse examinations. The list is endless.

All of what you have heard so far is just the beginning. These matters are of importance but what else goes on in the day-to-day working is even more horrifying! My father said it best when he told the head of Child Protective Services in our local office, "—CPS is more powerful that the IRS and that scares the hell out of me—" This is a very true statement; there is no one who these departments are held accountable to, if there were, the abuse of power would not be so far out of control.

Case in point, my husband, my father and I went to talk to the head of our local office to discuss my daughter's first allegations against my husband, which were stated, in writing, to have been unfounded. As we were leaving the office this individual told my husband, "if your name ever crosses my desk again, I'll burn you guilty or not—" It takes someone who is confident in his or her power to have the gall to make such a mighty statement. Considering the lack of investigation in our case and the fact that we were never permitted a hearing to prove our innocence; it makes one wonder as to the power of this person.

The previous scenario is just one example of the types of things going on in this corrupt program. One case I heard of was a young mother who was told that she could not have her child back until she could prove that she could support herself. She got a job, took a bus to and from work, attended visitation and hearings and established herself in her own apartment. When the time came that she asked for her son back; they told her not until she got a car for transportation. Does this imply that a parent is unfit if they do not have a car?

Another situation: I heard the District Attorney talking with one of the local lawyers and a caseworker. There were three children, one of whom was old enough to want to stay with her mother. After the case progressed for over a year this child just would not lose her desire to be with her mother and would cause terrible disruption to the family. The powers that be made the decision to trade off returning this child to the mother in return for allowing another parent to "lose" their case. Are these children we are talking about or pawns? I believed cases were to be disposed of based on merits.

Realizing that you do not know the facts of my personal situation, please take some of the following points into consideration. These incidents happened while we had a case with CPS.

- My daughter was a straight A student. An "academic athlete"; participating in sports as well as her good grades. She dropped out of high school and has not held a job for six months since she left state custody.
- My son was called into the office and made to remove some of his clothing to see if he had marks on him. This was not one of the charges or allegations nor was any complaints made by my son.
- I was not allowed to speak with my daughter without supervision prior to having any charges or allegations brought against me.
- Family members were not considered for placement.
- Reintegration was implied in the beginning but no attempts were ever made.
- Child Protective Services drew up the paperwork for the "Removal of Disabilities of a Minor" and made it part of our civil case with the State rather than it being a separate legal matter. When I attempted to challenge my daughter's readiness for this situation, they utilized the information and created documents to imply she was prepared. To this date, she has never resided by herself.
- My husband had an Ex Parte ordering him not to be in our home. He was living with my parents in another county. His attorney had notified the police and the DA that if he was to be arrested they should call him and he would bring my husband into be processed. After my husband was sitting in jail in another county the police, (over 10 officers) came and surrounded my house to arrest my husband.
- I requested that my daughter be required to continue her religious education and to attend church weekly, this was disregarded; in spite of a court order for it to continue.
- I was only permitted supervised visitation one hour, weekly and my son was permitted to share the same hour with me since the people my daughter was placed with did not like my son. This was later reduced to thirty minutes once a week. The judge told me in open court that he would not force my daughter to love me.
- Court documents stated that my husband had visitation however, he was never permitted to see my daughter after the date of removal. If my husband accidentally ran into my daughter in a public place, the "significant others" (this was

CPS's term for the neither non-family members nor foster parents to my daughter) would call CPS and report that he was attempting to see her.

- Since my husband and I were married in the Catholic Church, we do not believe in divorce. In an effort to cope with the situation and to give my son the full benefit of two parents and still abide by the wishes of the state, I made a proposal that my husband and I live apart as if we were divorced. My son would be afforded the ability to see his dad and go between our homes; my daughter could live at home and not see her dad. I would have them both at home since my children had never before lived apart and we would have met the burden of the State. This would allow my husband and I to be able to return to our cohabitation after the children were grown. The State deemed this unacceptable.
- I turned in a written statement to the school that my daughter was not to see visitors including CPS, without my presence and CPS said that they did not have to abide by my request.
- Medical records of my child were never requested and when I told the workers of health issues, they ignored me. I had to file hearings to make them abide. Even after that incident, the state did not request any medical records for my daughter.
- Police came to my home looking for my husband and when my father in law told them he was not home they called him a liar. (this is prior to any knowledge of CPS coming into our life)
- I requested that a nun be able to be my counselor (who is a licensed social worker) and was told the state would not recognize this person.
- School teacher (male) made arrangements with my daughter for her to come live with him while she was still residing in my home. I even have a tape recording where he tells her that he will do her thinking for her. He also gave her gifts and began creating a relationship between my daughter and his wife.
- No investigation beyond one test was done for entire case. This by a doctor who had no training in sex abuse detection and his findings were very questionable.
- Daughter eventually made allegations against a total of six men/boys and charges were only brought against my husband. No investigation was done into any of the other accused.
- Offer was made by the State that they would drop all charges against my husband if we would sign away our rights to my daughter.
- While in CPS custody, Jone, my daughter was tested by a physician and found to have a venereal disease; Kevin, my husband was forced to be tested and found not to have it.
- CASA worker came to our home and said it was too small with too many people living there for this situation to have occurred. Also that the family my daughter was living with was avoiding her visit. (She later changed her story). She also grossly lied in her statement to the Court.
- My husband and I received letters to attend permanency-planning hearing from CPS; when we showed up my husband was told if he did not leave, they would have him arrested. During the hearing, my father and I were told to leave and that I could not even tape it to hear what was being said.
- Social worker promised my daughter that her college would be paid for by the State and that her father would be kept away for at least a year. When my son tried to talk to this same social worker, she told him none of this was any of his business.
- New social worker came to visitation to introduce herself to family and schedule next home visit. She proceeds to ask my daughter her long-term goal. When the child responds with emancipation; she turns to me and says, "—and you're ok with that?" I responded, "NO!" She counters with "why not—" This is happening during a visitation session that occurs between the parent and child for one hour, once a week. Precious time that is now destroyed by CPS.
- During the same visit, the social worker takes my child out of the visit to have her introduce her to the people with whom she is residing. My daughter never came back into the room; she just left. I lost over 30 minutes that day and I was only entitled to 60 minutes once a week.
- Another visit my child invited me to a play she was working on. The CASA worker (not the social worker) heard me telling my daughter that I would be attending and proceeded to call CPS and report that I was trying to see my child without supervision.
- Numerous times, I requested a copy of file from CPS and was denied. When I finally received copy, it was mostly not there and what was there was either blacked out or almost entirely blank pages.

Most of the above-mentioned incidents may not seem like a critical matter however, we are but one case; one family who has been devastated by a corrupt system that is totally out of control. These people running this system are protected. They cannot be harmed because of the immunity given to them through there jobs, consequently, they have gone out of control. Absolute power is never just and this system is in dire need of accountability.

I appreciate your time in listening to me and look forward to seeing you reform this system for the betterment of the American people. Thank you.

Statement of Christina M. Amtower, Family Rights West Virginia, Keyser, West Virginia

I request that Congressional Inquiries of Health and Human Services Child Protective Services (CPS) be conducted in All States so that families can present evidence of the widespread abuses of power and discretion, the unjust victimization of families, the unjust and unnecessary incarceration of children in CPS custody due to the federal financial incentives to states, the egregious violations of families' constitutional rights and denials of due process which are routinely committed by CPS departments across the U.S. each day.

My online Petition requesting Congressional Inquiries of HHS CPS appears on: http://www.thepetitionsite.com/takeaction/253404476 family advocate has offered to absorb the cost of submitting the petition by FAX for me to the hearing on states' efforts to comply with federal standards.

I reside in West Virginia and sent my evidence book regarding my experiences with West Virginia Department of Health and Human Resources Child Protective Services (CPS) to Rep. Joe Baca for the March 13, 2004 Congressional Inquiry in California. It is my understanding my evidence book was forwarded to legislators in Washington, DC.

In my own case, my son was taken into CPS custody unjustly and illegally. Many constitutional violations occurred and denials of due process. No pre-deprivation procedures were followed and the post-deprivation procedures were sham procedures based on knowingly false allegations lodged by CPS. I was wrongfully adjudicated neglectful due to the condition of the home as no defense was presented.[1] After incarcerating my son unjustly in CPS custody for seven months, although being informed of domestic violence issues on the part of my ex-husband and his current wife, CPS was successful in having custody of my son awarded to my abusive ex-husband[2] and his criminally violent current wife.[3] I have not been allowed to see my son, have any contact with, or any sort of parent-child relationship whatsoever with my son in two years five months.

I had learned after the fact from the CPS case manager that shortly after my son's physical custody was awarded to my ex-husband, my son complained to CPS and KVC that my ex-husband had become physically abusive with my son almost immediately. The CPS case manager admitted no one checked my son for marks or bruising, no one took him to a doctor, and CPS and KVC took no action whatsoever.

Through my own research, I have learned that cases such as mine where CPS knowingly violates families' rights, enlists the aid of law enforcement to coerce entry and to intimidate and CPS making knowingly false statements to the Court are not unique or rare, it is actually commonplace in the "child protection industry." Single low-income mothers are one of the easy "soft targets" of CPS.

In matters involving divorce/custody, CPS becomes involved (to collect federal funds for doing so) and the push has been to remove families from public assistance or prevent them from receiving it. Therefore, CPS awards children to the parent with the most income (typically fathers) even when there is clear evidence it is not in the child's best interests to do so.

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[1] The condition of the home did not meet the definition of neglect under West Virginia Code. I was in the midst of spring cleaning the home and lacked the funds to hire help to get the tasks accomplished quickly. CPS and police illegally entered my home without consent, permission, court order or search warrant and searched my home on two separate occasions on April 23, 2001. I have filed a pro se appeal of my case to the West Virginia Supreme Court of Appeals.

[2] R. Lundy Bancroft, UNDERSTANDING THE BATTERER IN CHILD CUSTODY AND VISITATION DISPUTES http://www.lundybancroft.com

[3] My son's stepmother stabbed one of her former husbands in the chest with a knife. The man survived and filed a police report against her. Law Enforcement were called to my son's stepmother's home on a number of different occasions, the woman is allegedly an alcoholic.

According to R. Lundy Bancroft, abusive men are twice as likely to demand sole custody of children than non-abusive men and 70& of all men who demand custody are successful in winning custody (because they can afford much better legal representation).

Some abusive men want custody of the children to negate their financial incentives, to further hurt, manipulate and control their former victims, and/or to force their former spouses into returning to them, if their spouse wishes to see her children again.

However, as Dr. Orr reported, it costs taxpayers over ten times as much to care for children in foster care than if the children were to safely remain with their natural families and receive a welfare check.[4]

One of the most important reasons that states are failing to meet federal standards for child welfare in the foster care system is because there is an extreme overpopulation of children in CPS custody who should never have been placed in CPS custody in the first place.

At the very least, the definitions of child abuse and neglect must be drastically narrowed. Far too many children are in CPS custody unnecessarily due to false allegations lodged by CPS or allegations so trivial that they did not merit governmental interference in the first place.

Dr. Susan Orr's primary recommendation for child protection reform in "Child Protection at the Crossroads: Child Abuse, Child Protection, and Recommendations for Reform" 1. Narrow the scope of child abuse and neglect definitions. Scholars and child-welfare experts from across the political spectrum agree that narrowing the scope of child abuse and neglect would allow CPS to focus on the most drastic cases. Much that is now defined as child abuse and neglect does not merit governmental interference.

