

## **Appendix A: State-Led CFSR Case Review Criteria**

### **June 22, 2022**

States electing to conduct State-Led Reviews must demonstrate that they meet all specified requirements to qualify for this process. The state must submit the documentation required in each section of this appendix and demonstrate that the criteria are in place and functioning no later than 6 months prior to the scheduled CFSR.

For Criterion 2, the state must submit its proposed case review sampling plan and sampling frames for review and verification at least 6 months prior to the scheduled CFSR.

**Criterion 1—The state operates an internal case review process at least annually that assesses state child welfare system performance in the domains of safety, permanency, and well-being.** [See chapters 3 and 5 of the *CFSR Procedures Manual* for additional information regarding all aspects of the case review process.]

#### **Additional Guidance:**

States must be operating an internal case record review process at least annually that looks at key performance areas of safety, permanency, and well-being. States must demonstrate that their case review process is operating as required no later than 6 months prior to the scheduled CFSR.

To demonstrate an operating case review process, criteria in this appendix must be met, including use of the federal Onsite Review Instrument and Instructions (OSRI). If the state is not currently using the OSRI, the state must: (a) provide a plan and timeline for the ongoing use of the OSRI in the State-Led Review and (b) demonstrate accurate use of the OSRI, no later than 6 months prior to the state's scheduled CFSR.

#### **Acceptable Evidence/Method of Verification:**

Children's Bureau (CB) staff will review materials and have discussions and/or onsite meetings to assess the operation of the case review process. If any aspect is found not to be operational, including use of the OSRI, the CB and state will collaborate to ensure the requirements are met no later than 6 months before the state's scheduled CFSR.

**1A—The state must provide training on a regular basis for all reviewers (including individuals completing third-party quality assurance of cases) participating in the case review process.**

#### **Additional Guidance:**

The state provides training for all reviewers examining cases in the federal review sample used to determine substantial conformity. The training must include:

- An overview of the review and quality assurance (QA) process;
- Conflict-of-interest guidelines;
- Conducting case-related interviews;

- An overview of the process for addressing safety concerns identified in a case under review;
- Expectations regarding writing high-quality rating Rationale Statements;
- In-depth instructions on the use of the OSRI and all related CB-issued guidance; and
- The state’s policy document addressing the relevant items of the OSRI, including child abuse allegation assignment and response timeframes—timeframes for initiation of reports and face-to-face contact, the use of differential/alternative response and concurrent planning, the use of contracted case management, medication management policies/protocol, and well-child and dental exam policies.

The state provides training for all individuals completing third-party QA of cases reviewed for accuracy of ratings. The training must include:

- In-depth instructions on the use of the OSRI and all related CB-issued guidance; and
- An overview of the written policies and processes for (1) ensuring consistency of ratings, both on specific cases and across cases and sites, and (2) tracking questions and issues on application of the OSRI.

The state has a process in place to ensure timely access to training and oversight/supervision for new reviewers and/or QA staff entering the case review process at any time. This includes:

- A written process for selecting individuals to complete third-party QA of cases, including an onboarding plan for training and oversight when new staff are hired or recruited to conduct case reviews and/or third-party QA.

**Acceptable Evidence/Method of Verification:**

The state provides a copy of the curriculum and process to ensure all reviewers (including individuals completing third-party QA of cases) are trained.

- The state also provides a copy of the onboarding training and oversight plan.
- If time permits, CB staff may attend a state training.

**1B—The state must adhere to instructions contained in the federal OSRI for rating cases.**

**Additional Guidance:**

The state has a written process for tracking questions that arise among reviewers and individuals conducting third-party QA. The process includes a feedback loop to all reviewers and individuals conducting third-party QA that updates all participants on questions and answers about the use and application of the OSRI. Questions and issues on the instrument ratings and/or case review process should be tracked centrally by the state to ensure that issues are resolved, questions are answered, and information is provided to all reviewers and third-party QA staff.

**Acceptable Evidence/Method of Verification:**

The state provides a copy of the written process for consistency of ratings. The state should demonstrate that the process for tracking and resolving OSRI questions and/or case review process issues is done centrally and that all information is shared with reviewers and third-party QA staff.

