

# Citizen Review Panels for the Child Protective System: Guidelines and Protocols

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# About the Guide

This Guide is intended to assist those involved in designing and implementing Citizen Review Panels. It is written for those managing the work of the child protective service (CPS) agency, but also for others in both the public and private sector working to protect children from abuse and neglect, including child advocates.

While this Guide seeks to cover the full range of issues that Citizen Review Panels eventually must address, it is unlikely that Panels will be able to do everything at once. Key to successful implementation will be an inclusive planning process that builds ownership

and commitment. Also key will be a sequenced implementation process that tackles specific issues and builds Panel knowledge in going forward. This Guide identifies many possible specific roles that Panels might assume; states will have to determine which make the most sense as starting points.

At the time of publication, federal regulations pertaining to Citizen Review Panels had not yet been issued by the Department of Health and Human Services. Therefore, any changes in federal interpretation which may be contained in such regulations are not included in this Guide.

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# Overview

In 1996, Congress amended the Child Abuse Prevention and Treatment Act (CAPTA).<sup>1</sup> In its amendments to CAPTA, Congress required that states, in order to receive funding for the Child Abuse and Neglect State Grants Program, establish Citizen Review Panels.<sup>2</sup>

The statute defines the functions of the Citizen Review Panels broadly and generally. The Panels must meet at least quarterly and must produce an annual, public report of their activities. They must examine the policies, procedures, and, where appropriate, specific cases handled by state as well as local child protective service (CPS) agencies. The purpose of this citizen review is to determine whether state and local agencies are effectively discharging their child protection responsibilities. The Panels are instructed to measure agency performance by determining whether the agency complies with:

1. The state CAPTA plan, including the state's assurances of compliance with federal requirements contained in the plan;
2. The extent of the agency's coordination with the Title IV-E foster care and adoption systems and the review process for child fatalities and near fatalities;<sup>3</sup> and
3. Any other criteria which the Panels consider important.

Citizen Review Panels must be in place by July of 1999. Meeting this deadline will require states to begin planning immediately, and this Guide is designed to help states in those planning efforts.

Developing effective Panels will require time and effort. Panel members must be recruited and gain an overall understanding of the state's child protective service system and its purposes. Important in this process and to the overall goals of citizen review is the development of the understanding that the CPS system encompasses more than just the CPS agency and that it includes the interaction of a number of agencies and other service providers. Citizen Review Panels must also develop skills in evaluating information from these systems, including reviewing individual cases. In many instances, they will find that the information they need for assessing how well the child protective service system operates is not readily available. Different challenges to conducting reviews are likely to exist in each state.

Still, there is a body of knowledge and experience that states can use in developing their Citizen Review Panels.

There exists a diverse body of knowledge on the substantive side of *what questions to ask in assessing the performance of child protective services*. Some of this comes from existing state and community CPS review processes

Citizen Review Panels must be supported in developing their own capacity to be effective monitors of the system.

that states have developed, often as part of their quality assurance review system. Some comes from standards developed for the field by national organizations and resource centers. Some comes from monitoring systems developed under consent decrees and court orders.

Similarly, there is a growing body of knowledge on *how to develop citizen review processes* and use citizens as outside monitors and reviewers of public systems. In the child welfare field, there is considerable experience involving citizens in such roles, especially from foster care review boards and child fatality review teams. Moreover, there is a more general literature on involving citizens in monitoring roles.

This Guide draws from these sources to provide guidance to states in establishing Citizen Review Panels.

Part One of the Guide addresses the *how* issues: how to proceed through a planning process to operationalize the Citizen Review Panels. It emphasizes the importance of developing an inclusive planning process and drawing upon the thinking and resources of individuals and organizations outside, as well as inside, government.

Part Two of the Guide addresses the *what* issues: what questions the review process should seek to answer about the child protective service system. It includes detailed questions for different stages of the

CPS process. It indicates what sources of information Citizen Review Panels need to use to answer these questions.

This Guide is written with the belief that Citizen Review Panels can be an effective tool for improving the child protective service system. It is unrealistic, however, to expect Citizen Review Panels to provide effective oversight overnight or without resources and support. Citizen Review Panels must be supported in developing their own capacity to be effective monitors of the system.

States have significant flexibility in determining the scope and nature of Citizen Review Panels. The possible permutations for Citizen Review Panels are many. It is not the purpose of this Guide to promote one blueprint for all states. Instead, this Guide is intended to help states think through the many issues they must address in establishing Citizen Review Panels. Clearly, states will not be able to implement the full scope of the recommendations contained in this Guide immediately. Indeed, Citizen Review Panels may need to grow incrementally, assuming additional functions and increasing their scope of review as their expertise and resources permit. Hopefully, this Guide will assist in this process and help states produce a variety of effective approaches to using Citizen Review Panels to inform and improve CPS practice.

## ***Part One***

# **The How of Citizen Review: Developing Citizen Review Panel Structures and Processes**

1. Understanding the Statutory Requirements for Citizen Review Panels
2. Designing a Planning Process
3. Defining Goals and Objectives
4. Evaluating Sources of Information for Use by Citizen Review Panels
5. Determining the Approach, Composition, and Location of Citizen Review Panels
6. Deciding Upon an Organizational Home
7. Developing Specific Protocols and Procedures for Citizen Review Panel Work
8. Developing a Strategy for Recruiting, Screening, and Selecting Panel Members
9. Developing a System for Training Panel Members
10. Developing Safeguards to Ensure Confidentiality
11. Developing a Structure to Provide Needed Staff Support and Information
12. Enacting Enabling Legislation and Developing a Budget to Operate the Panels

## 1. Understanding the Statutory Requirements for Citizen Review Panels

Under federal law, each state, in order to receive funding under the Child Abuse and Neglect State Grants Program of Title I, must establish Citizen Review Panels. These Panels are charged with providing oversight of child protective services (CPS) at both a state and local level. The federal

legislation uses very general language in establishing both a scope of responsibility for the Panels and specific operational requirements.

The scope of Panel responsibility is shown in Table One:

**Table One**  
**SCOPE OF PANEL RESPONSIBILITY**

Under the federal statute, each Citizen Review Panel is required to review the compliance of state and local child protective service agencies in the discharge of their responsibilities with respect to the following:

- ❖ the state CAPTA Plan;
- ❖ coordination with Title IV-E foster care and adoption programs;
- ❖ review of child fatalities and near fatalities;
- ❖ other criteria the panel considers important.

The specific operational requirements for Citizen Review Panels are shown in Table Two:

Citizen Review Panels must be supported in developing their own capacity to be effective monitors of the system.

## Table Two OPERATIONAL REQUIREMENTS

Federal law requires that a state's Citizen Review system:

- ❖ include at least three panels (One panel may be established in states which receive only the minimum allotment under CAPTA's Community Based Family Resource and Support Program. See Appendix II Amendment to ACYF-PI-CB-98-01);
- ❖ be in operation by July, 1999;
- ❖ be composed of volunteer members who:
  - ❖ broadly representative of the community in which they operate
  - ❖ include individuals with expertise in the prevention and treatment of child abuse and neglect;
- ❖ meet at least every three months;
- ❖ examine policies and procedures and, where appropriate, specific cases of both state and local agencies;
- ❖ maintain confidentiality; and
- ❖ prepare an annual report.

In essence, the federal legislation only requires examination of child protective service system policies and procedures, although it clearly authorizes reviewing individual cases. The legislation also implies that the Citizen Review Panels may be local Panels reviewing local

policies and practices (in addition to the policies and practices of the state agency), although the terms "community" and "local" are not defined.

The legislation requires that each of the three Panels review agency policies and

procedures and their compliance with the state CAPTA Plan, as well as their coordination with Title IV-E foster care and adoption agencies and with child fatality and near fatality review processes. Thus, the federal law does not allow one Panel to review agency compliance with the CAPTA plan, another Panel to review agency performance in the area of coordinating with foster care and adoption services and a third to review only a local agency and its performance. Each Panel must perform each of the enumerated functions.