The National Coalition for Child Protection Reform (NCCPR)[5] first recommendation is "do nothing". According to NCCPR in "Nine Ways to do Welfare Right," "There are, in fact, cases in which the investigated family is entirely innocent and perfectly capable of taking good care of their children without any "help" from a child welfare agency. In such cases, the best thing the child protective services worker can do is apologize, shut the door, and go away." Some of the other NCCPR recommendations are: Basic, concrete (financial) help and Intensive Family Preservation Services.

Nationwide Child Protective Services Reform must take place. The focus of federal funding must shift from removals to family preservation. Funding to states' legal aid services must be made available and indigents must have legal representation for divorce, custody, visitation issues as allegations of child abuse and neglect often arise in those contexts. Every state should allow advocates to assist families, to inform them of their rights and of CPS rules and procedures, to accompany families to court and meetings with CPS, and to assist attorneys in presenting a defense.

CPS is simply corrupt and out of control. Something must be done to fix these problems and to stop the destruction of the American family.

Statement of Fostering Results, Mike Shaver, Chicago, Illionis

ACCOUNTABILITY FOR RESULTS IN CHILD WELFARE: IDENTIFYING AND USING DATA TO IMPROVE STATE PERFORMANCE

Fostering Results—a national, nonpartisan project to raise awareness of issues facing children in foster care, is pleased to submit this written testimony on state efforts to comply with federal child welfare review requirements related to safety, permanency and child and family well-being.

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[4] Policy Study No. 262, October 1999, Child Protection at the Crossroads: Child Abuse, Child Protection, and Recommendations for Reform by Dr. Susan Orr http://www.rppi.org/socialservices/ps262.html

[5] National Coalition for Child Protection Reform (NCCPR) Successful Alternatives to Taking Children From Their Parents. http://www.nccpr.org/index_files/page0005.html Sincerely, Christina M. Amtower Family Rights WV PO Box 845 Keyser, WV 26726 Family_rights_wv@yahoo.com http://www.geocities.com/family_rights_wv/ COPY: Rep. Joe Baca Whereas I am an indigent person, and have filed affidavits to that effect with the Mineral County Courthouse, Keyser, West Virginia for my appeal to the West Virginia Supreme Court of Appeals, I request that the requirement that a copy of this letter be FAXED to the Herger Hearing be waived due to the costs of FAXING.

The need for accountability in the child welfare arena is something embraced both at the state and federal level. Changes ushered in with the passage of the Adoption and Safe Families Act (ASFA) in 1997 not only detailed the importance of ensuring safety, permanency and well-being for children, but also outlined a process whereby states would be evaluated based upon their success in delivering these outcomes for children coming into contact with child welfare. This process—the Child and Family Services Review—has been carried out in every child welfare jurisdiction in the country. The news, as lamented in the editorial pages of both the New York Times and the Los Angeles Times, is less than encouraging: the failure of all 50 states, the District of Columbia and Puerto Rico to meet basic federal expectations in child welfare service delivery.

Failure of this magnitude is clearly reason to take note, but in the rush to highlight yet another failure in state and local efforts to protect vulnerable children, policy makers should seek to understand these failures with a clear sense of each outcome indicator and how these indicators are related to a state's performance and what this performance means for children and families.

What follows is a brief overview of some of the more problematic measures and ways in which the current measures fail to capture key underlying dynamics such as worker caseloads and workforce development as a way of improving service delivery. Additionally, this testimony offers suggestions for ways in which the Program Improvement Plans initiated by states to respond to their identified failures can be used to combine innovation, rigorous evaluation and accountability in an effort to turn around performance.

Flawed Measures

Unfortunately, federal reviews of state child welfare systems can inaccurately label states as "failing" even when their systems are improving. In many states, a documented failure in one of the national outcome indicators stands in striking contrast to evidence that many of these systems have turned the corner on performance.

For the first time in years, public foster care caseloads are shrinking as a result of successes in finding permanent homes for children who otherwise would have languished in long-term foster care. The median time it takes children to exit foster care has shortened, and nationwide the number of children in foster care peaked at 565,000 in 1999 and has declined continuously to 533,000 in 2002.

The federal Adoption Incentive Program has rewarded a majority of states for peak improvements in adoptions out of foster care, which when summed across all states is twice the overall baseline the federal government set in 1997. When other permanent placements such as legal guardianship are counted the data show that our nation's child welfare systems delivered a year ahead of schedule on a national goal to double by 2002, "the number of children adopted or permanently placed.[1]

Yet these notable improvements in public child welfare performance fail to register on the federal radar screen because of significant flaws in the methods used to assess performance and track program improvement. The reauthorization of the Adoption Incentive program signals an interest at the federal level for using financial incentives as one means of ensuring that child welfare jurisdictions are in moving towards appropriate outcomes for children and families. If this is to be continued as a strategy for improving child welfare performance, then ensuring that states are working toward the right outcomes, and that these outcomes are appropriately measured, is essential.

The problem with the data used by the federal government dates back to the AFCARS regulations issued by the Children's Bureau in 1994, which implemented Section 479 of Title IV–E of the Social Security. These regulations drew heavily from the recommendations of the 1987 Advisory Committee on Adoption and Foster Care Information that Congress mandated to study the various methods of collecting data with respect to adoption and foster care in the United States. The Committee recommended an information system that would support individual child-based reporting but not allow for identification or tracking of individual children prospectively over time. This decision in favor of a "cross-sectional" reporting system ran opposite to the recommendations of the experts hired by the Committee. Their reports stressed the importance of organizing a national information system on the

[1] Administration for Children and Families. 1997. "Adoption 2002: Safe and Permanent Homes for All Children." Press Release, February 14, Washington, D.C.: U.S. Department of Health and Human Services.

basis of cohorts of children entering the system (entry cohorts) and tracked longitudinally from the date of removal to the date of discharge.[2]

In hindsight, the Committee's recommendation for a cross-sectional reporting system may have served the information needs of the federal government at the time. But recent developments since the passage of the Adoption and Safe Families Act (ASFA) of 1997 have revealed serious inadequacies in this approach and underscore the importance of an approach that supports longitudinal tracking of child outcomes.

All states strongly recognize the need to track system performance in order to evaluate the impact of programs and policies on child welfare outcomes. However, the inability of the current cross-sectional reporting system to track the achievement of child welfare outcomes *prospectively* for entry cohorts (children entering care during the same time period) makes it ill-suited to assess the performance of state systems. The restriction of AFCARS to reporting *retrospectively* on child welfare outcomes only for exit cohorts (children exiting care during the same time period) undercuts the federal government's attempts to measure performance trends accurately and to establish valid performance benchmarks.

Retrospective Data and Performance Analysis

The problems associated with assessing performance using retrospective measures can be illustrated with real data from Illinois. By contrasting the retrospective and prospective approaches using one key outcome measures—time to adoption—the inherent weakness of the retrospective approach becomes obvious.

*Federal **retrospective** measure of time to adoption (Child Welfare Measure 3.1):* Of all children who exited care to a finalized adoption, what percentage exited care within 24 months?

FFY1	FFY2	FFY3	FFY4	FFY5
16.1%	10.8%	12.7%	8.4%	7.3%

*Alternative **prospective** measure of time to adoption:* Of all children who entered substitute care, what percentage exited to finalized adoption within 24 months?

FFY1	FFY2	FFY3	FFY4	FFY5
1.7%	1.8%	3.0%	5.4%	7.8%

Clearly, the retrospective measure distorts performance trends. It is based on exit cohorts that simply measure the average amount of time spent in foster care by a group of children exiting care at the same time rather than looking at the experience of children who enter care at the same time. Consequently, this state's success in moving long-term foster care cases to adoption paradoxically shows up as if the state is taking a longer time each year to move children to permanence (16.1% down to 7.3%) The prospective approach of following children from date of entry to date of adoption clearly shows the tempo of achieving permanence is increasing in the state (1.7% up to 7.8%). Answering the key question of whether or not this state is headed in the right direction is only possible using a prospective approach to analyzing performance data—analysis made possible only through the use of longitudinal data. Being able to adequately identify improvements in system performance is key to aiding states as they implement and monitor Program Improvement Plans.

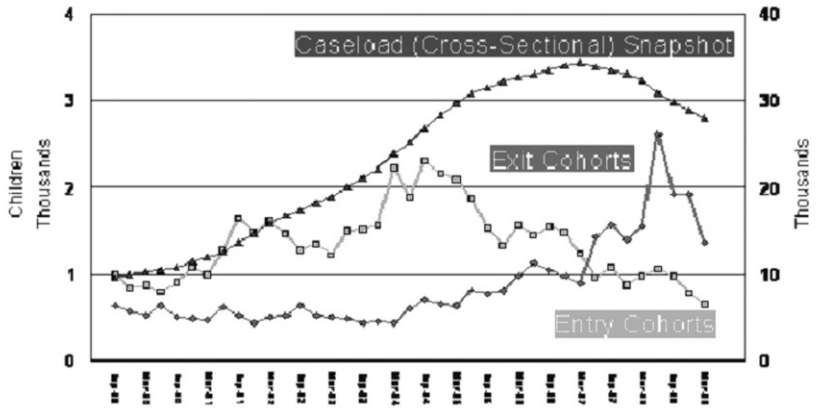
The Importance of Longitudinal Data in Correcting Performance

The inability of AFCARS to reconstruct a complete longitudinal record of foster care greatly restricts its utility for monitoring the achievement of child welfare outcomes and evaluating system performance. This also clearly poses problems for states attempting to respond to failures with Program Improvement Plans. The expectation that states improve performance begins with having the right data. Under the current methodology, this data is incomplete, making any expectation around performance improvement problematic.

The problem of incomplete data gives rise to what statisticians call "biased statistics." The figure below illustrates three sources of data that are commonly used to generate child welfare statistics. First, the caseload (cross-sectional) snapshot is what is typically reported and refers to the number of active foster care cases on a particular day or end of a year or quarter. Keeping track of the active foster care caseload is essential to good management, but can tell you little about the trends resulting in caseload decline or growth. The chart below, which illustrates caseload dynamics from Illinois, shows the differing trends which can impact caseload size.

[2] Testa, M. F. 1987. "Data Necessary to Support National Policy Functions in Foster Care and Adoption"; Fanshel, D., Finch, S., and Grundy, J. 1987. "Collection of Data Relating to Adoption and Foster Care."

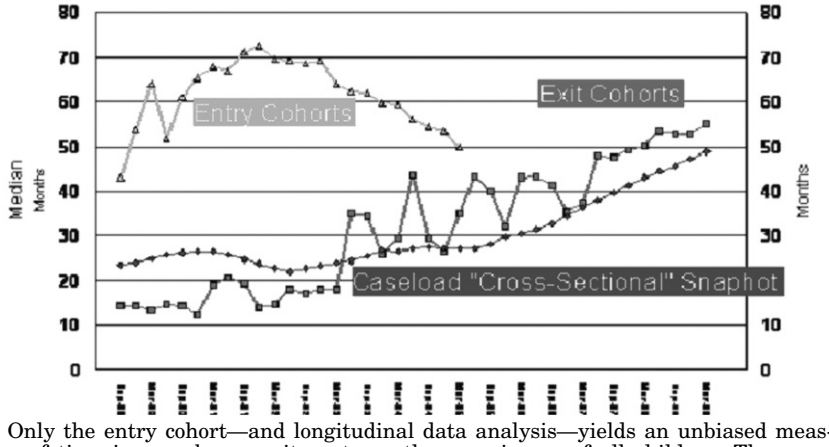
FIGURE 1—COMPARING DATA PERSPECTIVES



Second, generating statistics from an exit cohort, as is done for the Child and Family Services Review, also results in statistical bias because it systematically excludes children who are stuck in care and over-represents children who exit quickly. It is a mishmash of samples that do not have a clear referent population—who are we talking about and how does this year's exit cohort compare to last year's exit cohort?

