

Child and Family Services Review Technical Bulletin #12

Announcement of the CFSR Round 4 reviews, changes to the review process and information on the scheduling of reviews.

August 2020

Section I. Context and Overview of Next Round of CFSR – Round 4

The Children’s Bureau (CB) is planning to conduct a fourth round of reviews under the Child and Family Services Reviews (CFSR) regulations, beginning in Federal Fiscal Year (FFY) 2022. The purpose of these reviews is to determine compliance with title IV-B and IV-E plan requirements, and in doing so, assess the extent to which federally funded child welfare programs function effectively to promote the safety, permanency, and well-being of children and families with whom they have contact.

Federal regulations at 45 CFR 1355.32 (b)(2)(ii) require states that were not in substantial conformity in the third round of CFSRs to begin a full review two years after approval of their Program Improvement Plan (PIP). Given that no state was found to be in substantial conformity on all seven outcomes and seven systemic factors in Round 3, this requirement applies to all states, the District of Columbia and Puerto Rico.

The Children’s Bureau has a history of revising and making improvements to the methods and measures used to monitor states’ performance with respect to title IV-B and IV-E program requirements.¹ CB has made substantial changes between each CFSR round. These include changes to the statewide data indicators, and the way they were used to evaluate state performance on safety and permanency outcomes, as well as the development of an online management system in which case review results could be housed. The Online Monitoring System (OMS) accommodated the option made available in Round 3 for states to either conduct their own CFSR case reviews (if they met minimum requirements) using their case review process, or to elect to have a federally led case review.² Shortly after Round 3 began, concerns about the accuracy of the syntax that produced the statewide indicators surfaced, and as a result, CB suspended the use of the newly developed statewide data indicators for the duration of the third CFSR round.

In CFSR Round 4, we will bring back the statewide data indicators (SWDI) to the CFSR/PIP process, and will be looking at content changes to align better with Children’s Bureau priorities. The reviews, both CB-led and state-led, will maintain the partnership of federal and state staff and will continue to involve a two-level process: (1) a statewide assessment (SWA), and (2) an

¹ Between rounds one and two of the CFSR, we sought feedback from state administrators and subsequently instituted a number of changes. During the second round of reviews, we continued to evaluate the process by gathering informal feedback from administrators and others involved in the CFSRs on an ongoing basis. On April 5, 2011, CB issued a Federal Register request for public comment about improvements to the process for reviewing titles IV-B and IV-E of the Social Security Act through the CFSR (76 FR 18677).

² For more information see CFSR Technical Bulletin #7 released in March 2014 (Announcement of the next round of reviews, changes to the review process and information on the scheduling of reviews).

onsite review as required by 45 CFR 1355.33(a). As in Round 3, we continue to encourage states to conduct their own case reviews.

After receiving the results of the review, states that are not in substantial conformity with title IV-B and IV-E requirements must enter into a PIP to address areas that CB determines require improvement (45 CFR 1355.34 and 1355.35).

As this TB outlines, for Round 4, we intend to connect the SWDI metrics to a systematic inquiry and review framework that is grounded in sound measurement and integrates the principles of continuous quality improvement (CQI) in both the CFSR and PIP processes. This includes supporting PIP development by building on the approach piloted with three states during Round 3. Lessons learned from those pilots are woven into the structure and components of the fourth CFSR round. At the outset, CB will encourage a statewide assessment process in which the statewide data indicators are a core feature, and in which the state is asked to conduct a more comprehensive review of systemic factors using qualitative and quantitative data to determine functioning. The statewide assessment will be followed by the CFSR case reviews, and evidence generated by the assessment, stakeholder interviews, and the case reviews will be combined in the CFSR final report.

Key elements of CFSR Round 4 structure and processes are enumerated below:

- Establish clear criteria for a state to conduct a state-led review and support states in conducting state-led CFSR reviews.
- Rely on the revised data measures; use them to establish national standards and characterize state performance relative to those standards.
- Continue to support a state's capacity to self-monitor for child and family outcomes, system functioning, and improvement practices.
- Encourage the consistent use of comprehensive state data to complete the statewide assessment, inform decisions regarding conformity with the systemic factors, and build the foundation of the PIP.
- Require meaningful engagement and participation of parents, children and youth, resource families, legal and judicial community, Tribes, front-line caseworkers and supervisors early and ongoing through all phases of the CFSR and PIP processes.
- Integrate, where appropriate, plan requirements from statutory changes that occurred since Round 3.³
- Engage states, key stakeholders, and capacity-building providers in a streamlined, focused, and comprehensive PIP development process. The process builds on evidence acquired through the statewide assessment and CFSR, and results in the identification of cross-cutting themes, which when addressed, improve system functioning, child welfare practices, and the resulting outcomes for children, youth, and families.