It is possible, however, for different Panels to examine different information in their reviews. While each Panel must review state and local agency compliance with the CAPTA plan, each can approach this responsibility differently. One Panel, for instance, might conduct in-depth reviews of a small number of child protective service cases, another examine a broader number of case files and yet another examine the information available through the statewide data system.

Alternatively, each Panel could focus on a different aspect and portion of state and local agency policies and procedures.<sup>4</sup>

The legislation also indicates that states may designate existing Panels if such entities can satisfy these requirements and explicitly mentions foster care review panels and child fatality panels. While states with such panels may wish to explore this option, it will likely require significant changes in the structure and the focus of existing panels to assume the full federal Citizen Review Panel functions (see Appendix IV). States should approach this decision with care. States should avoid diluting the effectiveness of existing entities by imposing upon them the new and additional duties of Citizen Review Panels without providing adequate resources.

In the end, most states will need to construct new Panels or substantially expand or alter the composition and responsibilities of existing ones in order to comply with the Citizen Review Panel requirements.

## 2. Designing a Planning Process

Logically, the first step states need to take is to develop a planning process for establishing Citizen Review Panels. This includes determining who should be part of that planning process and what that planning process needs to address.

**Who Should Participate in the Planning Process.** The federal legislation requires that the individual Citizen Review Panels be “broadly representative of the communities in which such panel is established.” State child protective

Broad involvement in the planning process can help in subsequent stages of Citizen Review Panel development, when panelists are recruited and resources sought to carry out the plan.

agencies may wish to establish a planning structure that includes representation outside their own agency, particularly in light of current thinking which views child protection as a community responsibility. Alternatively, outside stakeholders may wish to offer to help the state in designing the Citizen Review Panels. Broad involvement in the planning process can help in subsequent stages of Citizen Review Panel development, when panelists are recruited and resources sought to carry out the plan.

The following are among the stakeholders external to the agency who can be invited to participate in the planning process:

- ❖ representatives from existing panels in the state that provide external reviews of cases, such as foster care review boards or child death review panels;
- ❖ representatives from organizations such as state chapters of the National Committee to Prevent Child Abuse that advocate for the protection of children;
- ❖ representatives from organizations such as Parents Anonymous or the National Federation for Children's Mental Health that can bring apparent and consumer perspective;
- ❖ representatives from the law enforcement community and from the mandatory reporting community, who both work with the CPS system;

- ❖ representatives from other review processes in the state, including the court-appointed special advocate (CASA) system;

- ❖ representatives from training organizations, including university or college departments in social work, child development, or other related fields;

- ❖ representatives from communities that have indicated the most interest in establishing Citizen Review Panels in their jurisdictions; and

- ❖ representatives from Native American reservations or tribal leadership (if the scope of the Panels will include oversight of child protection systems on reservations.)

Whether or not all these groups are represented on a formal planning team, it is important that they be kept informed of the planning and their input sought. Providing regular updates on the work underway and keeping stakeholders informed serves two important purposes. First, it helps gather needed perspectives and ideas. Second, it broadens ownership and commitment to the Citizen Review Panel process.

Members of a planning team often can contribute in additional ways. They may bring their organization's energy, time, and resources to the process. They also may open doors and build relationships with those who have previously been in more adversarial positions with the agency.

In addition to involving those outside the agency, there is expertise within the agency that needs to be incorporated. This includes frontline staff in the child protective service system, those charged with conducting quality assurance reviews, those involved in worker training, those involved in policy development and administrative rules, and those involved in managing data systems. Again, whether or not all these areas are represented on a formal planning team, it is important that they be kept informed and that they be consulted frequently during the planning process.

**What the Planning Process Should Address.** There are a number of issues that a planning process must address. These are shown in Table Three and are discussed individually in the remaining sections of Part I.

### Table Three PLANNING PROCESS ISSUES AND ACTIVITIES

- ❖ Defining goals and objectives
- ❖ Evaluating sources of information for use by citizen review panels
- ❖ Determining the composition and location of citizen review panels
- ❖ Deciding upon an organizational home for the citizen review panels
- ❖ Developing specific protocols and procedures for citizens review panel work
- ❖ Developing a strategy for recruiting and selecting members
- ❖ Developing a system for training members
- ❖ Developing a structure to provide needed staff support and information
- ❖ Developing safeguards to ensure confidentiality

Citizen Review Panels should be seen as an opportunity to recognize the importance of the wider community responsible for child protection.

### 3. Defining Goals and Objectives

States easily could regard Citizen Review Panels as an additional nuisance, required to continue to receive funding under CAPTA. External reviews also can be seen as threatening, finger-pointing exercises that do not recognize system strengths nor support system improvement.

Therefore, one of the first planning tasks is to determine how Citizen Review Panels can be helpful to the CPS system and what particular areas of the system would most benefit from outside review. While the focus of the federal legislation is on review of agency performance, Citizen Review Panels should be seen as an opportunity to recognize the importance of the wider community responsible for child protection. This can be done by looking not only at the agency's discharge of its duties but also at the interactions, strengths and weaknesses of the CPS system as a whole, including community-based services and other agencies.

There are a number of possible benefits to any external review process. An external review process can:

- ❖ clarify expectations for the system and review the consistency of practice with stated policy;
- ❖ analyze trends and recommend policy responses to address them;

- ❖ provide feedback on what is or isn't working, and why, and suggest corrective action;
- ❖ provide valuable insights that those working within the system may miss;
- ❖ strengthen communication and coordination within the system; and
- ❖ provide outside validation of the efforts and successes of the system and recognition for staff within the system.

In addition, a citizen review process, as contrasted with a solely expert or professional review process, can provide other benefits and perspectives, including:

- ❖ increasing community understanding, ownership, and investment in child protection;
- ❖ providing perspectives on ways the child protective service system can involve community resources; and
- ❖ advocating for needed resources to achieve the goals of the CPS system.

Citizens can be an influential voice for child protection that transcends agency or provider self-interest in the system.

Citizens can help involve the broader community to work with the CPS system in protecting children.

Moreover, citizens can help involve the broader community to work with the CPS system in protecting children. This broader community includes faith organizations and other civic and community groups, United Ways and other community funding organizations, and community and business leadership.

Before beginning to define specific tasks for the Citizen Review Panels, it is important to identify how Citizen Review Panels can help promote CPS systems and better protect children. These general goals and objectives then can be used as a framework for identifying specific tasks and responsibilities of Citizen Review Panels. At a minimum, Citizen Review Panels must have as a specific objective the review of state and local agency policies and practices to determine whether they are in compliance with the state CAPTA plan and to review their coordination with Title IV-E foster care and adoption systems as well as child death review systems. Panels also have the flexibility to set for themselves additional goals, such as:

- ❖ reviewing agency mission statements and the degree to which practices correspond to those missions statements;
- ❖ reviewing the extent to which agency goals and practices comply with standards

developed by national organizations for child protective services (e.g. the American Public Welfare Association and the Child Welfare League of America);

- ❖ reviewing the extent to which agency goals and practices adhere to increasingly accepted outcome-based objectives (child safety, family preservation, permanency, and well being);
- ❖ reviewing the extent to which the agency is integrated into the broader community including community-based service providers, law enforcement, and other agencies; and
- ❖ identifying successful community-based child protection systems and approaches for replication elsewhere.

## 4. Evaluating Sources of Information for Use by Citizen Review Panels

Early in the planning process, it is important to determine what information is or can be made available to Citizen Review Panels to enable them to conduct meaningful reviews. These sources of information must be examined in light of what Citizen Review Panels reasonably can be expected to absorb and review, given their time and level of knowledge.