In Figure 2—also generated using Illinois data—is useful in understanding how misleading statistics are generated by relying on exit cohorts or caseload snapshots for estimating median length of stay. In this particular example, exit cohorts show lengthening time in care because of the state's success in moving long-term cases to permanence. The caseload snapshot shows lengthening time in care because of the sharp drop in the intake of new cases.

FIGURE 2—COMPARING LENGTH OF STAY IN FOSTER CARE



Only the entry cohort—and longitudinal data analysis—yields an unbiased measure of time in care because it captures the experiences of all children. There are special statistical procedures that permit estimation regardless of whether the children remain in the system or exit placement. Using these methods, the data show that the median length of stay in this state has actually been declining steadily for 10 quarters. As a means of understanding whether a child welfare jurisdiction is headed in the right direction, understanding the comparative experiences of those children entering the system each year is the only meaningful measure.

The need for longitudinal data analysis is not just confined to the national standard for time in care prior to adoption. Two other national standards are calculated using flawed data limited to retrospective analysis: time in care prior to reunification and foster care re-entry. As with time in care prior to adoption, the use of exit cohorts and retrospective data analysis gives a misleading view of state performance. States, like Illinois, moving in the right direction with respect to each of these measures can appear to be failing to meet national benchmarks. Failure to address this basic problem not only perpetuates false-reads on public child welfare performance, it poses a real threat to the important gains made in promoting accountability in child welfare.

Evaluating Child Welfare Capacity

Another limitation in the CFSR that potentially impedes the ability of states to identify and correct performance is the lack of information about perhaps the most significant factor effecting a jurisdiction's success and failure: the workforce. The CFSR is replete with measures examining systemic factors related to service provision, but it completely inadequate with respect to collecting information about direct service workloads (caseloads) and the preparedness of this workforce with respect to their education and training. In other social service fields such as child care, analysis of these and other characteristics directly related to the quality of care proved useful in identifying areas where changes were warranted.[3]

In child welfare across the country, there is significant variation in caseloads and the level of training, education and experience of child welfare caseworkers and their supervisors. Unfortunately, this information can be difficult to gather due to a lack of systematic review of the child welfare workforce. This is especially disconcerting given research findings that show that caseload size and education and training are directly related to improved outcomes for children.[4, 5, 6] A recent study released by the General Accounting Office suggests overlooking these key workforce dynamics could pose a barrier for states interested in turning around performance. A review of nine items most frequently assigned a rating of "Area Needing Improvement" in 41 states that completed the CFSR illustrates where caseloads, education and training are all factors related to whether or not a state is likely have an impact in improving performance.

[5] Booz-Allen & Hamilton. *The Maryland Social Service Job Analysis and Personnel Qualifications Study.* Baltimore, MD: Maryland Department of Human Resources, 1987.

[6] Albers, R., and Albers, R. Children in Foster Care: Possible Factors Affecting Permanency Planning. *Child and Adolescent Social Work Journal* (1993) 10 (4) 329–341.

Table 1: CFSR Concerns: Areas Most Cited as Needing Improvement

Item	States rated as needing improvement[7]
Assessing the needs and services of child, parents, and foster parents	40
Assessing mental health of child	37
Establishing the most appropriate permanency goal for the child	36
Demonstrating efforts to involve child and family in case planning activities.	36
Ensuring stability of foster care placements	35
Achieving a child's goal of adoption	35
Providing a process that ensures that each child has a written case plan to be developed jointly with child's parent(s) that includes the required provisions.	35

[3] Congressional Research Service. 2001. "The Child Care Workforce." CRS Report for Congress, Washington, D.C.: Congressional Research Service, Library of Congress.

[4] Tittle, G. *Caseload Size in Best Practice Literature Review.* Urbana, IL: Children and Family Research Center, School of Social Work, University of Illinois, 2002; U.S. General Accounting Office. *Child Welfare: HHS Could Play a Greater Role in Helping Child Welfare Agencies Recruit and Retain Staff.* GAO–03–357. Washington, DC: GAO, March 2003. This report suggests the merit of establishing reasonable worker-caseload ratios and cites caseload standards recommended by the Child Welfare League of America and the Council on Accreditation for Child and Family Services.

Table 1: CFSR Concerns: Areas Most Cited as Needing Improvement—Continued

Item	States rated as needing improvement[7]
Ensuring workers conduct face-to-face visits with parent(s)	31
Ensuring worker conducts face-to-face visits with child	31

[7] U.S. General Accounting Office. *Child and Family Services Reviews: Better Use of Data and Improved Guidance Could Enhance HHS's Oversight of State Performance.* GAO–04–333. Washington, DC: GAO, April 2004.

These areas—all of which represent important components of ensuring results for children—rely heavily on a basic, adequate workforce infrastructure. Building this infrastructure, while no easy task, will require considerably more information than is currently available or collected as part of the CFSR process. Adding to this body of information represents an important step in guiding states as they undertake program improvements.

The Importance of Innovation in Improving Child Welfare Performance

The permanency challenges identified through the CFSR process offer useful examples of where state-initiated innovation has been key to performance turnarounds. Three of the national performance standards—failed by most of the states—include reducing time to reunification, reducing time to adoption, and reducing the number of placements while in care. One tool which offers promise for states looking to address service failures highlighted by the CFSR is the federal waiver demonstration program.

Since 1995, state child welfare jurisdictions have had the ability to seek waivers to restrictions in population and service eligibility for federal financial participation. Waiver authority gives states an important option to help determine "what works." Under current statute, as many as ten states each year are permitted to conduct demonstration projects by waiving certain requirements of titles IV–B and IV–E to facilitate the demonstration of new approaches to the delivery of child welfare services. Expansion of IV–E child welfare waivers could reduce fiscal restraints on innovation, encourage controlled experimentation on promising practices, and advance the evidence-based practices that are needed to promote wider system reform, ensuring states are managing toward improving their performance.[8] By using the waiver process to gain flexibility in paying for foster care innovations with promise, several states have begun to make progress in getting the right results while maintaining cost neutrality or even reducing costs.

An example of one such area of innovation implemented through the waiver process is subsidized guardianship and permanence through kinship care. Models were implemented in Delaware, Illinois, Maryland, Montana, New Mexico, North Carolina and Oregon. While each state's model varied in approach and magnitude, these efforts to improve permanency for children through greater flexibility in the use of federal funds proved invaluable in terms of getting better results for states. Subsidized guardianship in Illinois—by far the largest demonstration in this area—used federal financing waivers to subsidize private guardianship and provide more than 6,800 children with stable, permanent homes. The accumulated evidence made possible through the evaluation of this and similar waivers are have created the foundation to advocate for legal guardianship as a policy change at the federal level which is both good for children in foster care and fiscally responsible.

Other examples offer important lessons. Connecticut was granted a waiver to use federal funds to offer intensive residential mental health services to children in need, reducing the time these children spent in foster care and improving their behavior once they returned home and Delaware cut by nearly one-third the amount of time that the children of drug and alcohol abusing parents spent in foster care through a waiver program using federal dollars to identify families in need of immediate substance abuse treatment and services.[9] Not only does affording greater flexibility through waivers in the use of federal funds promise real opportunities to improve state performance in those areas identified as concerns by the CFSR, the use

[8] Testa, M. (2004). "Encouraging Child Welfare Innovation through IV–E Waivers." Paper presented at the Title IV–E Child Welfare Dialogues. School of Social Work, University of Wisconsin at Madison, February 13, 2004.

[9] McDonald, J., Salyers, N., Shaver, M. *The Foster Care Strait Jacket: Innovation, Federal Financing and Accountability in State Foster Care Reform.* Chicago, IL: Fostering Results, 2004.

of this flexibility through a waiver ensures that states capture evidence that their innovation is having the desired result.

This suggests that waivers could be an important tool for states looking to implement reforms in an effort to comply with their Program Improvement Plans (PIPs) which are required for every state failing to meet federal standards in child welfare service provision. Under the existing federal regulatory framework, states failing to show measurable improvement in failed areas of the CFSR can lose millions of dollars in federal funds for child welfare.

The federal government could do much to drive wide-scale system improvements in child welfare service delivery simply by inking innovations in state practice through federal waivers to the requirement to implement PIPs. A state failing to meet a specific outcome identified in the CFSR could choose to test one or more strategies to secure better results for kids. Linking state PIPs to the opportunity to implement demonstrations offers a couple of important advantages over what currently exists.

First, rather than pursue a patchwork of policy and practice changes without a real evidence base as to their efficacy, states could target changes using a specific intervention or multiple interventions designed to better manage identified problems. Second, by ensuring that these changes in policy and practice are aggressively evaluated, the results of the innovation can be documented, creating an evidence-base outlining potential strategies for other child welfare jurisdictions facing similar challenges.

Public child welfare jurisdictions everywhere are committed to improving the way they serve children and families in their care. Too many, however, come up short on the strategies and resources needed to secure meaningful change. States with an emerging sense of how to do the work better should be encouraged to structure their strategy, build an evaluation design to test the results, and make those results available to other systems looking for similar tools. By creating an incentive for states to innovate in solving their problems, efforts at real accountability can be greatly strengthened.

Conclusion

There is no question that children and families are better served with accountability efforts like the Child and Family Services Review. There is clearly more discussion about the need to ensure that children served by child welfare are safe, quickly moved to permanency and have their needs meet while in care. Calling attention to system deficits will continue to play an important role in raising the bar for meeting the needs of vulnerable children and families. This careful monitoring, however, should be increasingly focused on documenting outcomes useful in terms of understanding state performance, and whether state performance is good or bad for the children in their charge. Without the use of longitudinal data, this kind of insight into child welfare practice at the state level is impossible.

An effective system of accountability should also create an environment where states can be responsive in terms of meeting identified service failures. By linking state efforts at program improvement through the PIPs to the federal waiver demonstration process, child welfare jurisdictions could begin the much-needed process of identifying and implementing field-tested innovations. These strategies—tested for financial viability and evaluated for their potential to better serve kids—represent the greatest promise to deliver a child welfare system known more for success than failure.

Statement of Honorable George Miller, a Representative in Congress from the State of California

Good morning and thank you for affording me this opportunity to testify. I commend the Chairman for examining states' performance in meeting Federal child welfare laws and regulations.

As you are aware Mr. Chairman, I have a special concern about the foster care system. In 1980, I was the author of the federal foster care and adoption law that established many of the parameters for remedying failures that plagued the system at that time. That law requires States to comply with a number of core requirements intended to protect children placed in foster care as a condition of receiving Federal foster care funds. Specifically, that law mandated individualized case planning, case management, periodic reviews of placement, and expanded support for adoption. However, many of the severe problems in this system have continued de-

spite laws and subsequent efforts to address the shortcomings that threaten foster children.

Newspaper, academic studies and media coverage across this nation are daily reporting the sweeping crisis affecting the 550,000 children in foster care in this country. In Florida, New Jersey, California, and many other states, accounts of physical abuse, sexual abuse, neglect and even death of foster children under the care of the state child welfare agencies are commonplace. In fact, some child protection agencies unfortunately make victims of the very children and families they are supposed to benefit.