**1C—The state must have a process in place to address safety concerns identified in a case under review.**

**Additional Guidance:**

The state has written instructions that outline the process for reviewers to follow when a safety concern is identified in a case under review.

**Acceptable Evidence/Method of Verification:**

The state provides a written copy of the process for addressing safety concerns identified in a case under review.

**1D—The state must ensure that individuals who had direct contact, supervision, oversight, or consultation for the case being reviewed do not complete the case review or conduct quality assurance on the case.**

**Additional Guidance:**

The state has a written policy that defines what constitutes a conflict of interest and resolves such conflicts so that they are not permitted during the review. The written process must require that:

- State team members may not be assigned as site leaders or reviewers, or conduct third party QA in the same site in which they work or have oversight responsibilities.
- Individuals may not review or conduct third-party QA on any case in which they participated or consulted in any way.
- Individuals having a conflict of interest must report to the site leader, and the site leader will immediately re-assign the case.
- Any individuals having a conflict of interest will not participate in any team or reviewer debriefing of cases that affects ratings of cases.

**Acceptable Evidence/Method of Verification:**

The state provides a written copy of the conflict-of-interest policy and process for resolving conflicts.

**1E—The state must use the federal OSRI to collect information on all CFSR items, and implement and adhere to guidance CB provides to accompany the instrument.**

**Additional Guidance:**

At a minimum, the state uses the OSRI for the federal review sample used to determine substantial conformity for CFSR purposes. All reviewers are provided training on the use of the instrument. For approval, states must demonstrate accurate and consistent use of the OSRI no later than 6 months before the state's CFSR.

**Acceptable Evidence/Method of Verification:**

CB staff will have the option to attend state reviews during the approval process. The state will allow CB access to its Online Monitoring System (OMS) site to review completed instruments to confirm the correct application of the OSRI and accuracy of ratings. If the state is not using the OMS for its state reviews prior to its scheduled CFSR, the state will allow CB access to completed instruments to review for accuracy.

**1F—The state must include case-related interviews of key informants on every case to inform the ratings—including all of the following individuals: child (if age and developmentally appropriate), parents, caregiver/foster care provider, and caseworker or supervisor—and follow a written protocol for making case-specific exceptions to conducting an interview with a key case participant.**

**Additional Guidance:**

The following individuals related to a case will be interviewed unless they are unavailable or unwilling to participate:

- The child (school age)
- The child's parent(s)
- The child's foster parent(s), pre-adoptive parent(s), or other caregiver(s), such as a relative caregiver, if the child is in foster care
- The child and/or family's caseworker(s) or a caseworker's supervisor, if the caseworker is unavailable (when the caseworker has left the agency or is no longer available to interview, it may be necessary to schedule interviews with the supervisor who was responsible for the caseworker assigned to the family)

Potential exceptions to conducting interviews:

- Preschool-age children
- Parents who cannot be located despite the agency's demonstrated efforts to locate them
- Parent living outside of the United States for whom, despite the agency's demonstrated efforts, it is determined that the parent is not accessible by phone or video

- There is a safety or risk concern in contacting any party for an interview
- Any party who is unable to consent to an interview due to physical or mental health incapacity
- Any party who refuses to participate in an interview and for whom the agency can document attempts to engage
- Any party who is advised by an attorney not to participate due to a pending criminal or civil matter
- Any party involved in a pending criminal or civil matter before a court or agency, or their legal representative, who believes they could be negatively affected by participation

Unacceptable exceptions to conducting an interview:

- An age cut-off that does not take into account a child’s developmental capacity, e.g., a policy of not interviewing children under age 12
- A party who refuses to participate in an interview, but the agency did not attempt to engage the individual beyond a letter or telephone call
- A party who has not been located and the agency has not made attempts to locate the individual
- A party who speaks a language other than English

**Acceptable Evidence/Method of Verification:**

The state provides a written protocol for conducting case-related interviews, including potential and unacceptable exceptions for interviews. The protocol includes conditions under which a case will be eliminated—or kept in the sample—based on the inability to complete all interviews, and includes the process for discussing and documenting potential exceptions to conducting interviews with CB.