It is essential that the task of Citizen Review Panels be both manageable and meaningful. It will be easy to overwhelm Panels with information. The planning should include a review of the extent to which current information sources lend themselves to citizen review -- and how they can be made more "evaluation friendly."

Among the possible sources of information for Panel reviews are the following:

- ❖ written agency policies, procedures, and manuals;
- ❖ memoranda of understanding or cooperation agreements between the agency and other key players in the CPS system including law enforcement, foster care agencies and community service providers;
- ❖ existing case records (file reviews);
- ❖ case records augmented by meetings with those involved in the case (in-depth reviews);

- ❖ state or county data or management information systems;

- ❖ quality assurance system reviews conducted by the state; and

- ❖ surveys, focus groups, or interviews with those involved in cases, including mandatory reporters, frontline workers, and children and families involved in the system.

Ideally, there would be sufficient information available in case records (file reviews) and in state and county data systems (management information systems or MIS) to assess the general performance of the child protective service system and adherence to basic policies and practices. In fact, however, this may not be the case. Case files, particularly those for unsubstantiated cases or those with minimal service involvement, often contain very little information. Records of unsubstantiated cases may be expunged.<sup>6</sup> MIS may be established primarily for financial record-keeping and claims processing and not incorporate important service or response information or maintain longitudinal records. An assessment of existing case records and management information systems should help do all of the following:

- ❖ assess the extent to which current information can be used to address the goals and objectives for the Citizen Review Panels;

The more states regard their work as a learning experience and explore different approaches, the more they are likely to arrive at approaches that work for them.

- ❖ describe what changes might be made in current record-keeping to make it more useful for the review process; and
- ❖ define the way in which Citizen Review Panels could, in an expeditious way, make use of these information sources.

This will determine what other information the Citizen Review Panel should examine. There are other ways to gather information that Citizen Review

Panels can employ but most require new or different ways of collecting information. Part Two discusses these options in greater depth.

## 5. Determining the Approach, Composition, and Location of Citizen Review Panels

Most states have a responsibility to develop at least three Panels. States, of course, do not have to stop with three Panels. Indiana currently has a system for citizen review throughout the state. States could elect to establish citizen review as a policy for operation in all communities. As states plan how to establish their Citizen Review Panels, they should start by identifying the approach or approaches they wish Panels to take, and their composition, membership and location.

**Review Approach.** So long as each Panel reviews both state and local agencies and performs all of the functions mandated by federal law, the statute does not preclude

Panels from employing different approaches. Depending upon the goals and objectives for the Panels, it may make sense to have Panels examine different information about the CPS system. As stated earlier, one Panel might conduct in-depth reviews of a small number of CPS cases, another might examine a broader number of case files, and yet another Panel might examine information available from statewide data systems.

Alternatively, one Panel might choose to conduct focus groups of frontline practitioners, while another decides to participate in quality assurance reviews. A third Panel might help design and review consumer surveys of parents and youth who have been the

subject of investigation; while still another might do the same for mandatory reporters or for foster families and group care providers.

Citizen Review Panels are unlikely to be equipped to do everything at once. States may be most successful if they view Citizen Review Panels in a developmental framework. It will take time for Panel members to learn about the child protective service system and to gain familiarity with information sources and how to interpret them. As states gain experience with Citizen Review Panels, they are likely to find that some approaches work better than others. The more states regard their work as a learning experience and explore different approaches, the more they are likely to arrive at approaches that work for them.

#### **Panel Composition or Membership.**

The federal statute does not define a size range for a Citizen Review Board or specify its composition, except that it must be broadly representative of the community and include members who have expertise in the prevention and treatment of child abuse.

As states work to establish the membership on Citizen Review Boards, they will need to define what “broadly representative” means and what constitutes expertise in the prevention and treatment of child abuse. The Administration for Children and Families provides some guidance, particularly in defining “expertise,” by suggesting that Panel membership “include a balance among

children’s attorneys, child advocates, CASA volunteers, parent/consumer representatives and health/mental health professionals who are familiar with the intricacies of the CPS system.”<sup>8</sup> Citizen Review Panels also need to determine the number of members on a Panel to assure such representation and still provide for manageability in performing the work.

One aspect deserving of attention in defining “broadly representative” concerns the geography of child protective services. Child abuse reports come disproportionately from low income neighborhoods and communities. This means that families and children of color also are the subject of reports in numbers greater than their representation in society as a whole. For this reason, states may want to give special attention to ensuring that the composition of the Citizen Review Panel not only reflects the ethnicities and culture in the community as a whole, but also reflects the children and families coming into the CPS system. This is particularly important in ensuring that the CPS system understands cultural practices and customs that may give rise to questions regarding parenting behavior and practice.

In addition, states may want to ensure that there is adequate representation on Citizen Review Panels from those neighborhoods and communities where the greatest proportion of CPS system cases are found. This representation also may be helpful in identifying resources

and supports that might be brought to bear to support and protect those children.

**Panel Location.** Clearly, in most states three Panels cannot review the policies and practices across all communities in a state. If a state chooses to start with three Panels, it needs to decide on where those Panels should be located. In selecting locations, states may want to consider several factors.

*First*, states may want to include a range of communities, ensuring that rural as well as urban or metropolitan communities are included. States may even want to define community in sizes smaller than political jurisdictions or CPS jurisdictional boundaries, particularly if they wish to focus upon areas with high concentrations of CPS cases. Smaller geographical areas also minimize travel costs, make meeting logistics easier, and may be more conducive to subcommittee work between quarterly, full-Panel meetings.

*Second*, states may want to start with communities most eager and ready to take on the task. Especially if states are willing to offer some incentives or supports for participation, communities may be willing to step forward. Incentives or supports the state might offer include:

- ❖ financial support for establishing and operating the Citizen Review Panel;
- ❖ special technical assistance and support, including assistance in evaluating the impact of the Panels;

- ❖ participation in the planning process at the state level regarding how Citizen Review Panels fit into ongoing state and community oversight;

- ❖ “first-in-line” access to improvements in data systems and data management;

- ❖ relief or partial relief from other forms of state regulation and oversight; and

- ❖ recognition from the state as an innovative community.

*Third*, states may want to start with communities they believe are most likely to be able to help other communities develop Panels. Choosing communities in this way can help in spreading Citizen Review Panels to other communities in the state, through peer-to-peer support.

Another possible approach is to designate one of the three Panels to focus primarily on statewide policy (with secondary attention to a local agency, as required by federal law). To be representative of the community, such a Panel would need to have statewide membership. In a large state, this could translate into high travel costs, although teleconferencing and other technologies could be used to keep down expenditures. Because smaller subcommittee meetings between quarterly meetings are more difficult for statewide Panels, such Panels may need to consider either longer (e.g. two day) quarterly meetings or conference calls in lieu of in-person subcommittee meetings.

State policy must be developed to define the Panel's access to information, requirements regarding confidentiality, organizational home, and rights to publication and dissemination of reports.

## 6. Deciding Upon an Organizational Home

Citizen Review Panels need to be provided with some administrative home within state government. This home should ensure that they are administratively supported to conduct their reviews and yet retain independence in providing oversight of the CPS system. Much of the support Panels will need must come from child protective services, including access to information and records and orientation to the system's policies and practices. At the same time, effective citizen review requires some independence and distance from the agency that is the subject of review. The experiences from Foster Care Review Boards are that these Boards are most effective when there is both independence from and cooperation with the child welfare system. Possible organizational homes include: the office of the Attorney General; of fice of the Ombudsman; a different agency or department; a free-standing, independent organization.

As states develop their Citizen Review Panels, they may need to enact enabling legislation that, among other things, specifies the exact relationship of the Panels to the CPS system. Whether or not state legislation is required, state policy must be developed to define the Panels' access to information, requirements regarding confidentiality, organizational home, and rights to publication and dissemination of reports and contact with the media without outside authorization.