Susan Notkin of the Center for Community Partnerships in Child Welfare, appropriately stated that "these tragedies initiate predictable events. Politicians, journalists and others point fingers. A caseworker, supervisor or child welfare commissioner resigns. A blue ribbon panel is convened. But real system reform seems impossible, and the sense of urgency fades until the next headline."

I couldn't agree more with Ms. Notkin's observations and this Subcommittee should take them to heart. Study after study has documented the severe problems in many of our states. We held a Child Welfare Summit a year and a half ago that identified not only the failures, but how states and local communities could more successfully administer their foster care programs. Last November, following the New Jersey tragedies, this subcommittee held a series of hearings to examine "Recent Failures to Protect Child Safety." However, this subcommittee has failed to take any legislative action to reform the child welfare system and protect children from harm while in states' care.

In recent weeks, the national scope of the failures has become apparent. A recent General Accounting Office report stated that, of the 41 states examined by HHS, all were out of compliance with federal regulations to protect children. Every one. The report, requested by Representatives DeLay, Rangel, Cardin, Stark, and myself, raises profound questions about the adequacy of federal oversight of state child welfare programs.

This study is very bad news for those in the Administration who would supposedly "reform" foster care by abandoning accountability and granting even greater latitude to the states in managing their federally financed foster care systems. With 41 state agencies failing to meet basic standards for their foster care programs, it would be foolhardy to award states a block grant in hopes they would run their programs more responsively than they do with the specific mandates in current law.

Last year, I joined Representative Cardin in co-sponsoring a bill that would strengthen Congress' will and commitment to protect children. The Child Protection Service Improvement Act includes provisions designed to improve outcomes for children in foster care and move quickly to either return them to their families or find permanent adoptive homes. The bill provides for improved services, support for caseworkers, flexibility in foster placements, and a renewed commitment to permanent homes—these are urgent goals for children and families in the child welfare system.

We spend $5 billion annually in response to child abuse and neglect. We could spend this money far more wisely by implementing the types of reforms proposed by the nation's leading child welfare experts and incorporated into the Child Protection Service Improvement Act.

Congress needs to act before the next tragedy. Thank you for this opportunity to testify today.

Statement of Thomas E. Miller, Smithfield, Utah

I am requesting that this statement be submitted as a voice for the people against the government agencies of DCFS and DHS which abuse the powers and trust vested in them by the people, which they routinely use in destroying, lying and causing great pain to the people they are supposed to serve and protect. The tail is clearly wagging the dog.

Numerous others and I (and especially children) have been extensively abused by DCFS and DHS who have also abused my children and countless others. DCFS caseworkers upset my children by improperly interviewing them and planting ideas and false accusations against their father (me), convincing them that their father is a bad person as falsely alleged by themselves and my soon to be ex-wife. They encouraged and supported her lies and emotional abuse/maltreatment of my children through Parental Alienation and other severe emotional maltreatment. Parental Alienation is specified in Utah's DCFS guidelines as child abuse under the category of emotional maltreatment. Yet they refuse to do anything about this alien-

ation and other verbal and emotional abuse (defined in their own guidelines) severe enough to cause 2 of my children to become emotionally out of control, distraught and suicidal. The only thing! they do about it is to badmouth me and make false allegations about me and cause my children to become worse when further abused. If they were required to record all interviews and conversations they could not do this so easily. They make false statements about me (and countless other parents) and about what I've said to them and to my children. They put words in my mouth and prevent my children from receiving relief from their abuse and from their other abusers as well (their mother and grandparents).

DCFS canceled a recorded interview which was scheduled for my 4 year old daughter. Instead they improperly interviewed her and my other daughter with the perpetrators waiting for them outside the interview room. They upset my children by introducing false allegations about me. The purpose for which the police scheduled a videotaped interview of my daughter at the Children's Justice Center was to determine if my 4 year old daughter's claim that her maternal grandfather molested her were true or not. DCFS and their associates turned the tables against me instead of letting my daughter get interviewed on video to solve things once and for all. Now my daughter lives with her mother in the home of her alleged molester. It is not uncommon for DCFS to keep molested or allegedly molested children with the molester and the molester's supporters who keep the child in danger.

I've written letters to the editor about many generalized cases of abuse that DCFS and associates perpetrate on children and families; excerpts from real accounts from other men and women I've interviewed. I've also interviewed now grown child victims of DCFS neglect and abuse. My letters to the editor generated many phone calls with more accounts of even more, and similar, horror stories about DCFS and bedfellows. All accounts have similarities. All the DCFS victims recount that "DCFS caseworkers have no accountability. They lie, lie and then they lie some more. They "put words in your mouth" when they write up their false reports on you. To DCFS, the end justifies the means, with their constant diarrhea of lies." WE know through personal experience that the current "constraints, regulations and safeguards" put in place to protect the public from DCFS fraud, waste and abuse are nothing short of an ineffective mess; fraud, which only supports DCFS further in their abuse of power and of the people.

DCFS and DHS must be made accountable. The best solution would be to completely abolish DHS and it's bastard child DCFS "who can do no wrong." The next best beginning of a solution would be to require DCFS and DHS to record ALL conversations, interviews, etc. Anything not recorded cannot be proven and therefore should be completely invalidated, inadmissible to courts or any entity, due to their long track record of uncontrollable lying. Any person or agency with an inkling of honesty and integrity should not and would not oppose recording their own interviews and conversations to prove their validity, unless they have something to hide. DCFS and buddies do have a lot to hide. They enjoy having no accountability, except for the broad false accountability they presently have and enjoy; accountability backed by lies and more lies. Lies which testify that DCFS is reputable, hard working and honest. . . .

My son and daughter could not get any help or relief from the abuse by their mom and grandparents or the neglect and abuse by DCFS and associates. The abuse took its toll resulting in my teenage son becoming so out of control at home and school (including depression, hostility, rage and failing his classes) that his mom and grandparents couldn't handle him, nor could they stand to be around him any more. They kicked him out and sent him to live with me over two years ago. They wouldn't let him or my teenage daughter get proper counseling (which was court ordered—they backed my wife up in lying to the judge about this), medication treatment or management for their depression and other disorders. Once my son lived with me I could get him back in to his psychiatrist to receive real medication help for his previously diagnosed depression, ADHD, OCD and anxiety. I also use a parenting program with logical and appropriate consequences, consistency and unconditional love. I'm strict but not mean. I do net yell, coerce, belittle, threaten or hurt my kids. I use positive reinforcement also. This works like the professionals say it will. DCFS is against these type of programs. They threatened one lady I talked to that if she didn't cease using the parenting programs that they'd take away her other child also. This doesn't happen when there is genuine accountability, which does not exist for DCFS and DHS.

It comes as no surprise that my son turned around once he lived with me. His teachers, principal, school counselor, psychiatrist and others were and are amazed at the change in him, academically and socially. He's now an honor roll student. DCFS and DHS will not acknowledge this positive change in my son while he's been in my custody. DCFS and DHS made sure my daughter could not get this same help

as she struggles to cope and survive, with failing grades in school and explosive behavior and social problems collimating in a suicide attempt right in the midst of a DCFS and DHS investigation on the matter last fall. I warned them both that she was likely to become suicidal once again if they did not take action to stop the negative (abuse) and introduce the positive (positive parenting). They blew it all off, twisted it around and blamed me for her problems. They kept her in the circumstances which led her to these depths. I gave them statements from many witnesses including professionals which they also blew off or sickly twisted around against me. They could not do this if they really had accountability. Is it really that big of a mystery that my most out of control child finally started doing well now that he's living with me, and my daughter is still struggling and doing poorly living in the very abuse infested home which my son escaped? How can they ignore and twist the testimonials of professionals on these matters? They know they can. They know who checks up on them. They know they won't get in trouble.

Please help stop abuse! & Please help stop institutionalized abuse! Please help stop DCFS and DHS!

Statement of John A. Johnson, New York State Office of Children and Family Services, Rensselaer, New York

First, I would like to extend my thanks to Chairman Herger and the members of the Subcommittee for this opportunity to provide testimony on a topic very dear to me. As Commissioner of the New York State Office of Children and Family Services (OCFS), the state's lead agency that oversees child welfare services, I appreciate Congress' efforts to account for the government funds it spends on vulnerable children.

Through the leadership of our Governor, George E. Pataki, New York has consolidated family, child, and youth services under the aegis of an all-encompassing agency, called OCFS. His vision for this agency was to provide services in a sensible continuum to vulnerable families. We at OCFS believe "that each child is to be served within his/her family, and each family is to be served within their community." That being said, I want to draw to your attention the federal government's funding program for child welfare services.

A majority of the nation's dollars spent on child welfare services annually are spent on the maintenance of children when they are placed out of their homes. It is a method that is "reactive" and not "proactive." A truly proactive approach would be to expand on the types of services that can be funded with federal dollars to those that provide early intervention, family support services and preventive treatment. When more children can remain safely with their own families, then government dollars will not be necessary to maintain them outside of their homes.

Although thousands of children nationally are placed outside of their homes, the most extreme cases are the ones that get national media attention. This can cause the public perception of child welfare as the system of despair for children. Clearly, this is not true and certainly is a disservice to the thousands of loving foster families that provide loving homes for vulnerable children. It is unfair to judge the entire system by the sad results of a handful of extreme cases.

The same can be said of the CFSR process. Not a single state has been able to pass this test. Therefore, the public assumes that not one of the 50 states in the union or the territories can properly care for vulnerable children placed out of their homes. Is this accurate? I hardly think so.

I believe that the 50-state case sampling is fundamentally flawed and that stakeholder interviews do not compensate commensurately for this flaw. Many other states hold this view as well.

Consider that the CFSR's evaluation of New York State's performance as a whole was based on:

1. A review of less than .001 of the statewide caseload (i.e., only 50 cases);
2. An examination of only 3 of New York's 58 social services districts;
3. Interviewing only a handful of stakeholders of the thousands working in the system.

The integrity of the findings is further compromised by the diversity of the demographics and economic climate throughout the state. What works for a rural county differs substantially from that of New York City or counties surrounding it. Although the Administration for Children and Families (ACF) claims a goal of seeking to eliminate cookie cutter approaches to child welfare delivery systems, it gauged state performances using the same cookie cutter methodology.

Stakeholder comments also were used in a misrepresentative fashion. In one instance, the verbal comments of a single stakeholder were portrayed as a statewide finding. Specifically, a stakeholder commented on New York's methodology of recruitment of foster parents. In the State's Response to ACF's Final CFSR report is found in Appendix A, I stated,

"One item in particular concerns us in this regard. The report indicates that one area described as needing improvement has been so deemed solely on the basis of stakeholder comment. Item 44 pertains to the requirement that the State have in place a process for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoption homes are needed. The State provided a strong self-assessment in this area and ACF concluded in the on-site review that it is "generally accepted that the State is making significant and organized efforts to recruit foster and adoptive parents." ACF's comment at the exit conference was that this area was a strength. Further, there is no claim that the State lacks a sufficient number of foster and adoptive parents. However, due to what appears to be requests for improvement by stakeholders, New York did not pass this item in the review. In this instance, we believe that opinion has overruled fact. We believe it is more accurate to say that this item is an area not in need of improvement."

Clearly, stakeholder comments are valuable sources of information, but they must be handled appropriately and characterized as opinion and not necessarily fact.

OCFS has closely examined the process and found that it lacks in consistency as well as reliable data assessment. The federal measures were derived by a flawed data system. Specifically, we believe that the federal data that measure time to adoption (and time to reunification) is flawed for the following reasons. The federal measures compare exit cohorts to judge whether length of stay is getting shorter or longer.