The overall goals of the reviews remain to:

- Ensure conformity with title IV-B and IV-E child welfare requirements using a

³ Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351), Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) and Family First Prevention Services Act (Public Law 115-123).

framework focused on safety, permanency, and well-being through seven outcomes and seven systemic factors;

- Determine what is happening to children and families as they are engaged in child welfare services including the legal and judicial processes; and
- Assist state child welfare systems in helping children and families achieve positive outcomes.

We intend to carry out the reviews in a way that supports efficiencies and flexibility for states whenever possible. Section II of this bulletin gives states general information about the primary features of the review and any refinements to the review process, and Section III gives states instructions about how we will schedule reviews.

This technical bulletin is designed to give states a high-level overview of the review to come. States can anticipate that we will issue more specific guidance on the review process and procedures before the reviews occur, as noted in Section IV.

Section II. Refined Features of the Review

A. Statewide Data Indicators and National Standards

Statewide data indicators are used to inform the determination of substantial conformity on safety and permanency outcomes. The statewide data indicators are based on data available in states' Adoption and Foster Care Analysis and Reporting System (AFCARS) and National Child Abuse and Neglect Data System (NCANDS) submissions.

Prior Method: As originally conceived during Round 3 of the CFSR, CB adjusted the CFSR statewide data indicators (SWDI) by developing a refined method for generating the data indicators as well as a different approach to calculating the associated national standards. These adjustments were made in response to public feedback that raised concerns about methodological issues related to use of exit cohorts, the lack of ease in interpreting composite numbers, and about the comparability of states' data. The revised CFSR 3 metrics addressed those issues. However, comments following public review of the revised metrics highlighted some programming decisions that required further attention. As a result, use of SWDI were limited to providing context for the statewide assessment and PIP development and monitoring process, and not for determinations of substantial conformity and as a basis for potentially imposing financial penalties during the third round of CFSRs.⁴

⁴ In October 2016, the Children's Bureau issued [CFSR Technical Bulletin #9](#), which alerted states of decision to limit use of state performance on the statewide data indicators to context due to the discovery of technical errors in the syntax used to calculate performance information and time needed to complete a comprehensive review and validation process. As part of a comprehensive and transparent process to rectify the syntax, CB published [Federal Register Notice \(83 FR 60874\)](#) on November 27, 2018, inviting state child welfare agencies, partner organizations, and the public to review, test, and provide comments on the revised syntax to perform data quality checks and calculate observed performance on the statewide data indicators. In August 2019, CB issued [CFSR Technical Bulletin #10](#) in response to public comments received and to communicate CB's confidence the revised syntax

Round 4 Method: In CFSR Round 4, we will return to the planned use of SWDI to assess adjusted state performance on safety and permanency outcomes relative to the observed national performance. For this round, the SWDI will include all seven metrics initially intended for use in Round 3. The SWDI will be supplemented with additional context data, which states may consult as they conduct their statewide assessments. The SWDI will be used to establish substantial conformity on certain safety and permanency outcomes. In addition, those indicators will be used to set baselines and goals for states required to include non-conformant outcomes in their PIPs. Additional details about the SWDI will be available in forthcoming technical bulletins.

B. Statewide Assessment /Stakeholder Participation

The statewide assessment (SWA) is the first stage in a CFSR. The statewide assessment is the state's evaluation of its performance on CFSR outcomes and systemic factors and is used to guide the focus of the onsite review (45 CFR 1355.33(b)). Several other required reports should be consulted and may be used in the statewide assessment. For example, the Child and Family Services Plan (CFSP) is a five-year strategic plan that sets the stage for states to accomplish the vision and goals they have for strengthening the state's overall child welfare system. The Annual Progress and Services Reports (APSRs) are annual updates to a CFSP (45 CFR 1357.15 and 45 CFR 1357.16). The Court Improvement Program (CIP) strategic plans are five-year plans that identify outcomes a state court will address and the projects and activities they will undertake to achieve them. CIP strategic plans are updated as needed (minimum of annually) and are used as a tool to guide CIP work. (ACYF-CB-PI-16-05).

Prior Method: In Round 3 of reviews, the CFSP and the APSRs were more fully integrated with the CFSR statewide assessment process to reduce states' burden and align federal planning and monitoring efforts. States were able to refer to their CFSP/APSR, rely on that content, and update information for their statewide assessment only if necessary. The statewide assessment instrument was revised and focused on the particular assessment questions needed for substantial conformity decisions and other regulatory requirements as opposed to more expansive narratives on policy and contextual information.