One of the requirements of the federal legislation is the development of an annual, public report by each Panel 9. Although not mandated by statute, in order for the work of the three Panels to be effective, there will also need to be a synthesis of their separate work. This is likely to require an individual with the specific responsibility to supervise the work of the Citizen Review Panels. In addition, it makes good sense, for organizational purposes, for someone to have overall responsibility for the operation of the Citizen Review Panels. The relationship of this individual to the Citizen Review Panels needs to be established. This includes the extent to which the individual is selected by and under the direction of the Panels.

There is nothing to preclude the state from contracting with an outside organization to manage and administer the Citizen Review Panels, an approach which would avoid concerns over an agency-driven

process and which would promote Panel independence and hence, credibility. There may be nonprofit organizations involved in child welfare or child advocacy or departments within universities that would be willing to take on this responsibility.

## 7. Developing Specific Protocols and Procedures for Citizen Review Panel Work

Citizen Review Panels must develop regular procedures for conducting their reviews and analysis. Experience from other citizen review processes indicates that the development of protocols for evaluating information is extremely important in providing for consistency in work across different Panels and for making efficient and effective use of Panel time.

While each state has its own structure and state requirements regarding CPS, there are many common elements. Figure One provides a simplified flow chart describing a child protective service system process. It is important for the Citizen Review Panel process to examine how the system responds at different stages of this process.

In addition, there are occasions when law enforcement or the court intervenes in emergency situations. These functions also should be reviewed. Further, Citizen Review Panels may wish to look at the organizational structure and capacity of the CPS system and its relationship with other systems which serve children.

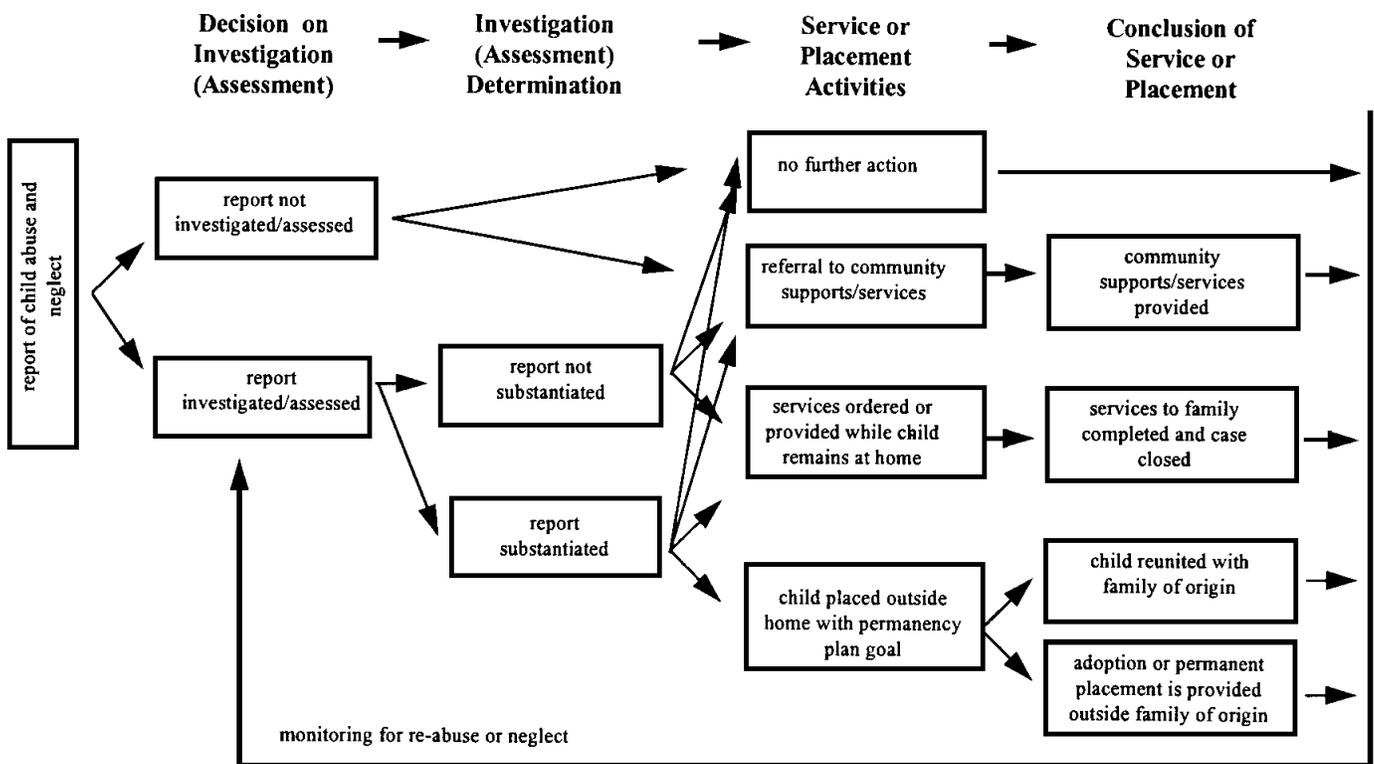
Therefore, a Citizen Review Panel may need to develop protocols and procedures for reviewing each of the following parts of the child protective service system:

- ❖ Intake and initial screening;
- ❖ Investigation or assessment;
- ❖ Case determination;
- ❖ Service planning, implementation, and monitoring;
- ❖ Case closure;
- ❖ Crisis intervention; emergency placement; family stabilization;
- ❖ Coordination of services; and
- ❖ Staff qualifications, training, and workloads.

Part Two of this Guide presents the framework for designing protocols in each of these areas.

The information presented in this Guide outlines a very comprehensive review process. Panels that have formed recently and lack the resources or expertise for full scale implementation of this outline may begin to implement it gradually, either by choosing particular subject areas for in depth review and adding additional areas incrementally, or by implementing a less in depth, but broader, overview of the full system and deepening the level of inquiry in all areas over time.

**Figure One  
Child Protective Service System  
Response to Reports of Child Abuse & Neglect**



adapted from: University of North Carolina Human Services Laboratory. Does not include emergency placement.

## 8. Developing a Strategy for Recruiting, Screening, and Selecting Panel Members

Because the goal of Panels is to be broadly representative, states and communities cannot expect a single recruitment and selection strategy to identify, recruit, and select all Panel members. States will need to develop different strategies to enlist citizens with diverse perspectives for the Panels.

**Recruitment Strategies.** It is important to build upon existing organization and group contacts in recruiting Panel members. People are most likely to volunteer if they are asked by someone they know and trust.

Participation from schools or the health care community (as mandatory reporters) or from law enforcement (as emergency responders and reporters) often can be obtained by working through those systems' communication channels. It is best, however, if people who are respected within those systems take a lead in recruitment.

One particular challenge lies in ensuring that diversity is achieved and that there is adequate representation from low-income neighborhoods. Faith communities may be particularly helpful in identifying volunteers from disinvested neighborhoods and communities. Often, nonprofit boards (of Community Action Agencies, Head Start programs, and youth development groups) can identify individuals who can assume such leadership roles.

A second challenge lies in securing participation from “consumers” of the system. Organizations such as Parents Anonymous and the Federation of Families for Children’s Mental Health may be especially helpful both in finding members who have had experiences in dealing with the CPS system and in supporting those members. It is important not only to have consumers participate on Review Panels, but also to ensure that their perspectives of how the system helps or harms them be part of the overall review process. In this discussion, “consumers” includes families and children. While children will not be Panel members, children who have been through the CPS system and are now adults can and should participate. Older youth often can be effective spokespersons on specific CPS issues and in the orientation and training of Panels.

**Screening and Selection.** Not everyone who is recruited and expresses interest makes a good Panel member. Experience from other citizen review processes suggests that the screening and selection of Panel members is important to developing effective Citizen Review Boards.