The length of time children exiting foster care have been in foster care is a poor measure of performance. Policy and programmatic changes intended to reduce a backlog of cases that have been in foster care for a long time can actually increase the length of time to reunification or adoption among discharge cohorts. This occurs because the cohorts exiting foster care after this programmatic shift takes place will contain a higher concentration of children who stay a long time. Thus, while the State is improving performance, it would appear that performance had gotten worse. Furthermore, the use of exit cohorts create a disincentive to decrease length of stay for children who have been in foster care for more than a year or two.

The federal measures do not account for the effect of changes in case mix. The average length of stay for all children in foster care can increase or decrease as a result of changes in case mix, not because a child welfare agency has changed its practice. For example, if very young children represent a higher proportion of children being admitted to foster care in 1999 than in 1998, average length of stay in foster for all children admitted will likely increase. This is because children admitted under the age of 1 tend to stay in foster care longer than older children.

In our recently approved Program Improvement Plan, which can be found on the Internet at http://www.ocfs.state.ny.us/main/misc/pip.asp, we incorporate many adjustments that take into consideration the inequalities of the CFSR. I believe that any efforts to oversee the PIP implementations nationally should consider the problems the CFSR has in its fundamental design and look to compensate for this, especially before planning the second round of reviews. Our PIP proposes the following alternative, and we believe improved, approach.

1. Methodology that uses historical data for groups of children that share characteristics associated with different patterns of length of stay.

For the purposes of estimation as well as tracking care day utilization during implementation, OCFS has divided the population of children in foster care into groups that experienced different lengths of stay, as well as those that share clinically relevant characteristics. With separate estimates for these mutually exclusive groups, the methodology will accommodate basic changes in the case mix over time. These groups are also intended to focus each county's efforts on reducing length of stay in developmentally relevant ways.

2. Distinguishing between two groups of children who will be affected by any new program strategies.

OCFS believes it critical to track the following two groups separately: children who have already been in care for some time on the first day of the performance period identified in the PIP (the in-care population) and children admitted during the first and subsequent years of the new initiative (admissions).

First, these two groups are distinct clinically. Children who are in care on a given date have been in foster care for varying lengths of time and have been affected to varying degrees by a child welfare agency's policies and programs. Children who are entering care after the beginning of a new initiative will experience their entire length of stay in the new environment.

Second, these two groups are distinct with respect to length of stay. For the in-care population, only the amount of time *after* the initiative has begun can be reduced. Thus, the alternative measures seek to understand length of stay for these children from the beginning of the PIP period to the end. For the admission population, length of stay is measured from the day of admission to the end of the PIP period.

In a recent letter to the Government Accounting Office, OCFS staff offered suggestions to improving the quality of data collected for the CFSR. In light of the upcoming second round of reviews quickly approaching, I thought it appropriate to restate OCFS' suggested enhancements in this venue. These enhancements may offer a more accurate view of child welfare data in the states. New York OCFS' suggestions are:

Seek Alternative Measures To National Standards For Length Of Time To Reunification And Adoption

The methodology for evaluating the length of time to adoption and reunification measures the number of care days of foster care used during the two-year period by different groups of children and the proportion of children who exit from each group to reunification or adoption by the end of the two-year period.

Data:

A child's spell(s) is associated with the county that most recently had jurisdiction over the child's case. Children are counted as exiting foster care if they have been absent or on trial discharge for more than 30 days. If the child returns to foster care, this is counted as an admission. A child's spell in foster care continues if the time out of care is 30 days or fewer. Only spells that are at least 5 days long are included.

Strata:

Admission Population—Three Strata
Admitted under the age of 1
Admitted between the ages of 1 and 13
Admitted between the ages of 14 and 20
In Care Population—Four Strata
Began spell in progress under the age of 1
Began spell in progress between ages 1 and 13, have been in care for less than two years.
Began spell in progress between ages 1 and 13, have been in care for two or more years.
Began spell in progress between ages 14 and 20.

New York has urged ACF to set standards of improvement that recognize change within a state, rather than cross-state comparisons. Several reasons make interstate comparisons inaccurate and inappropriate. Most obviously, comparing small states with larger states fails to recognize different sizes of caseloads, proportionate challenges in creating substantial statistical improvements, and difficulties in creating and sustaining a culture of change. In addition, definitions of services vary markedly across states, which obviates the value achieved by comparison of change.

Despite methodological flaws and the dangers that the general public can misinterpret them, the CFSR process has had positive benefits. It has served, brilliantly, to galvanize a nationwide focus on the need for a change in practice. Hopefully, this process will also bring new resources to our under-funded systems. The danger that I see, however, is that the process for continuing this effort may be jeopardized by the application of the same methodology used in the first round. In the first round of reviews, states were so far from the mark that the level of precision of the methodology, while problematic, was not fatal.

In this state, we have worked diligently to engage in earnest and productive work to affect our system. It would be unconscionable if the 50-case sample review were used to determine whether we improved or failed. Either of these findings could serve to remove support from continuing our efforts. Changing a child welfare system, especially one as large and complex as New York's, is a daunting task and one that requires commitment and time. We are in this for the long haul. I need a Round II process that carefully supports and builds on gains made. This cannot be accomplished with a 50-case sample. Instead, the State should be allowed to use its systems data to provide universal data where it is available. Where data is not

available from the system, careful, systematic sampling to fill in those gaps and structured interviews, where those are needed, can also be developed.

As Congress continues to seek ways to reform child welfare services and better serve vulnerable children and families, I look forward to more opportunities for state input into this process. Again, my thanks to Chairman Herger and the committee for the tremendous efforts made in this important area.

Statement of Elaine Reeves, Fort Walton Beach, Florida

My name is Elaine Reeves. I am an American citizen living in Fort Walton Beach, Florida with my husband, Steven Reeves, and my three children, Heather Ann Norman, age 15, Peyton Elwyn Norman III, age 14, and Steven Edward Reeves Jr. age 2. After three years of continual harassment by the Florida Department of Children and Families, on January 26, 2004, my children were kidnapped and secreted from me under color of state law, by Michelle Colwell, a child protective investigator from district one of the Florida Department of Children and Families (DCF), as retaliation for a letter delivered to her on January 20, 2004, in which she was informed that if she and her department did not cease harassing my family there would be legal action taken against them. Please see the accompanying evidence book that I have submitted for this hearing for the particulars of my case. My older two children have been out of control and have run away several times and reported that they were abused when they did not get what they wanted. I have found out that this is a popular game with today's teenagers. They know that their parents live in fear of a government agency that has the power to confiscate children with little or no evidence of wrongdoing or abuse. My older children will now both openly admit that they have played this game and made false abuse reports when they were never abused. On January 20, 2004, I delivered a letter to Michelle Colwell, a child protective investigator (CPI) with the Florida Department of Children and Families (DCF), that stated if she and the department did not stop harassing my family that I would take legal action against them. Every time that DCF has come to my house they have demanded that I subject myself to having one of their "family counselors" invade my privacy and my right to parent my own children by coming into my home for "counseling" sessions, which by their own definition meant that they would negotiate the rules of my home with my out of control teenagers. I do not believe in rewarding bad behavior, and I refused to negotiate anything. This infuriated the CPI, as she stated that the individual counseling that I had arranged would not be sufficient, even though that was the recommendation of a psychiatrist. On January 26, 2004, Colwell filed a sworn affidavit that contained information that she knew to be lies and then attempted to suppress exculpatory testimony and evidence in order to kidnap my children and secrete them from me under color of state law. In the affidavit she stated that my oldest son had bruises on him, which he did not and she was forced to admit this under oath at the shelter hearing on the following day. She also committed perjury during the shelter hearing when she stated that she had not heard that my oldest son (who made the most recent false abuse report) had run away and was in trouble for having fireworks in our home. She also stated in the affidavit that my daughter was unable to give a statement, when my daughter gave a very long statement and informed her that no one was being abused in our home in any way. There are many items on the original affidavit for the shelter petition, the dependency petition, and then an amended dependency petition that we can prove are lies, and that she knew at the time of filing this that they were lies. My two year old son was returned to me the day after he was taken as the Judge informed the CPI that she had no legal basis to take him due to the fact that no one ever said that he had been abused. Then when information was presented to the Judge to disprove the CPI's accusations the hearing was continued to the next day and my daughter was returned to me because she stated that she had not been abused. My older son maintained his abuse story. He was told by the CPI at the time that if he would maintain his abuse story that he would be allowed to remain at his friend's house, where the CPI had placed him for foster care. This is the home of a "friend" that my older son had been forbidden to associate with due to the fact that the child was on probation and was caught setting off fireworks with my son. The CPI knew this at the time that she placed my son in this home. This was brought to the Judge's attention and the Judge ordered my son to be moved. My son was moved to a foster home in another city, and the first day that he attended school there he was beaten severely at the school. DCF refused to get any treatment for my son, beyond initial visits to the hospital emergency room. His

nose was severely broken and he had been hit in the face so hard that it shattered his front teeth down to the gum line. In order to force them to get medical treatment for my son, after they told me that it would be six months to a year before they could arrange this, I reported them to themselves on their abuse hotline for medical neglect, and after several more documentation letters and complaints he finally had surgery to repair his broken nose and several trips to the dentist to restore his teeth. When my children were kidnapped from me, I began delivering "documentation" letters to DCF. The purpose of a "documentation" letter is to specifically state in exact wording any and all interactions, in order to prevent CPIs from being able to twist words and information to suit their own purposes, as had been done several times to me, and as I have subsequently found to be a common tactic used by child protective workers to frame parents and portray them as monsters. After each interaction, I would deliver a documentation letter, and ask the recipient of the letter to respond in writing outlining any discrepancies they might find within a certain amount of time. When the CPI and her supervisor began ignoring my phone calls and refusing to accept correspondence that I dropped off at the DCF building in Fort Walton Beach, I began emailing the documentation letters to them, as they handed back anything that I delivered to their office and refused to accept it. I was able to find the format for each DCF employee's email address on the myflorida state website, and began sending the documentation letters as emails with return receipt to show the time and date that they had displayed the email on their computer, thereby proving delivery of the documents they claimed to have never received. At the same time I was also forwarding all correspondence from me to them and from them to me to the Inspector General for investigation. This really infuriated them. They began to put "confidentiality" notices on the bottom of all their correspondence in an attempt to conduct off the record communications regarding this case and to prevent me from forwarding these to the Inspector General for investigation. When that did not work and I continued to send the documentation letters, they then sent threatening letters stating that they would prosecute me for breach of confidentiality and that was a felony. When that did not work the Chief Legal Counsel for DCF district one, Katie George, actually called my employer in what was obviously an attempt to cause me trouble at my workplace to inform them that I had sent emails from my company computer to them, and requested that my employer prevent me from doing this in the future. Thankfully, my employer fully supports my position and encouraged me to continue to use the company facilities for these purposes. The Inspector General referred this back to DCF for investigation, and of course they say that the CPI did nothing wrong even though we can prove otherwise. I went to the Fort Walton Beach police department and spoke with a detective regarding prosecution of the CPI, as we have proof and evidence that she knowingly filed not one but now 3 sworn affidavits in which she lied and suppressed testimony and evidence that would have cleared us. The detective stated that he could take the report, but was very reluctant to do so. He said that since we have this proof and the department's position is that the CPI did nothing wrong, that would make this not only a case against the CPI, but also a conspiracy with others in the department that aided her in her actions and to cover up what happened. My oldest son was returned to me on April 7, 2004 after the department was forced to dismiss the dependency petition, so I now feel somewhat safe in attempting to get justice for what was done to us as a family. For malicious reasons this woman kidnapped our precious two year old baby and two older children and attempted to both suppress and manufacture evidence and testimony against us. They let my older son remain in intense pain for a long period of time while withholding medical treatment after he was severely beaten while in their custody. At a group home where they placed my older son, he ran away and they failed to report him as a runaway. After I forced them to report him they then did not inform me or the police for over 48 hours after he had been recovered. They failed to produce him for court ordered visitation and counseling. They left no contact orders in place at my daughters school for weeks and I finally had to take my own court order to the school after they threatened to arrest me for going to my own daughter's school. They failed to report to the police when my son was initially taken into custody by them and that resulted in a detective coming to my home more than a month later to investigate my son's disappearance, after I informed the CPI on the first day they took him that he was listed in NCIC as a runaway and that they would need to call the police and have him removed from the system. They have endlessly harassed our family, there are many incidents that are not included here in the interest of time, but I can say that they have pulled every dirty trick in the book, and I have documentation for everything and can prove it all. In her official capacity, Michelle Colwell filed a sworn affidavit with information that she made up and knew to be false for the sole purpose of kidnapping my children and secreting them