Round 4 Method: In Round 4, CB is revising the SWA guide in several key ways. First, states will be asked to structure their self-assessment so that it evaluates their system performance in a framework that includes a wide range of child welfare system stakeholders and solicits their input with respect to making systems changes to support the vision articulated in the CFSP. This structure will frame the state's assessment of both their child welfare outcomes as well as their systemic factors. Secondly, states will receive aggregate data reports, including the SWDI profiles along with supplementary contextual data. Their assessment of performance on CFSR outcomes should refer to the dynamics illuminated in the aggregate data, and should include further elaboration, with supplementary data from

calculates reliable indicators of performance and a renewed commitment to use the data as context for the remainder of CFSR Round 3.

multiple systems and sources (e.g., state administrative data, case record review results) as necessary, on the dynamics that drive both system strengths and challenges. Third, the SWA tool will refer to updated instructions on how to evaluate the systemic factors. This guidance will advise states to rely on administrative data sources whenever possible (either their own or stakeholder data) to demonstrate strengths or areas in need of improvement for each factor. In instances where supplementary qualitative data are called for, the guidance provides some specific recommendations.

C. Systemic Factors

Prior Method: In Round 3 of the CFSR, a state's performance on the seven systemic factors was first evaluated in the statewide assessment submitted by the state to CB in advance of the onsite phase of the CFSR. CB reviewed the state's assessment to determine if the state demonstrated functioning on each of the systemic factors through the submission of information and data. If additional information was necessary to reach a conclusion about each systemic factor, CB would schedule stakeholder interviews to collect that data. In some instances, CB determined that interviews were not necessary because the state sufficiently demonstrated that a systemic factor was functioning as required, through data the state provided in the statewide assessment. In other situations, the data indicated that a systemic factor was not functioning and the federal-state team determined that a stakeholder interview was not necessary and the systemic factor was not in conformity. Stakeholder interviews were jointly conducted by the federal-state team in all states, regardless of whether the case reviews were CB-led or state-led, to provide information on the Service Array systemic factor.

Round 4 Method: While we will continue to rely on quantitative and qualitative information to assess whether a systemic factor is functioning statewide, there will be a stronger emphasis placed on generating empirical evidence that demonstrates functionality. This reliance on evidence will extend to include a consideration of the quality of review and permanency hearings. Rating criteria will be provided, along with specific measurement suggestions for each systemic factor item. As with prior rounds, when empirical evidence is unavailable or insufficient to illustrate performance on a systemic factor, qualitative data can be used. If the federal review team determines that the SWA does not conclusively demonstrate performance during the onsite phase of the CFSR, the team may collect additional information through stakeholder interviews. Stakeholder interviews on Service Array and the Case Review systemic factors, jointly conducted by the federal-state team, will be held in all states.

D. CFSR Reviews - Case Reviews & the Onsite Review Instrument (OSRI)

Through the case reviews, CB and the state gather information to assess performance on the seven outcomes. The case review considers information from case files and case-related interviews for both foster care and in-home service cases.

Prior Method: In Round 3 of the CFSR, states were given the option of conducting their own case reviews and submitting the results to CB or having a one-week onsite CFSR conducted by a joint federal-state team of reviewers. Both types of reviews required use

of the federal OSRI or an instrument closely aligned with the OSRI and a plan endorsed by the CB Measurement and Sampling Committee (MASC). States opting to conduct their own case reviews had to meet CB criteria for case reviews and agree to federal secondary oversight of a percentage of cases to ensure accurate application of the OSRI and quality of case ratings. For Round 3, the OSRI was adapted to improve the types of information collected on practices and services provided to children and families to better assess how their safety, permanency, and well-being needs were met by states. In addition, CB developed and instituted the OMS to support electronic data collection and storage of the OSRI, which includes an array of reports states can run to analyze case review results to assist in determining strengths and areas of need related to practices and services.

Round 4 Method: The Children’s Bureau will continue to support states in building and institutionalizing capacity to review their practices and services provided to children and families, consistent with CB’s CQI Information Memorandum (IM) (ACYF–CB-IM-12-07). The IM advises states to maintain their quality assurance (QA) systems and enhance them through a broader, more comprehensive CQI approach. As the state’s process for reviewing cases is an important part of the overall CQI system, and to the extent that a state’s system meets the minimum federal requirements for case review, CB encourages states to utilize that process for Round 4. States that do so are required to use the federal OSRI and to submit the results via the OMS. CB Regional Offices (RO) will continue to provide consultation and technical assistance to states on the development and enhancement of well-functioning CQI systems.