Among the qualities desired for Panel members are the following:

Community residents can be effective monitors and reviewers, but only if they are adequately trained and supported

- ❖ impartiality, without particular “axes to grind” or pre-conceptions, and not currently a subject of intervention by the child welfare system;
- ❖ ability to think systemically and analytically;
- ❖ ability to work with others and listen to new approaches and ideas;
- ❖ knowledge of or ability to grasp how organizations operate and change;
- ❖ ability to commit needed time, including that required to learn; and
- ❖ ability to understand and adhere to strict standards of confidentiality.

Initial orientation or training sessions for new or prospective members may serve a dual role of training and screening candidates. Experiential training, such as simulated case reviews, can help identify those who have the qualities to be effective Panel members and may serve to selfscreen those not interested in the work. Orientation sessions that include dialogues with frontline staff and former clients in the system - both parents and children - can help in determining the openness of prospective members to examine CPS issues from all perspectives.

## 9. Developing a System for Training Panel Members

There has been a rich history in the United States of citizen review processes -from police reviews to foster care review boards to special advocates to citizen monitoring of federal funding to community reinvestment reviews of banking practices. The overriding conclusion from these different approaches is that community residents can be effective monitors and reviewers, but only if they are adequately trained and supported.

The unique advantage to a citizen review process is that it can add a fresh

and nonprofessional perspective. The challenge this presents is that this perspective needs to be an informed one. Panel members will need training and support that includes:

- ❖ information about federal and state child welfare laws and regulations;
- ❖ information about the processes and practices that are part of the child protective service system, including the various agencies and institutions that play a role in child protection in addition to the CPS agency;

- ❖ perspectives from those inside and outside the system on how the system impacts them; and
- ❖ information on how to examine and review data from the CPS system.

States likely will do best to establish both a pre-service training or orientation session for Panel members (perhaps a two day retreat) and to provide ongoing support, training, and technical assistance to Panel members.

**Pre-Service Training.** The National Association of Foster Care Reviewers is developing a guide for Citizen Review, based upon the experiences of foster care review boards, that includes a section on training and offers training curricula that could provide a basis for developing a training structure. According to this guide, two keys to effective pre-service training are to:

- ❖ incorporate experiential exercises as well as formal presentations, so participants have hands-on experiences that reflect their work as Panel members, and
- ❖ include a variety of presenters and trainers who can offer insight into how the system operates, including former clients (both children and parents), law enforcement officials,<sup>10</sup> school officials, and public health.

Clearly, pre-service training needs to address thoroughly the state CAPTA plan, state child protective service policies and practices, and any federal requirements that help determine those policies and practices. Other parts of the training, however, will be dependent upon the specific roles the state establishes for the Panels.

**In-Service Training and Support.** As Panel members gain experience and understanding, they will have new questions and issues they wish to explore and address. Panels are most likely to grow and develop if Panel members have opportunities to continue to expand their understanding through in-service forms of training and support.

This in-service training does not have to be in the form of a training curriculum. As Panels develop, there may be opportunities for peer-to-peer exchanges of information. Panel members may have an interest in attending seminars or workshops on topics relevant to their interests. Specific articles or reports may provide valuable guidance on particular issues. Presentations by and opportunities to interact with agency field staff may provide valuable insights into daily child protection functions. In short, there are a variety of ways that people learn. The more there are supports and incentives to facilitate this learning, the more likely it is to occur. States should consider ways they can create opportunities for deepening and broadening the knowledge base from which Citizen Review Panels operate.

This continued attention to training and learning is also needed because the CPS system is not static; it must respond to new challenges and opportunities. For example, there has been a growing understanding of the connection between domestic violence and the safety of children. States and communities now are exploring ways that systems addressing child abuse and systems addressing

domestic violence can be better connected and integrated. This includes coordination in the investigative process across law enforcement and child protective services. It includes coordination of CPS with the treatment systems of domestic abuse shelters.

## 10. Developing Safeguards to Ensure Confidentiality

Citizen Review Panels will deal with highly sensitive issues, particularly if they review individual case records. Panel members should understand and exercise their right to obtain confidential information from the agency. As with others involved in the CPS system, they also must be held to strict standards of confidentiality in protecting the rights of all those involved in CPS cases. The federal statute makes clear that confidentiality must be protected in the work of Citizen Review Panels.

The Citizen Review Panel process must insure that confidential information is not transmitted to Panel members in a manner that could lead to a breach of confidentiality. States must establish protocols for sharing information with

Panel members in a way that assures that only those members have access to the information.

As volunteers, Panel members will need training that stresses the importance of maintaining confidentiality, the reasons for maintaining confidentiality, the specific information that must be held confidential, and the sanctions that arise from breaches of confidentiality. The process for selecting Citizen Review Panel members must ensure that only candidates who can maintain confidentiality are selected.

## 11. Developing a Structure to Provide Needed Staff Support and Information

Staff support for Citizen Review Panels is needed on two levels.

First, staff support is needed to organize the Panels, provide training and information to them, respond to requests for clarification or help, and assist in synthesizing Panel work into one annual report for each Panel. This requires overall administrative responsibility for the operation and coordination of the Citizen Review Panels.

Second, staff support is needed for each of the Citizen Review Panels. This staff support includes preparing materials for meetings, setting meeting agendas, facilitating meetings and maintaining records and minutes. Where individual case reviews are involved, staff support includes selecting cases for review. When reviews extend beyond file reviews, it requires notifying parties about the review process and seeking their participation.

The first type of staff support can be performed largely independently from the CPS agency. The second type of staff support requires the cooperation and involvement of CPS staff in the communities in which the Panels are operating.

In both instances, staff need to be knowledgeable about their roles and responsibilities and understand that their charge is to support and not to direct the activities of the Citizen Review Panel. They must be provided sufficient time for this work, including relief from other responsibilities they may have that would impinge upon this time. Staffing Citizen Review Panels that meet four times annually will require significant preparation and follow-up, as well as actual meeting time.

## 12. Enacting Enabling Legislation and Developing a Budget to Operate the Panels

It is expected that most states will establish Citizen Review Panels through state statute. This may be necessary to define the location of the Panels within state government and to ensure that Panels can receive confidential information. The statute should be based upon the decisions reached regarding the issues that have been addressed in the planning process. However, at least initially, states may wish to avoid excessively detailed enactments and limit legislation to critical legal issues (such as confidentiality) and fiscal appropriations. In this way, Panels will not be locked into rigid statutory framework and will be free to evolve and grow with experience.

While a state statute can provide the legal base for Citizen Review Panels, Panels also require resources to operate. The federal statute requiring the establishment of Citizen Review Panels does not provide separate funding for the Panels to perform their tasks, although states have some flexibility to direct existing federal funds for the Panels. While Citizen Review Panels rely upon volunteer time and effort on the part of Panel members, they also require financial and other forms of support. At a minimum, Citizen Review Panels are likely to require the following:

- ❖ support for Panel member orientation and training, potentially including retreats, trainer contracts, and hotel accommodations;
- ❖ meeting space, including refreshments and meal allowances;
- ❖ out-of-pocket expenses for Panel members, including transportation and, potentially, child care and other costs for securing participation;
- ❖ printing and reproduction costs for manuals and CAPTA Plans;
- ❖ publication and dissemination expenses for annual reports;
- ❖ meeting material mailing expenses;
- ❖ staff support for materials preparation, meetings planning, facilitation, meetings minutes and follow-up; and
- ❖ overall staffing and administration of the entire Citizen Review Process.

Panels may wish to explore and draw on low-cost resources, where available in the community. For instance, Panels in communities with a university may benefit from the advice of faculty experts (in such

areas as social work or statistics) or from the work of graduate students hired to assist in case reviews or the compilation of data.<sup>11</sup>

The planning process should identify the resources, and the location of those resources, needed to operate the Panels. As states seek statutory authorization for the Panels, they also may wish to seek an appropriation to cover these costs. In the end, however, whether through separate appropriation or through incorporation into existing line item budgets, the costs associated with and resources needed for Citizen Review Panels to operate effectively must be provided.