**Criterion 2—The state uses a uniform sampling process and methodology.** [See Chapter 4, *CFSR Procedures Manual*, for additional information regarding case sampling.]

**2A—The state’s sampling methodology must coincide with the case review schedule and agreed-upon sites and consist of the state’s case population subject to review. Sites should consist of the largest metropolitan area, key program areas operating in the state, Tribes with significant case populations served by the child welfare system, and a geographical cross-section of the state.**

**Additional Guidance:**

States must provide their written site selection proposal and proposed case review procedures and sampling plan for the CFSR review period. The proposals must meet the required criteria, and sampling frames need to be reviewed/verified at least 6 months prior to the CFSR. The duration of the review period must be no longer than 6 months. States may use a statewide

random sample or a sample stratified by site (e.g., geographic area, county, jurisdiction). Any stratified sample must include the largest metropolitan area and sites that reflect key programs operating in the state (e.g., alternative response, Juvenile Justice), significant Tribal case populations, and geographic cross-sections of the state. CB recommends that the locality with the largest total case population (foster care and in-home services) be considered as an additional site when it differs from the largest metropolitan area. See chapters 3 and 4 of the *CFSR Procedures Manual* for additional information on site selection and case sampling activities.

#### **Acceptable Evidence/Method of Verification:**

- Written site selection proposal for the CFSR, in accordance with [“Child and Family Services Reviews Round 4 Site Selection Proposals”](#)
- Proposed case review schedule for the CFSR, including number of cases by site, case type, and dates of review
- CB staff will discuss with the state its proposed case review schedule, proposed sites and rationale for selection of sites, and proposed sampling methodology
- CB staff will provide a copy of the state’s written site selection proposal and proposed case review procedures and sampling plan to the CB Measurement and Sampling Committee (MASC) for review and endorsement to help ensure plans are based on best-practice measurement principles, guidance is consistent across states, and plans meet CB measurement and sampling criteria

**2B—States use a simple random sample design for the sample of foster care and in-home services cases. Sampling frames may be statewide or stratified to achieve an adequate number of cases to review from each site. Sampling periods must begin at least 12 months prior to the start of the CFSR and may be renewed monthly or quarterly. Case review procedures and sampling plans must specify the sampling approach that will be used (i.e., rolling monthly/quarterly, fixed).**

#### **Additional Guidance:**

The sampling frame coincides with the population of cases subject to review, which for in-home services cases is by family unit and for foster care cases is by individual child in foster care.

Samples will be selected from the random-ordered sampling frame consisting of cases subject to review. Sampling frames should have at least 4 to 6 times the number of cases planned for review at each site. The cases in the sampling frame that are not selected for review will be used to replace cases that are eliminated before or during the review.

CB recommends that each state use rolling monthly or quarterly sampling periods to maintain a 12- to 15-month period under review (PUR) during the CFSR review period.

#### **Acceptable Evidence/Method of Verification:**

- Proposed case review procedures and sampling plan that includes a description of the state’s methodology to produce a random sample using the state-identified

sampling frames, including the proposed stratification, and dates for the sampling period(s) and PUR(s).

- Information identifying the total number of cases for the foster care and in-home services case population, including sub-case types, in the state and each site, and the number proposed for the CFSR.

**2C—The sample must consist of a minimum of 65 cases served during the sampling period(s) with a minimum of 40 foster care cases and 25 in-home services cases. States that review more than 65 cases should consider using the state ratio of foster care and in-home services cases as long as the minimum number of cases is met for both case types.**

**Acceptable Evidence/Method of Verification:**

- Proposed case review procedures and sampling plan that identifies the total number of cases for the foster care and in-home services case population, including sub-case types, in the state and each site, and the number proposed for the CFSR.
- For states proposing sample sizes above the minimum 40 foster care and 25 in-home services cases, a rationale for the proposed ratio of foster care and in-home services cases.

**2D—The sampling frame for the foster care population must consist of the listing of children served statewide or by jurisdiction strata according to the state’s Adoption and Foster Care Analysis and Reporting System (AFCARS)-defined reportable case population for the defined 6-month sampling period(s).**

**Additional Guidance:**

States must identify and extract an example sampling frame that consists of the state AFCARS-defined foster care case population for a recent 6-month sampling period. States using a rolling sampling approach are encouraged to use a recent 6-month sampling period that is different from the AFCARS periods of October-March and April-September to demonstrate the ability to accurately apply the rolling sampling period methodology.