Appendix A provides information on the criteria necessary for a state to conduct its own case review. If a state does not meet the necessary criteria to use their case review process or chooses not to do their own case reviews, CB will work with the state to prepare for a weeklong onsite review conducted jointly by CB and the state.

In preparation for Round 4, CB has made improvements to the OSRI that:

- Promote ease of use by clarifying Item-specific instructions;
- Reduce case applicability challenges present in Round 3;
- Reflect current federal title IV-B/IV-E requirements; and
- Continue to reinforce quality practices to achieve safety, permanency, and well-being of children and families.

OSRI results, along with the SWDI, will be used to make an initial determination of substantial conformity on the seven CFSR outcomes per 45 CFR 1355.34(a) and (b). Additional details about the OSRI refinements, and about substantial conformity determinations, will be available in forthcoming technical bulletins and/or specific OSRI training materials.

E. PIP Development Process

Prior Method: The process for PIP development varied among states. In many states, agency staff, legal and judicial participants, parents, youth and others actively analyzed data, identified

root causes of underperformance, and developed strategies for improvement. In other states, agency teams were primarily responsible for developing the PIP. While some states submitted an approvable PIP in less than a year from the final report, average time to approval was approximately 16 months.

In the spring of 2019, CB piloted a PIP development process that was designed to test a more expedient and inclusive approach to PIP development and approval. The approach relied on convening a wide group of system stakeholders who met together on site for up to five days, during which time they reviewed data, identified challenges, and developed a PIP framework. Through the review of system data, which was provided in advance of the onsite meeting, along with facilitated conversations prior to and during the onsite meetings, participants were able to focus on key challenges, connect them to root causes, and begin to identify reasonable solutions that could result in improved outcomes. The resulting PIPs were developed and approved much closer to the 90 days specified in regulation.⁵

Round 4 Method: For PIP development in Round 4, we propose to replicate many aspects of the Round 3 PIP approach that was piloted in three states, and further developed when a fourth state participated in the PIP pilot activities outside of the Round 3 processes in order to develop its ongoing performance improvement focus. To support PIP development for Round 4, CB will encourage states to take advantage of technical assistance (TA) to support multi-day onsite meetings. Because the Round 4 SWA approach will include an earlier focus on statewide data, along with the more deliberate inclusion of system stakeholders, the essential components driving the PIP pilots will already be in place. State legal and judicial partners will be asked to fully participate with the state agency in PIP development. The Children’s Bureau will recommend a continued reliance on and augmentation of aggregate data, along with the persistent integration of stakeholder perspective throughout the SWA and the onsite phase of the CFSR. This allows for the initial work conducted in the SWA to be a more integral part of the PIP development. States wishing to more formally replicate the Round 3 PIP pilot process will be asked to indicate that preference early on so that the necessary planning and TA can be coordinated.

Section III. Scheduling State Reviews and Request for State Letter of Intent

In prior rounds of the CFSR, CB waited until all states had completed their PIPs and non-overlapping periods before launching the next review cycle. Since many states have built their CQI and case review capacity to conduct their own CFSR, this allows CB flexibility in how to conduct Round 4. As the need to dedicate resources for CB-led (“traditional”) CFSRs has decreased, CB will now accommodate more reviews in each year and will not wait until all states have completed Round 3 PIPs before launching Round 4 reviews.

While we strongly encourage states to continue their case reviews and opt for a state-led CFSR, we recognize that a number of states may request a CB-led CFSR. These numbers will impact how many reviews – and which types of reviews – can be accommodated each year. States will be asked to submit in writing to CB a request for the type of review to be conducted and the

⁵ Michigan’s PIP was approved within 120 days of the CFSR Final Report; Maryland’s within 95 days, and Louisiana’s PIP was approved 81 days after the final report was issued.

rationale/justification. More information on the timing of that request will be issued in the coming months.

The Children's Bureau has encouraged states to continue to operate their case review processes using the federal OSRI and the OMS to facilitate seamless transition to Round 4 CFSR. If a state has not continued to do this after the end of Round 3 CFSR, the state will need to reinstate its case review system using the OSRI and OMS – with verification and approval by CB - in order to meet the criteria for a state-led CFSR in Round 4.

States will be assigned to Year 1, 2, 3, or 4 for the Round 4 CFSR case review based on priorities noted below. The number of reviews conducted each year will depend on how many reviews will be state-led versus those requiring the more resource-intensive CB-led reviews.