## *Part Two*

# **The What of Citizen Review: Developing Protocols for Assessing the Operation of the Child Protective Service System**

1. Defining the Content of the Review Process
2. Evaluating Sources of Information for Conducting Reviews
3. Developing a Protocol for a Stage-by-Stage Review of the Child Protective Service System
4. Examining the Child Protective Service System Coordination of Services with Other Systems
5. Evaluating CPS Staff Qualifications, Training, and Work Loads

## 1. Defining the Content of the Review Process

Federal law requires that Citizen Review Panels review the policies and practices of state and local CPS agencies in order to evaluate whether the agencies are complying with the state plan (including the state plan's mandatory assurances of compliance with federal requirements), as well as the extent to which the agencies are coordinated with Title IV-E foster care and adoption systems and child fatality reviews. In addition to its mandated functions, the Panels can include any other criteria the Panels believe are important. Table Four summarizes the federal compliance issues that are subject to review by the Review Panels.

The federal statute does not provide guidance on how to conduct such an evaluation of standards – what to ask and where to turn for information. The sections that follow are intended to assist Citizen Review Panels in these areas.

**Where to turn for information.** Panels will need to draw upon a number of sources of information to address all these federal standards. The second section of Part Two provides brief descriptions of these sources. Suggestions are provided for evaluating the adequacy of these sources and making recommendations for improvement in appropriate instances, as well as for establishing baseline information for use in tracking agency experiences and actions over time.

**What questions to ask at different stages of the CPS process.** Each state has a process by which child abuse reports are received and addressed. It is important to examine the operation of the child protective service system at each of these stages. The third section of Part Two offers a set of questions to be asked by the Citizen Review Panel at each stage of the process. Sources of information for obtaining answers to these question are provided. The simplified flow chart provided in Figure One (see page 18) provides an overview of the stages in CPS system review. Protocol questions respond to different parts of this flow chart:

- ❖ Intake and Screening
- ❖ Investigation and Assessment
- ❖ Case Disposition
- ❖ Decision on Whether Child Remains in the Home
- ❖ Case Service Planning, Implementation, and Monitoring
- ❖ Crisis Intervention/Emergency Placement/Family Stabilization.

**Table Four**  
**ASSURANCES THAT MUST BE INCLUDED**  
**IN STATE CAPTA PLANS AND ARE SUBJECT TO**  
**COMPLIANCE REVIEW BY CITIZEN REVIEW PANELS**

- ❖ the operation of a statewide program relating to child abuse and neglect that includes:
  - ❖ provisions or procedures for reporting known and suspected instances of abuse and neglect
  - ❖ procedures for immediate screening, safety assessment, and prompt investigation of reports;
  - ❖ procedures that immediate steps are taken to ensure child safety;
  - ❖ provisions for immunity from prosecution of individuals making good faith reports;
  - ❖ methods to preserve confidentiality of records;
  - ❖ provisions for public disclosure of findings about cases of child abuse or neglect resulting in fatality or near fatality;
  - ❖ cooperation of law enforcement, courts, and appropriate state agencies in CPS;
  - ❖ provisions and procedures for prompt expungement of records available to the public for unsubstantiated or false claims;
  - ❖ provisions for appointment of a guardian ad litem in cases with judicial proceedings;
  - ❖ provisions for Citizen Review Panels;
  - ❖ provisions for appeal of official findings of abuse or neglect;
  - ❖ provisions (within two years) for expedited terminations of parental rights for abandoned infants;
  - ❖ provisions (within two years) not requiring reunification in certain circumstances;
- ❖ procedures for reporting and dealing with medical neglect.

**What questions to ask regarding interagency coordination.** Following the stage-by-stage evaluation of the agency, Citizen Review Panels should give particular consideration to the agency's coordination with other agencies and community service providers. The CPS

agency cannot, alone, provide all the services needed by families. Many believe that CPS agencies have traditionally been too isolated from other service providers in the community to facilitate access by families to such services.

As a result, there is a building consensus for community partnerships and integration of child welfare services, with CPS in the role of coordinator among service providers and a leader in the development of service capacity where it is lacking. Section Four delineates the questions which focus attention on the agency's performance in this important area, and which attempt to situate the CPS agency in the context of a community-wide child protection system by identifying both strengths and resource gaps within and outside of the agency itself.<sup>15</sup>

**Questions relating to staffing and organization.** Finally, because the performance of the agency is based upon the work of its staff, Citizen Review Panels should give attention to critical areas of agency management, including staff qualifications, training, work loads, and turnover. Section Five includes questions in this area and suggests other sources for corroboration. It also references other information concerning agency standards and management tools.

## 2. Evaluating Sources of Information for Conducting Reviews

A number of approaches can be used to carry forward the Citizen Review Panel's work. The Panel's work, however, must be based upon reliable and representative information. In many instances, people involved in the CPS system will have different perspectives on how that system operates. The Panel's responsibility will be to assure that it hears these multiple perspectives. The Panel also must learn how its own role of reviewing the CPS system fits into a larger array of existing accountability systems related to child welfare. By becoming familiar and coordinating with these systems it can draw on them as sources of information instead of duplicating their efforts.

There are a number of sources for obtaining information on the operation of the CPS system and for obtaining perspectives of people involved in that system. These are described in detail in the first part of this section.

Current sources of information will be able to answer some questions the Panel needs to raise, but may not be able to answer others. The second part of this section describes an important first activity that the Citizen Review Panels need to undertake – assessing the adequacy of the current information sources and identifying needs for additional or improved information systems.

Citizen Review Panels can provide a valuable service simply by defining the current status of the CPS system.

Finally, the Citizen Review Panels can provide a valuable service simply by defining the current status of the CPS system. The third part of this section describes the background and baseline information that the Citizen Review Panel should try to collect to assess progress the system makes in achieving its goals.

## **A. Types of Information Sources**

***Agency Operational Information.*** A great deal of necessary information about the CPS system's practices, policies, staffing, training, and other matters can and should be obtained directly from the CPS agency. One of the very first – and also least time consuming and expensive – information gathering approaches that a Citizen Review Panel can undertake is to meet with key agency staff to obtain as much information as possible about how the CPS system functions. While information provided by the agency is only a starting point in evaluating its performance, it does provide essential and readily obtainable background. It should help to ground Panel members in what the CPS system does.

There are three types of basic information that the Panel should obtain from the agency. First, the Panel should receive a basic description of federal standards under which the state operates, as well as any state statutes that govern agency practice. Second, the Panel should receive summaries of specific protocols, training materials, manuals and departmental

policies and updates used by the agency, with full materials available for inspection.<sup>14</sup> Finally, the Panel should have the opportunity for frank discussions with agency staff on how CPS processes work (or are supposed to work), discussions that can identify unwritten as well as written policies and practices.

Requests for written materials should be based upon the specific goals established by the Citizen Review Panels. It will be easy for the volume of agency materials to overwhelm Panels. There is a need to organize materials in a way that is manageable. The Panel also may want to examine agency protocols and practices to determine how they relate to national standards. Again, the Citizen Review Panel might ask the agency to describe how its actual staffing structure, its minimum qualifications for new staff, its training system requirements, and its protocols relate to recommended standards and practices developed by such organizations as the American Public Welfare Association, the Child Welfare League of America, and other organizations involved in the protection of children.

***Statewide Data Systems.*** There are several sources of statewide data that a Citizen Review Panel may wish to draw upon – or that the CPS agency can draw upon in response to the Panel's questions – for both state and local aggregate information on the CPS system.