from me under color of state law. After my children were taken from me, there followed a subsequent conspiracy and collusion by several people within DCF including supervisors, investigators from the Inspector General's DCF department, district administrators, and all the way up to the Chief legal counsel for DCF district one to cover up the crimes that were committed against my family. This begs the question, what country do I live in? Is this the United States of America? In the United States of America, my children were kidnapped and secreted from me under color of state law based on a sworn affidavit filed by an agent of the government, that was filled with lies that no one bothered to verify or even check. A government agent was able to do this as retaliation for being told to mind her own business. Subsequently, one of my children was so severely beaten while under the care of the state that he required several reconstructive surgeries and will never be the same. Medical treatment was withheld from my child for an extended period of time. I was told that it would be six months to a year before they could "get around" to getting him an appointment because they could not find anyone that would accept Medicaid. Every time I attempted to report the crimes committed against my family and myself, it was met with a deaf ear. I immediately made reports to the State of Florida inspector General's office. They referred my complaint back to DCF for investigation, despite my objection that it was a conflict of interest for them to investigate themselves. Since the state sanctioned kidnapping of my children, I have learned a lot about the child welfare industry. My case is not an unusual one. Child protective investigators routinely trample the rights of parents in this country every day. There are certainly serious cases of child abuse in which children require protection and removal from the home, however sadly, the truly abused children are often not the ones that are taken from their parents, and are left to suffer in their circumstances. Abused children are not "adoptable." People looking to adopt children have no interest in a child who has severe emotional problems, crack babies, or children who have been truly abused States do not receive large sums of money for children who "age out" in foster care. The current form of funding for child welfare agencies has in effect placed a bounty on middle class well adjusted healthy babies and toddlers in this country, because they are the adoptable ones. In order to receive huge amounts of money from the United States Government, every day in this country children are stolen from loving parents with no evidence of abuse whatsoever, they are set up by agents of the government and railroaded through a system that ignores their federal civil rights and steals the most precious thing we all have, our children. I want an explanation as to why the United States of America has placed a bounty on my children. I want to know why agents of the United States government are allowed to lie with impunity and orchestrate wholesale legalized abduction of children who are not abused to "sell" them in the adoption market, while the fundamental civil rights of the parents are completely ignored and trampled upon. How dare they be allowed to do this to us? Hardworking American people are experiencing legalized abduction of children from non abusive homes, due to the monetary value placed on them for adoption, or simply because they failed to kiss the proper appendage of the social worker that came to their home. How, in the United States of America, can people have their parental rights to their children terminated, with no evidence of anything? Is truly the United States of America? I used to believe that I actually had rights guaranteed by the constitution of the United States of America. Now I know that the Bill of Rights which are supposedly guaranteed to each citizen is nothing more than a fantasy, because those rights are certainly not being enforced. Every day in this country good parents are railroaded through a system that denies them there fundamental civil rights, and due process of law. People have their children stolen and get railroaded through this system with no evidence whatsoever, all this can happen based on the "testimony" of one Child protective investigator, as happened to me. What country do we live in? Is this the United States of America, or is this 1940's Nazi Germany, where people live in fear of the secret police? As parents, we now live in fear of child welfare services, the new secret police of the United States of America, who stand to profit enormously from the theft of our children. This is an outrage. I demand justice for my family. On behalf of every Floridian who has had their children stolen by the state for profit or for petty retaliation because they refused to bow in worship to a state social worker, and are now living in state sponsored terror which leaves them too afraid to speak out for themselves, let me say on their behalf, WE DEMAND THE RETURN OF OUR CHILDREN! My battle has been short compared to some, but it is just beginning. The people who kidnapped MY children under color of state law and committed various crimes in the process of doing so will be brought to justice, each and every one, if I have to spend the rest of my life in pursuit of that justice.

Statement of James D. Untershire, Long Beach, California

Jim Untershine previously submitted written testimony to the Ways and Means Committee during the "Welfare and Marriage Hearings"[1] (07–04–01) and the "Waste, Fraud, and Abuse Hearings"[2] (07–26–03).

Jim Untershine holds a BSEE from Mississippi State University and has 13 years experience in feedback control system design while employed by Northrop/Grumman Electronics Division. Mr. Untershine was the Responsible Engineer for the Platform Stabilization and Angle Measurement subsystems used on the B2B bomber, as well as the Attitude subsystem used on the Peacekeeper missile. Mr. Untershine is currently using the teachings of Warner Heisenberg and Henry David Thoreau to expose Family Law in California as the exploitation of children for money and the indentured servitude of heterosexual taxpayers who dare to raise children in this country.

INTRODUCTION

The Disney movie entitled *'Lilo and Stitch'* has instructed our children that 'Family' means: *"Nobody is left behind or forgotten."* The movie also instructed our children that the oldest daughter (Nani) of parents who are killed in a car wreck, may have an uphill battle raising her younger sister (Lilo) without losing the child to Social Services. A care-taking relative may lose the child to Social Services for failing to connect with the child after school, or being locked out of the house with the stove on, or failing to find a baby sitter prior to a crucial job interview, or failing to stay employed. The movie's happy ending came when Social Services were forced to stand down, when the child (Lilo) proved that she legally adopted an alien pet (Stitch). This caused the United Galactic Federation to recognize the child as the *'Official Guardian'* of the adopted pet, which entitled the family to be put under their protection, since *"Aliens are all about rules."*

Parents and relatives, desperately attempting to support the children, may lose the children to Foster Care. The new financially stable Foster parents, who have a spare room for guests, may receive more Foster Care maintenance than the children's family would have received on TANF. The children's parents are expected to repay the Foster Care maintenance provided by the program.

As reported by the The Indianapolis Star:[3] Family and Social Services Administration (FSSA) spokeswoman Cindy Collier says *"Judges issue reimbursement orders, but no one actually enforces payment" — "If someone owes on a child-support order, we have tools like tax-refund intercept, seizing bank accounts, putting liens on vehicles and income withholding. But we are prohibited from doing these things on reimbursement orders." — "Parents may be persuaded to pay because sometimes the reimbursement is a condition that must be met before the child is returned home."*

If a State shows data suggesting that un-abused children were removed from a National group (heterosexuals), it would seem incumbent on the State to prove that the children were not transferred to another group (i.e. homosexuals). A more thorough investigation into a State's Foster Care program may reveal other Genocide violations (USC 18 1091).

(a) Basic Offense—Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (USC 18 1091 d) and with the specific intent to destroy, in whole or in substantial part, a National, ethnic, racial, or religious group as such——

(1) Kills members of that group—Homicide statistics extracted from the NIBRS system cannot be used to report victim/offender data regarding parents of the same child (see Appendix One—*"The Human Cost of Raising Children"*).

(2) Causes serious bodily injury to members of that group—Domestic violence between parents may be provoked by States that employ an outrageous child support guideline, as well as sole custody Family Courts that actively maximize the cash flow between parents.

(3) Causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques—Severe depression (and suicide) of some parents may be the result of State's Family Court judges; forbidding them to contact their own children, kicking them out of their own house, and extorting up to 65 percent of their imputed income in exchange for their limited freedom.

(4) Subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part—Impoverishment and persecution of parents may be the consequence of a State's CSE program that is not compliant with the same Federal law (USC 42 666 b6D) that allows them to wield the power to persecute.

(5) Imposes measures intended to prevent births within the group—Homicides of pregnant women and forced abortions may be provoked by a State's outrageous child support guideline, as well as sole custody Family Courts that actively maximize the cash flow between parents.

(6) Transfers by force children of the group to another group—Foster Care has become a supply and demand industry in some States (see Appendix Two—*"Schwarzenegger attempting to stop exploitation of children for money in CA"*).

or attempts to do so, shall be punished as provided in subsection (USC 18 1091 b).

PRESERVATION (WELL-BEING)

President George W. Bush immediately led the Sarasota, Florida elementary school children in a moment of silence, after learning of the terrorist attacks of 9/11. The immediate first reaction, in the face of that crisis, illuminated the fact that: *American children represent the only Americans that will be around one generation from today.*

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

Children living in an intact, divorced, single parent, or foster family must be provided the support they deserve. Federal programs that attempt to provide assistance to a family to support the children, fail to insure that the assistance provided to the family actually results in support delivered to the children (see Appendix Three—"Family Control Systems").

CSE (IV–D) exists to provide a family with financial assistance based on the State's child support awards. Money is paid to the custodial parent but there is no accountability as to how the money is spent to support the children.

- TANF (IV–A) exists to provide a needy family with financial assistance based on the State's welfare benefits. Money is paid to a needy parent for housing as well as providing food stamps and Medicaid to allow accountability as to how the assistance is used to support the children.
- Foster Care (IV–E) exists to provide a financial stable foster family with financial assistance based on the State's Foster Care maintenance. Money is paid to the foster parent but there is no accountability as to how the money is spent to support the children.

Comparing the 3 programs above, it seems obvious that TANF provides the only assistance that provides any accountability as to how the assistance is used to support the children. Since the children's biological parents are ultimately responsible for repaying the taxpayers for assistance provided to their children, it seems obvious that a family should be put in the TANF program as soon as their child is born.

Comparing the 3 streams of assistance above, it seems obvious that child support awards, TANF benefits, and Foster Care maintenance should all be exactly the same. A California noncustodial parent earning $30,000 per year net income and supporting 3 children will be forced to pay $1,250[4] per month to the custodial parent. When the child support stops, the custodial parent becomes a needy parent and can receive $1,071[5] per month in TANF assistance. When the children are left home alone, the needy parent is replaced with a financially stable foster parent who can receive $1,339[6] per month in Foster Care maintenance.

Children receive appropriate services to meet their educational needs

States that have a representative from Social Services at every public school would allow visibility into a foster child's well being, as well as a point of contact for suspected child neglect or abuse regarding any other child attending public school.

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

States that allow Medicaid to be offered at childbirth would insure medical coverage with upgrades available at increased cost to the parents.