**Acceptable Evidence/Method of Verification:**

- A copy of an example foster care sampling frame and the corresponding syntax used to identify the case sample population for a recent 6-month sampling period. CB will provide information for states to upload files to a secure site for review and verification by MASC.
- The sampling frame should include the AFCARS encrypted record number, Federal Information Processing Standards (FIPS) code, corresponding site identifier as applicable (e.g., region, section, district), the child’s date of birth, date of latest removal from home, date of placement in current foster care setting, current placement setting, and date of discharge (as applicable).

**2E—The sampling frame for the in-home services case population must consist of the listing of family cases opened for 45 or more consecutive days to provide services and/or case management, directly by the child welfare agency or through federally funded contract(s), during the sampling period and in which no children in the family were in foster care for 24 hours or longer during any portion of the sampling period.**

**Additional Guidance:**

The 45 days begins on the date the in-home services case was opened for case management and/or services.

In-home services cases should consist of the non-foster care cases served directly or through contract pursuant to the state's CFSP (including alternative or differential response cases) that are opened for case management and/or services and served through federally funded programs. States will consult with CB and MASC to define the CFSP in-home services case population.

The in-home services case population for Round 4 will also include an unduplicated list of family cases for children whose only placement setting during the sampling period was a trial home visit (THV) and the duration of the THV was 45 or more consecutive days from the start of the sampling period.

**Acceptable Evidence/Method of Verification:**

- Description of the in-home-services case population.
- Copy of an example in-home services sampling frame and the corresponding syntax used to identify the unduplicated case population for a recent 6-month plus 45-day sampling period. CB will provide information for states to upload files and corresponding syntax to a secure site for review and verification by MASC.
- The sampling frame should include a unique numerical identifier for each family, case open date, case closure date if applicable, case type and sub-case type, and FIPS code. For family cases with a child(ren) placed in a THV setting, the file should also include the child(ren)'s AFCARS encrypted record number, date of latest removal from home, date of placement in current setting, current placement setting, and date of discharge (as applicable).

**2F—The state must have a process in place to consistently address and document CB-required and state-specific case elimination requirements.**

**Additional Guidance:**

States are required to have a written protocol to apply federal and state-specific case elimination procedures consistently. The case elimination procedures will also address when to eliminate cases when the state is unable to arrange key case participant interviews.

Following are required case elimination criteria:

- In-home services case open for fewer than 45 consecutive days during the PUR



- In-home services case in which any child in the family was in foster care for more than 24 hours during the PUR
- An in-home services case in which a child was on a THV (placement at home) at the start of the sampling period and the THV was fewer than 45 consecutive days
- A foster care case in which the child is in foster care for fewer than 24 hours during the sampling period
- A case that was discharged or closed according to agency policy before the sample period
- A case open for subsidized adoption payment only and not open to other services
- A case in which the target child reached the age of 18 before the PUR
- A case in which the selected child is or was in the care and responsibility of another state, and the state being reviewed is providing supervision through an Interstate Compact on the Placement of Children (ICPC) agreement
- A case appearing multiple times in the sample, such as a case that involves siblings in foster care in separate cases or an in-home services case that was opened more than one time during the sampling period(s)
- A case reviewed in the past 12 months
- A foster care case in which the child's adoption or guardianship was finalized before the PUR and the child is no longer under the care of the state child welfare agency
- A case in which the child was placed for the entire PUR in a locked juvenile facility or other placement that does not meet the federal definition of foster care

The following cases are subject to review unless circumstances warrant exclusion as agreed to by the Children's Bureau:

- Cases involving administrative, civil, or criminal litigation
- Cases involving current or former employees of the child welfare agency and contracted provider agencies

**Acceptable Evidence/Method of Verification:**

The state provides a copy of the case review procedures and sampling plan that includes the written process (policy or procedures), CB and state-specific criteria for eliminating and replacing cases, and the corresponding tracking/reporting form.