**The National Child Abuse and Neglect Data System (NCANDS)** is administered by the National Center on Child Abuse and Neglect, which is part of the federal Department of Health and Human Services. State participation is voluntary, but all states participate and data is collected from 50 states, the District of Columbia, the territories, and the Armed Services. The database consists of aggregate data from all state CPS agencies, as well as case-level data from eleven states (Delaware, Illinois, Louisiana, Massachusetts, Missouri, New Jersey, North Carolina, Pennsylvania, South Carolina, Vermont and Washington) which are able to produce case-level data from their automated information systems. The aggregate level data (called “Summary Data Component” or SDC) is a compilation of 15 key aggregate indicators of state child abuse and neglect statistics. Items include reports of alleged maltreatment, dispositions of investigations, and children and perpetrator characteristics. The case level data (called “Detailed Case Data Component” or DCDC) contains 117 data elements about children who are the subjects of maltreatment reports, including information about the reports, children and perpetrator characteristics, family problems, services provided and types of substantiated maltreatment. An annual report, entitled "Child Maltreatment," summarizes the findings and may be particularly useful to Citizen Review Panels in the eleven states which contribute more detailed information to the system.<sup>15</sup>

The **1996 CAPTA Amendments** that created the requirement of Citizen Review Panels also created new reporting requirements which will be very useful to Citizen Review Panels. States will be required to report specific data regarding CPS, including the:

- ❖ number of reports received by the agency;
- ❖ number of reports investigated;
- ❖ disposition of these reports (substantiated, unsubstantiated, determined to be false);
- ❖ number of children receiving services;
- ❖ number of children removed from their families;
- ❖ number of child fatalities;
- ❖ number of workers responsible for intake and screening, and for investigation; and
- ❖ agency response times with respect to investigation and to service provision.

Some of this information may be available through the state's Child Abuse Registry or through other state data systems designed to track caseloads or provide payments for services. In addition, states currently are working with the Department of Health and Human Services to integrate these new data collection requirements into NCANDS, specifically into the SDC component of that system.<sup>16</sup>

The Adoption and Foster Care Analysis and Reporting System (AFCARS) is a federally mandated data collection system. All states are required to collect specific data concerning: (1) children in foster care, and (2) adopted children who were placed by the state or by private agencies under contract with the state. This source of information does not focus on data about children in the CPS system prior to placement. Because it includes information about children entering foster care at a given point in time (e.g. circumstances, race, age, gender and case plans of children entering foster care), however, this information also reflects the characteristics of at least some children leaving the oversight of CPS. It therefore is relevant to a review of the CPS system. In addition, to the extent that Citizen Review Panels are encouraged to review the interaction between CPS and foster care and adoption, AFCARS will provide useful statistics about what happens to children once they leave the control of CPS and enter other child welfare systems.

**The Statewide Automated Child Welfare Information Systems (SACWIS)** is not a separate set of reporting requirements. Instead, it is designed to serve as a case management system which can be used by workers to input and retrieve individual case information. SACWIS must be able to collect and report the AFCARS data to the federal government. SACWIS should interface with other data reporting systems in the state, including NCANDS and reported information

under Titles IV-A, IV-D and XIX. The state has the option of using this system to assist with other functions, such as administration and management of staff and workloads. Thus, SACWIS may be a source of information to the Citizen Review Panel both about individual cases and about statewide trends.

One important aspect of most available data sources is that they provide information about a particular point in time (e.g. how many children are in foster care at a particular time) rather than providing information which tracks particular children and families through the child welfare system (longitudinal data.) Longitudinal data is particularly useful because it can help determine what happens to children as they move through the system and allows for comparisons between different approaches taken and different outcomes achieved. It also more accurately reflects the relative numbers of different types of cases in the system (long and short-term), whereas point-in-time data overemphasizes cases which remain within the system much longer than average. Moreover, longitudinal data is needed to understand the extent to which children and families move into and out of the system. The reason that current systems tend to be point-in-time systems is that they have been developed primarily for billing for services rather than for long-range case planning.

For these reasons, several experts strongly recommend that Citizen Review Panels consider working with their states

Longitudinal data is needed to understand the extent to which children and families move into and out of the system.

to begin collecting longitudinal data. This is a long-term project which may require an investment over a number of years. Ultimately, however, it should provide very valuable information about what works for children involved in the child welfare system.<sup>17</sup>

Another expert recommendation regarding data sources is that they should be examined for regional and local variations. Since localities can vary widely, statewide averages may overlook serious differences across localities that should be the subject of special attention. Without localized information, it is not possible to target resources to those areas most in need of reform. Therefore, if a state's data system does not already have the capacity to break out data by county or region, the state should consider developing such capability in the future. Breaking data down further than a county level also can be helpful in developing effective strategies. Geo-coding or breaking down information by neighborhood and even by census tract can identify particular geographic areas with concentrations of CPS caseloads.<sup>18</sup>

Citizen Review Panels should seek to be clear about the specific information they desire and why they want it. This can help insure that the information provided will meet Panel needs. For instance, instead of simply asking for available data about children under the jurisdiction of CPS, the Panel could ask how many child abuse reports were received in the last

twelve months, how many were found substantiated, how many substantiated cases were offered services, how many received them, and how many had subsequent child abuse reports in each of those categories. The Panel might indicate it is interested in knowing whether families that received services were more or less likely to have subsequent reports than those that refused them in order to assess where additional efforts to reduce reoccurrence of abuse might be targeted. The agency would then have a better idea of how to organize its information to meet the Panel's request.

**Case Reviews.** Case reviews can provide invaluable information about what really happens to families who come in contact with the agency. They can offer a variety of perspectives about the operation of the system from real-world experience. Case reviews also present a number of challenges.

Case reviews which are limited to a view of the written file (referred to here as file reviews) are much less time consuming and therefore less expensive to conduct than case reviews which include interviews with the affected family members, witnesses, service providers and agency staff (referred to here as in-depth reviews).

File reviews can provide useful information about how evidence and decision-making is (or is not) adequately documented, what services are provided, what referrals are made, and what other

agencies or providers are involved in serving the family and the child.

One limitation of file reviews is that frequently a great deal of information is not written down in the case file. The absence of such documentation in itself may be a critical piece of information for the Panel to know and may be the basis for a recommendation about additional recordkeeping. At the same time, it also places obvious limitations on the usefulness of file reviews as a method for learning about how things actually work in the field.

**In-depth case reviews**, consisting of extensive interviews with affected family members, witnesses, and workers can provide much more information. This may include the experiences and impressions of the persons involved, what actually happened that was not recorded in the case file, how thoroughly existing procedures and protocols were followed, and how different parties perceived what actually happened. Typically, foster care review boards conduct such in-depth case reviews for children in foster care. By some estimates, in-depth case reviews in complex cases may take 20-40 hours of time per case. The tremendous amount of resources required for this kind of review is likely to make it difficult to examine more than a small number of cases.

Regardless of whether file reviews or case reviews are used, the method of sampling cases is important to ensure

that they are representative. There must be a sufficient number of cases selected to allow for drawing some conclusions. In addition, these cases must be selected in a manner that insures that they are representative of the cases in the system.

Moreover, there is a wide variety of cases handled by the agency. Not all cases go through all stages in the CPS process. Therefore, to evaluate each stage of the CPS process by means of case reviews, an adequate number of cases must be reviewed that went through each stage.

In short, how cases are selected for review is very important. Sampling must be performed by someone familiar with statistical methods and with good knowledge of how to access information in agency databases.

Even when a Citizen Review Panel cannot review a sufficient numbers of cases to provide for statistical analysis, case reviews still can help identify areas deserving additional study. They can provide valuable qualitative information about how cases generally unfold, what common problems occur, and how the CPS process is perceived. If a Citizen Review Panel performs only ten in-depth case reviews, for instance, but the same complaints or problems surface in several of those cases, this should be sufficient to call for a more in-depth review of agency practices in that area. Selective reviews can be used for exploratory purposes to identify areas for more detailed study.