- States with penalties for Round 3 CFSR, to the extent possible, will be accommodated in Years 1 and 2, depending on the type of reviews being requested. The Children's Bureau will prioritize these states in order of when their Round 3 penalties began.
- States not penalized in Round 3 but that have completed the Round 3 PIP and measurement period will be the next priority. States that want to have a state-led CFSR but have not continued to operate a case review system using the OSRI and OMS will need to reinstate their case review systems for verification and approval by CB in advance of Round 4. CB will provide additional information about this timing in forthcoming guidance. States unable to meet this requirement will be automatically scheduled for a CB-led CFSR.
- As states complete the Round 3 measurement period, they will be scheduled next. We will strive to accommodate them as early as possible if they incurred penalties.
- States still in their Round 3 implementation and/or measurement period will be scheduled toward the end of Round 4 unless there is an ability to fit them into the schedule earlier, depending on the type of review requested and if penalties were incurred.

Section IV. Additional Information

In addition to details about the data measures in a forthcoming Technical Bulletin, we will provide additional information about the reviews, standards, and program improvement plans, procedures manuals, instruments, and rating and measurement information to all states prior to initiating the fourth round of reviews.

States will continue to be able to access additional information on the reviews through the CFSR Information Portal <https://www.cfsrportal.org/> and the CB website at <http://www.acf.hhs.gov/programs/cb/monitoring/child-family-services-reviews/>.

Consistent with prior rounds, CB will provide additional preparation and training to state CFSR participants closer to the timeframe of the state's scheduled review(s).

Appendix A: Case review schedule and criteria for using state case review process for CFSR purposes

The case review schedule will be established based on priorities outlined in Section III of TB 12. Briefly, those priorities include considering penalty status and timing of completion of the non-overlapping period. Prior to scheduling the next review, states electing to conduct state-led reviews must demonstrate that they meet all specified requirements in order to qualify for the state conducted review process. The state must demonstrate that the criteria below are in place and functioning prior to their scheduled Round 4 CFSR.

Criteria for State Led Review:

1. **State operates an internal case review process** at least annually and uses the OSRI or other review instrument that closely aligns with the OSRI, but is prepared to use the OSRI for the actual CFSR and PIP. State will use the OSRI/OMS tools and instructions to collect data for the initial determination of conformity.
2. **Case review schedule and sampling methodology** must meet the process established for CFSR Round 4 and adhere to standards established by MASC.
3. **State includes case-specific interviews of key individuals in every case to inform the ratings, including all of the following: child (if age and developmentally appropriate), parents, caregiver/foster care provider, and caseworker or supervisor, and follows a written protocol for acceptable case-specific exceptions.**
4. **State has a process for ensuring accurate and consistent case review ratings**, including reviewer training for ongoing reviewers, as well as specific training and oversight for new reviewers. State has a written process for conducting third-party QA, including a feedback loop to all reviewers and persons conducting QA. State has written guidance to avoid conflict of interest for reviewers.
5. **State will work with Regional Office and CFSR team to develop an approach for secondary oversight** that is consistent with established CB standards and procedures.
6. **State has process for case elimination decisions** that includes notifying CB team of case eliminations, including reason for elimination.

To provide oversight and support to states that choose to conduct their own review, CB will undertake the following responsibilities:

Federal Responsibilities

1. Develop training specific for CFSR Round 4 instrument changes.
2. Develop and maintain training platform to support states in their efforts to provide training for staff. (This include e-training platform and potentially onsite training)
3. Develop and maintain FAQ site to support state case reviewers.
4. Develop and distribute procedures for secondary oversight.
5. Develop and distribute standards to ensure consistency in secondary oversight.
6. Develop and distribute case elimination criteria and procedures that states should follow when cases are eliminated.

Process for Round 4 CFSR Case Review

As we prepare for Round 4, CB will develop technical guidance that describes how states should communicate their proposed approach for CFSR case review. These steps include:

1. Alerting CB as to whether states expect to be state-led or CB-led.
2. For CB-led, indicate the reason they are selecting this option.
3. For state-led, states will need to provide information to support that they meet criteria.
4. The Children's Bureau will develop an approach for verifying that states meet criteria for state-led reviews, which may include:
 - Knowledge and information based on ongoing work with a state;
 - Review of cases in OMS;
 - Onsite visits to observe review components and/or criteria;
 - Documents that set forth state policy, procedure, or guidance relevant to criteria; and
 - Consultation with MASC.
5. CB will establish a review schedule, based on the priorities outlined in TB 12 Section III, taking into account the scheduling preferences for states that conduct their own reviews to the extent possible.