PROTECTION (SAFETY)

The First Lady, Laura Bush, immediately announced *"Parents need to reassure their children everywhere in our country that they're safe,"* after learning of the terrorist attacks of 911. The immediate first reaction, in the face of that crisis, illuminated the fact that: *American children must feel confident that their family has the power to protect them.*

Children are first and foremost protected from abuse and neglect

Implementing demonstration projects that serve to insure the protection of children should be an integral part of the Foster Care package. The Foster Care pro-

gram should be allowed to exercise constructive intrusion into a foster family, since it was the government who was responsible for their placement. The success of progressive demonstration projects may allow them to be adopted, funded, or mandated by Federal programs.

The *Custody Free* credit card account allows accountability of child support purchased for the children. (see Appendix Four: "Custody Free Child Support")

The *Child Watch* system utilizes a device that incorporates a *Panic Button* alert system and *Talk To The Hand* communication. The caregiver must be equipped with a *Parent Watch* device that is matched to a given *Child Watch* device.

- *Child Watch* device is a wristwatch that displays the time of day, with digital voice recorder, GPS processor, cell phone communication, and nearby Parent Watch device polling.
- *Panic Button* alert system—A button on the *Child Watch* opens direct communication with an attendant nearest the child and downloads the child's location. While the child explains the problem to the attendant, the audio recorded a few minutes before pushing the *Panic Button* is downloaded along with the locations of all *Parent Watches* within a given radius.
- *Talk To The Hand* communication—The microphone is in the wristband near the base of the child's palm. The speaker can be heard anywhere near the child.
- *arent Watch* device—Same as *Child Watch* device, but is coded to be assigned to a particular *Child Watch* device.

Children are safely maintained in their own homes whenever possible and appropriate;

Implementation of the *Child Watch* device and *Custody Free* child support renders these aspects moot.

PROSPERITY (PERMANENCY)

Senator Edward Kennedy immediately announced "*We are not going to see the business of America deferred because of terrorism whether its in education or another area of public policy.*"—after learning of the terrorist attacks of 911. The immediate first reaction, in the face of that crisis, illuminated the fact that: *American children must feel confident that their government will vigilantly monitor the effects of social policy to insure their everlasting prosperity.*

Children have permanency and stability in their living situations

Forcing children to reside with the only parent that is unable to financially support them is contrary to permanency or stability. The family law system in many States completely ignores the findings of the Legislature regarding equal involvement by both parents. To maximize the legal fees paid to officers of the court, a Family Court will deliberately deny custody to the breadwinner to maximize the cash flow between parents.

Andrea Williams[7] killed her 9, 6, and 5 year-old children (Ilona, Ian, and Ivey), after attempts by the children's father, Gary Williams, to convince a State's Family Court judge to rescue them.

Awilda Lopez[8] killed her 6 year-old daughter Elisa, after she convinced a State Family Court judge to remove her from the child's father, Gustavo Izquierdo.

- Child rights advocates may feel that the community must respond to a *'cry for help'* from a parent who is *'unfit'* to care for their children, and Foster Care should immediately be allowed to rescue the *'at risk'* children to adequately protect them.
- Noncustodial parent rights advocates may feel that Family Court judges must respond to a *'cry for help'* from a parent who is *'fit'* to care for their children, rather than assigning custody to maximize the cash flow between parents.
- Responsible Fatherhood advocates may feel that Family Court judges must not trust irresponsible fathers who desperately attempt to reduce their child support obligation by pretending to love their children.

Continuity of family relationships and connections is preserved for children

States that perform paternity tests at childbirth would not only increase the likelihood of placing a child with their actual family, as well as eliminating the ongoing paternity fraud problem that persecutes people who are not parents.

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[3] Eunice Trotter, The Indianapolis Star, 05–02–04, "State bills parents for foster care," "Agency says revenue could help it provide aid to children," http://www.courier-journal.com/localnews/2004/05/03in/b1-foster0503-8865.html

[4] California Child support guideline demands 50 percent of net income regarding 3 children (CAFC 4055). http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=04001-05000&file=4050-4076

[5] CA TANF assistance provides $1,071 per month maximum combined TANF and food benefits for single parent family supporting 3 children (Ways and Means Greenbook 2003, Table 7–12). http://waysandmeans.house.gov/media/pdf/greenbook2003/Section7.pdf

[6] CA Foster Care basic maintenance rate provides an average of $446 per month for each child (Ways and Means Greenbook 2003, Table 11–9), http://waysandmeans.house.gov/media/pdf/greenbook2003/Section11.pdf

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Appendix One

The 'Human Cost' of Raising Children

American parents are killing each other, and State Attorney Generals are covering them up

http://mensnewsdaily.com/archive/u-v/untershine/2004/untershine011604.htm

Jim Untershine, GZS of LB, 01–15–04

Cover-up is defined as *"an effort or strategy of concealment, especially a planned effort to prevent something potentially scandalous from becoming public/"* If a system of control is imposed on American parents, then the effects of the system must be constantly scrutinized to verify proper operation. The Family Law system that operates in all States, is allowed to: identify bread-winning parents, deny them due process, deny them contact with their children, and then impose a financial obligation on them that will claim a percentage of their income for up to 18 years.

The Federal Bureau of Investigation (FBI)[1] reports that across all States in 2002:

- 32.1 percent of the total 3,251 female homicide victims represent wives and girlfriends killed by their husband or boyfriend. (18.5 percent by husbands plus 13.7 percent by boyfriends)
- 6.5 percent of the total 3,251 female homicide victims represent daughters killed by their parent.
- 2.7 percent of the total 10,779 male homicide victims represent husbands and boyfriends killed by their wife or girlfriend (1.2 percent by wives plus 1.4 percent by girlfriends).
- 2.2 percent of the total 10,779 male homicide victims represent sons killed by their parent.
- 22.9 percent of the total 14,054 homicide victims represent victims killed by an acquaintance.
- 17.0 percent of the total 14,054 homicide victims represent victims killed in California.[2]

The data reported above excludes homicide data from Washington DC and Florida, and also omits data related to victim relationships to an ex-spouse and common-law spouse. Another potentially interesting relationship that was excluded involves victims who were killed involving a murder suicide (victim is offender).

The Justice Statistics and Research Association (JSRA)[3] reports, *"The primary source of information on crime in the United States is law enforcement agencies that*

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[1] Federal Bureau of Investigation (FBI), Crime in the United States 2002, Crime Index Offenses Reported, Murder, http://www.fbi.gov/ucr/cius_02/html/web/offreported/02-nmurder03.html

[2] Federal Bureau of Investigation (FBI), Crime in the United States 2002, Crime Index Offenses Reported, Murder 2002–Table 20, http://www.fbi.gov/ucr/cius_02/html/web/offreported/02-table20.html

[3] *Lisa Walbolt, Project Manager,* Justice Research and Statistics Association *(JRSA), The Forum-* Vol21 No.1, " Developing a NIBRS–Compatible Homicide Database: A Multistate Pilot Test," http://www.jrsa.org/pubs/forum/forum_issues/for21_1.pdf

submit monthly counts of index crime to the Uniform Crime Report (UCR)[4] *system of the Federal Bureau of Investigation (FBI). Data on homicides are collected through the Supplementary Homicide Report (SHR) section. Implemented in the 1960s, the SHR is designed to provide limited incident-specific information on each murder and nonnegligent manslaughter that occurs in the United States." "While the SHR provides information that would otherwise not be available, it has some key limitations. As with the UCR program in general, participation in the SHR is voluntary, and not all law enforcement agencies report." "Another potential source of information about homicides is the National Incident Based Reporting System* (NIBRS),[5] *which provides for the collection of 53 data elements, organized into six data segments, on each incident."*

The major problem inherent to the structure of the present NIBRS system is that it does not allow parent vs parent homicide statistics to be gathered. The only NIBRS data element that allows identifying Family Law related deaths is element 35, which assigns a victim/offender relationship regarding each homicide. Data element 35 can be assigned many values, but the Family Law related values include: SE (spouse), BG (boyfriend/girlfriend), CH (child), XS (ex-spouse), CS (common-law spouse), and VO (victim is offender).

- Why did mainstream America (except Dan Rather) suspect Gary Condit of killing Sandra Levy? Was it because 13.7 percent of the total 3,251 female homicide victims were killed by their boyfriend?
- Why does mainstream America suspect Scott Peterson and Robert Blake of killing Lacy and Bonny-Lee? Is it because 18.5 percent of the total 3,251 female homicide victims were killed by their husband?
- Why does mainstream America still suspect O.J. Simpson of killing Nicole? Is it because 22.9 percent of the total 14,054 homicide victims were killed by an acquaintance?
- Why does mainstream America suspect any California parent of killing the other parent of their child? Is it because California leads the nation by producing 17.0 percent of the total 14,054 homicide victims?

The common denominator, regarding the example homicides above, is that the victims and suspected offenders are all parents (or suspected parents) of a common child, and also that the victims and suspected offenders all reside in California. The only way to allow parent vs parent homicide data to be gathered is to add a completely new data element that allows the number of children to be entered that are common to the victim and offender. Not only would it be easy to associate parent vs parent homicide statistics, but may reveal trends based on the number of common children and the amount of child support demanded of the offender by the State in which they reside.

Lawmakers will never recognize the Family Law motive for murder until they are shown the effect it has on parents by pointing to reported numbers. The lawmakers are denied visibility of the parent vs parent homicide statistics, as well as the financial demands imposed on parents that vary as a function of children. An unknown number of parents are being killed in America due to the unknown financial demands that are (or might be) imposed on them by the State that they reside in.

"Causality—action, reaction, cause, and effect, there is no escape from it, we are forever slaves to it. Our only hope, our only peace, is to understand it, to understand the 'why.' 'Why' is what separates us from them, you from me. 'Why' is the only real source of power, without it you are powerless, and this is how you come to me, without the 'why,' without power, another link in the chain." (Matrix Reloaded)[6]

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[4] Federal Bureau of Investigation (FBI), Crime in the United States 2002, Summary of the Uniform Crime Reporting (UCR) Program, Section 1, http://www.fbi.gov/ucr/cius—02/html/web/summary/summary.html

[5] Federal Bureau of Investigation (FBI), *Criminal Justice Information Services Division,* Uniform Crime Reporting, National Incident-Based Reporting System, Volume 1: Data Collection Guidelines Aug. 2000, http://www.search.org/nibrs/PDFs/FBIv1.pdf

[6] Larry and Andy Wachowski, Warner Brothers, movie: "The Matrix Reloaded." Also see: Jim Untershine, GZS of LB, 09–23–03, "The Family Law Revolution," "Prophecy, History, and Hollywood . . . Ignorance is bliss," http://mensnewsdaily.com/archive/u-v/untershine/03/untershine092403.htm

Appendix Two

Schwarzenegger attempts to stop exploitation of children for money

California may be setting the example for the rest of the nation

http://mensnewsdaily.com/archive/u-v/untershine/2004/untershine030504.htm

Jim Untershine, GZS of LB, 03–02–04

California Governor, Arnold Schwarzenegger, is attempting to change the purpose of Department of Social Services (DSS) and that of the Attorney General. DSS will be rewarded for allowing the children to stay with their family, rather that taking them away. The Attorney General will be allowed to keep his job by enforcing the laws of his State, rather than allowing illegal marriage between gays.

The impoverishment of the family caring for their own children is becoming apparent and disturbing: As reported in the Sacramento Bee,[1] "In a ruling that will cost California and its 58 counties more than $80 million, a Sacramento Federal judge has ordered the payment of unlawfully withheld Foster Care benefits for children living with relatives." "the California Department of Social Services estimates that $30 million will have to be taken from the State general fund and another $42 million from county treasuries to cover the back payments. The Federal government will be obligated to match those amounts"

The supply side of the Foster Care industry is finally being recognized and scorned. As reported in Star News,[2] "Gov. Arnold Schwarzenegger has called for an overhaul of California's Foster Care system to end financial incentives that critics say encourage counties and their contractors to make money off children in their care." "State and Federal laws create financial incentives for placing children in Foster Care because counties receive $30,000 to $150,000 annually in State and Federal funds for each child, say officials and critics."

The demand side of the Foster Care industry is becoming obvious and creepy: As reported in the San Diego Union Tribune[3] "The California Supreme Court declined a request Friday by Attorney General Bill Lockyer to immediately shut down San Francisco's gay weddings." "Pressure on Lockyer, a Democrat and the State's top law enforcer, intensified when Republican Gov. Arnold Schwarzenegger directed him to 'take immediate steps' to halt San Francisco's marriage march." "Regardless of Friday's order, the San Francisco-based Supreme Court did not indicate whether it would decide the issue. The seven justices usually are loath to decide cases until they work their way up through the lower courts, which this case has not."

DSS, operating in each State, is paid by the taxpayers to actively pursue removing children from their families and permanently giving them to strangers. As reported by the California Children's Services,[4] most of these children were not victims of abuse:

- 45 percent of the 498,720 children that were referred to CA DSS in 2003 alleged general/severe neglect or caretaker absence/incapacity.
- 23 percent of the 498,720 children that were referred to CA DSS in 2003 were substantiated.
- 53 percent of the 113,702 children that were substantiated by CA DSS in 2003 confirmed general/severe neglect or caretaker absence/incapacity

The California child pay-off can be presented using the net per capita income (PCI) of California in 2000 as $26,422[5]/yr ($2,202/mo).

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[1] Denny Walsh, Sacramento Bee Staff Writer, 02–12–04, "Foster ruling to cost state millions," "A Federal judge orders back payments for homes where kids live with relatives," http://www.sacbee.com/content/news/story/8254476p-9185108c.html

[2] Troy Anderson, Star News Staff Writer, 02–15–04, "Governor calls for reform of foster care system," "Proposals would end incentives, focus on families," http://www.pasadenastarnews.com/Stories/0,1413,206 percent257E24533 percent257E2154603,00.html

[3] David Kravets, San Diego Union-Tribune, AP Legal Affairs Writer, 02–28–04, "Calif. Supreme Court won't immediately stop same-sex marriages," http://www.signonsandiego.com/news/state/20040228-0003-ca-gaymarriage.html

[4] Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Lery, B., Shaw, T., Dawson, W., Piccus, W., Magruder, J., Ben-Poorat, S., & Kim, H. (2004). Child Welfare Services Reports for California. University of California at Berkeley Center for Social Services, http://cssr.berkeley.edu/cwscmsreports/highlights/showhighlightHTML.asp?subj=referrals

[5] Bureau of Economic Analysis (BEA), Table SA51–52, "Net PCI across all States for 2000," http://www.bea.doc.gov/bea/regional/spi/drill.cfm?table=SA51-52&lc=400&years=2000&format=htm&sort=0

- $550[6]/mo (25 percent net PCI) in child support for one child, and $881/mo (40 percent net PCI) for 2, is payable to a financially dependent parent who is ordered to care for the children.
- $627[7]/mo (28 percent net PCI) in TANF and food stamps for one child, and $813/mo (37 percent net PCI) for two, is available to a financially impoverished parent who is not receiving child support.
- $446[8]/mo (20 percent net PCI) in Foster Care benefits for one child, and $892/mo (41 percent net PCI) for two, is payable to a financially stable stranger with a spare room.

Foster Care and Welfare are paid for by the taxpayers, and are subject to repayment by the parents who are separated from their children. The State share (USC 42 1396d b) of these collections depends on the State's PCI relative to that of the nation. The State share of Foster Care and Welfare collections = 45 percent* (PCIstate/PCInation) − 2 and cannot exceed 50 percent. California is allowed to keep 50 percent of the Foster Care and Welfare collections with a gross PCI of $32,363[9]/yr ($29,760/yr Nationally).

Child Support Enforcement (CSE), operating in each State, is paid to actively prevent the payment of child support and drive both parents to poverty. The new and improved State incentive calculation (USC 42 658a b) doubles the Foster Care (IV–E) and Welfare (IV–A) collections compared to child support (IV–D) collections.

It is not hard to understand why States, like Utah,[10] have opened the floodgates regarding unwed mothers giving babies up for adoption. The exploitation of children for money is more palatable if the children are supplied willingly. The new demand for children by same-sex customers may allow some States to distribute a catalogue, complete with a schedule of tax-free income that will be provided by the taxpayers or the parents roped into repaying it.

Same-sex marriage would be a public policy wasted on a group of people who are proud of a lifestyle that precludes children. The institution of marriage does not confer commitment (in this no-fault divorce era we are forced to live in) it is simply a means to get free health care from the breadwinning partner's employer. State Attorney Generals of the Executive branch, who wish to ignore the law in an effort to force a new group of people into the divorce courts, only serves to feed the officers and agencies of the Judicial branch.

Schwarzenegger may see through his Attorney General's murky motive, in hesitating to enforce the laws uniformly and adequately throughout the State of California. Attorney General Bill Lockyer must choose to put the 'smack down' on Mayors and Judges who choose to ignore the Legislative branch, or he must choose to resign his office.

Is the California Attorney General a puppet of the California Bar Association or does he report to the California Governor?

Appendix Three

Family Control Systems

Source: James Untershine

The figure below shows the Federal programs implemented in all States using the Custody Free credit card account (see Appendix Four—"Custody Free Child Support"). The figure below shows the various types of feedback regarding support actually received by the children:

- The CSE agency monitors money deposited into the Custody Free account as well as the support purchased by both parents to provide support for the children.

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[6] AllLaw.com, "Child support awards across all States," http://www.alllaw.com/calculators/Childsupport/

[7] Ways and Means Greenbook 2000, Table 7–9, "TANF and food stamps provided by all States," http://aspe.os.dhhs.gov/2000gb/sec7.txt

[8] Ways and Means Greenbook 2000, Table 11–8, "Foster Care benefits provided by all States," http://aspe.os.dhhs.gov/2000gb/sec11.txt

[9] Bureau of Economic Analysis (BEA), Table SA1–3, "Gross PCI across all States for 2000," http://www.bea.doc.gov/bea/regional/spi/drill.cfm?table=SA1-3&lc=400&years=2000&format=htm&sort=1

[10] Mary Mitchell, Chicago Sun-Times, 01–15–04, "Utah's adoption laws ensnare poor parents here," http://www.dadsdivorce.com/mag/essay.php/020204Utah.html

- [USC 42 666 b6D] allows CSE to enforce wage withholding from employers or payment from noncustodial parent.
- [Custody Free CC account] allows accountability of money contributed by each parent and the support purchased for the children.
- [Cost of raising children data] allows data to be gathered regarding the support purchased to support the children.
- [Parents] monitor the actual support received by the children, to compare with the support that is purchased.
- The TANF agency monitors assistance/money deposited into the Custody Free account as well as the support purchased by both parents to provide support for the children.
- [Custody Free CC account] allows accountability of money contributed by TANF and the support purchased for the children.
- [Cost of raising children data] allows data to be gathered regarding the support purchased to support the children.
- [Parents] monitor the actual support received by the children, to compare with the support that is purchased.
- The Foster Care agency monitors maintenance/money deposited into the Custody Free account as well as the support purchased by both parents to provide support for the children.
- [Custody Free CC account] allows accountability of money contributed by FC and the support purchased for the children.
- [Cost of raising children data] allows data to be gathered regarding the support purchased to support the children.
- [Foster parents] monitor the actual support received by the children, to compare with the support that is purchased.

Appendix Four

Custody Free Child Support

It's never too late to do the right thing, especially if it's free

http://mensnewsdaily.com/archive/ u-v/untershine/03/untershine061703.htm

Jim Untershine, GZS of LB, 06–17–03

Custody Free child support is welfare reform and is designed to allow parents to remain financially solvent, but it also serves to remove the motivation for separation. It not only provides accountability of money paid to support the children for a particular family, it also provides data that can be used to estimate the cost of raising children for a family of this type. Since either parent can access the money set aside to support the children, then it really doesn't matter who has custody, provided the money is being spent to support the children.

A family that is functional before separation should be allowed to function after separation. Developing a history of a particular family's costs of raising children will eliminate any surprises after separation. The following credit card account can be set up by parents upon the birth of their child, rather than waiting until after separation.

- Cardholders—Parents and/or Children
- Depositors—Parents, Employers, Health Insurance Providers, and Government Agencies
- Summary Recipients—Parents, Arbitrator, and Government data gathering Agencies
- Charges—Credit Card Company itemizes all authorized charges and charges back any unauthorized charges to the offending cardholder. Point of Sale (POS) software can allow itemization of all purchases to be charged to the account rather than the transaction total.
- Restrictions—Parents and Arbitrator enter into an agreement of authorized charges intended to support the children. The contributions of each parent may be decreased if funds exceed a certain level or can be rolled over to a college fund account.
- Authorized Charges—The purpose of the Custody Free account is to establish a baseline for expenditures in supporting the children. Food, Clothing, School Supplies, etc will be included as authorized charges. Rent, Utilities, Services, etc can be agreed upon by the parents as well as any other expenses that they may deem necessary. A case of beer, a carton of cigarettes, or a crate of

condoms would be charged back to the offending cardholder, thereby increasing the contribution amount for that cardholder.

- The Arbitrator—The Arbitrator is not necessarily the Family Court, or Child Support Enforcement. The Arbitrator could be a recognized representative from the Credit Card Company, Church, Employer, School, or any Privatized Agency. The Arbitrator will be responsible for resolving any issues regarding funds not deposited into the account as agreed, or disputes regarding inappropriate charges, or if it appears that the children are naked and starving. The Arbitrator can allow welfare money to flow into the account to make up for unemployment of a parent or other irregularities that may threaten continuity of child support. The Arbitrator can issue actions against employers who fail to make scheduled contributions and act immediately to protect a parent from employer discrimination regarding child support withholding.
- Government Agencies—Government Agencies that may make deposits to the account include Welfare, Unemployment Insurance, Disability Insurance, Internal Revenue Service, etc. Government Agencies that receive the Account Summary are data gathering agencies (US Census, USDA, etc) that would only have visibility as to the statistics regarding a family of this type, rather than who this family actually is.
- Roll it up Parenting—In the event of separation the family residence stays intact and one parent resides there until they have to Roll it up and stay somewhere else. The children continue to reside at the family residence and the parents take turns residing with them. The parenting rotation will be agreed on by the parents or ordered by the Arbitrator. Dad doesn't have to relocate his workshop, garden center, or workout equipment, and Mom doesn't have to recreate her culinary empire, or abandon her masterpiece of interior design. The kids keep their room, their toys, their friends, and continue to go to the same school.
- The Separation Station—Parents who must Roll it up may choose to stay at the State of the art housing complex, subsidized by the taxpayers and those who have been ordered to pay restitution resulting from their exploitation of children for money. With a 'Gold Club' on one side and a 'Chippendales' on the other, this sprawling oasis is guaranteed to provide the means by which a parent can 'sow their wild oats' in the name of 'getting it out of their system.' This 'Club Med' for parents will allow them to discover what they have been missing, or realize what they took for granted. Classes available to Roll it up parents include relationship, parenting, sex therapy, and anger management, as well as career counseling, job training, and job placement services. For the more extreme cases there is drug rehabilitation, psychotherapy, and jail.