In-depth case reviews also could be applied to selected types of cases. For instance, a review of all cases with a connection to the CPS system that resulted in the death of a child might indicate some areas of concern for further investigation. A review of cases where formal complaints were lodged against CPS or where the families involved were satisfied with the outcomes also may be revealing. While review of selective types of cases should not be the basis for an overall agency evaluation or even for conclusive findings, when used to supplement other types of information it can offer valuable insights and indicate areas which should receive greater scrutiny.

Case reviews, particularly in-depth case reviews, are an invaluable source of information and each state should strive to conduct at least some such reviews, perhaps increasing their numbers as Panels become more established. To maximize the effectiveness of limited resources, Panels also should look to and draw upon related systems which conduct case reviews, including: foster care review boards, child fatality review teams, agency quality control case reviews and routine agency supervisory case review systems. The information collected by these case review systems can supplement case reviews conducted by the Panels themselves.

Whether case reviews are in-depth or limited to file reviews, maintaining confidentiality is essential. The federal

statute that calls for the creation of Citizen Review Panels explicitly addresses confidentiality, prohibiting disclosure of confidential information by Panel members and setting up penalties for breach of confidentiality. In addition to breaches of confidentiality, Panel members participating in in-depth reviews also need to be versed in how to respond when individuals they have acquaintance with are subjects of the review. Even though a Panel member in such a position does not breach confidentiality, the presence of a person on the Panel that a participant knows can have a detrimental effect upon that person's participation. In these instances, it is important for Panel members to recuse themselves (agree not to participate) in the reviews.

Unlike foster care reviews, where participants already have been subject to substantial investigation and treatment, many child protective service cases are subject to a single investigation or to very limited intervention by the state. The Citizen Review Panel must consider whether an in-depth review will represent an unnecessary additional intrusion into the family. The Citizen Review Panel also may find that state laws regarding the expungement of records may limit its ability to examine cases that did not result in the substantiation of child abuse reports.

***Focus Groups, Surveys and Quality Assurance Tools.*** Focus groups can be a useful way of getting information about how the CPS system works and how the

state agency is perceived as it carries out its responsibilities. Focus groups are small groups of people with a common experience of the system who get together to provide feedback about the system's functioning. Focus groups should be conducted in a confidential and non-threatening setting, with a well-trained facilitator. The following represent different focus groups that a Citizen Review Panel could convene:

- ❖ Focus groups of parents who have been involved with the CPS system can discuss each stage of the CPS process or focus on particular aspects of the system. They can point out what actually occurred to them at each stage, what they understood, and how they felt about the workers with whom they came in contact.
- ❖ Focus groups of workers or supervisors can evaluate the system from an “insider” perspective, giving input on what works and what does not, how the system functions in practice, and what they perceive to be the system's strengths and weaknesses.
- ❖ Focus groups of mandatory reporters or those involved in systems with working relationships with the CPS agency, (such as law enforcement, mental health or special education) can reflect on how the CPS system responds to their perception of issues involving child abuse and neglect.

Surveys also can gather this information. While focus groups are helpful in exploring issues in detail, surveys can be used on an ongoing basis to assess changes in response

over time. Surveys of families that have been subject to CPS investigations can determine the family's understanding of the CPS system, the adherence of that system to its responsibilities, and the degree to which they perceived it helped them and their children.

Agency staff can be surveyed to measure their experience and satisfaction with work loads and training and to cast light on how various procedures are actually applied in practice. Agencies that coordinate with CPS in the provision of services can be surveyed about the adequacy and availability of services in the community and about the adequacy of CPS' links to the community.

If time and resource limitations interfere with extensive focus groups and surveys, interviews with individuals can provide some of the same information. Interviews may be particularly useful when dealing with persons in positions of responsibility, such as agency and organization directors.

In addition to focus groups, interviews and surveys, the results of quality assurance reviews used by CPS agencies for self-evaluation or for outside evaluation of the agency can provide valuable data about the agency. These evaluation tools may even prove to be a useful format for conducting file reviews.

Citizen Review Panels can identify information needs and changes in the CPS system that would provide better means of reviewing and improving that system.

## **B. Determining the Adequacy of the Agency’s Case File, Data, and Self-Evaluation Systems**

Citizen Review Panels cannot do an effective job without access to reliable and complete information. As Panels gain familiarity with existing sources of information, they are likely to identify areas where additional information is needed.

In some cases, they may find that there is a good reason why information is not available. There may be no records maintained on cases that are determined to be unfounded, for instance. This makes it difficult for a review process to determine how well the CPS agency distinguished among cases that were founded and those that were not, but it also protects the rights of those who have been investigated without a finding of abuse.

In other instances, however, Panels may identify needs for better information, such as the development of longitudinal data systems or the incorporation of consumer feedback to the operation of the system. Each such recommendation should include an assessment of the costs and benefits of additional data collection.

As part of its annual report, the Citizen Review Panels can identify information needs and changes in the CPS system that would provide better means of reviewing and improving that system. The more

specific the Panels can be in describing how additional data or improved data maintenance systems would be used to improve system evaluation, the more likely the recommendations in this area will be recognized and acted upon.

## **C. Establishing Baseline and Background Data from the Agency**

Once the Citizen Review Panel has reviewed the capacity of the agency both to conduct its own evaluations (through quality assurance systems and through other reviews) and to provide the information necessary for outside evaluation, the next step is to collect a “baseline” of statistical data and background information about the CPS system.

Changes in this data from year to year can alert the Panel to changes in the demand for CPS services and to the degree to which the CPS system is responding to that demand. This baseline information can indicate potential improvements or declines in agency performance, thus assisting the Panel with identifying both effective aspects of the system and those aspects where change is needed. Examining this baseline information on a regional and county as well as a state level can identify areas of special concern and degrees to which focusing upon those areas produces change.

Most of the information listed below should be readily obtainable either from the NCANDS data system or directly from the agency. If some of this information is unavailable or not easily accessible, that in itself can be revealing and could lead to recommendations for improved data collection. Each recommendation to increase collection of data must balance the benefits sought to be achieved and the costs of imposing additional administrative requirements on the agency.

At a minimum, the Citizen Review Panel should seek the following basic information for the state as a whole and for each local jurisdiction it is examining:

*Questions Concerning State Laws, Definitions and Procedures*

- ❖ What are the categories of abuse/neglect recognized by the state (e.g physical, sexual, medical neglect)?
- ❖ As required by federal law, is medical neglect recognized as a form of abuse/neglect? Are there any provisions in state law requiring prompt reporting of medical neglect by health care professionals and institutions? What remedies are available to agencies in medical neglect cases?
- ❖ What confidentiality requirements apply to the CPS system?
- ❖ As required by federal law, does the state have in place (no later than October of 1998) provisions for expedited

termination of parental rights in cases of infant abandonment?

- ❖ As required by federal law, does the state have in place (no later than October of 1998) provisions that there is no need for reunification efforts where the parent was convicted of the murder, manslaughter or serious bodily injury of a child, or of assisting another in committing such a crime?<sup>19</sup>
- ❖ As required by federal law, is there public disclosure of findings and information concerning child fatalities and near fatalities?

*Questions Concerning Baseline Statistical Data*

- ❖ What is the number of child abuse and neglect reports in a given 12-month period?
- ❖ What is the breakdown of reported cases by recognized category (e.g.sexual, physical, emotional abuse or neglect?)
- ❖ What proportion of reported cases have been previously reported?
- ❖ What number/percentage of reported cases are accepted for investigation/assessment?
- ❖ What number/percentage of investigated cases receive services either from the agency or from another service provider?

- ❖ What number/percentage of investigated cases are substantiated?
- ❖ What are the percentages of substantiated cases in each category of abuse/neglect (e.g. sexual, physical, emotional abuse or neglect?)
- ❖ In what number/percentage of substantiated cases are children removed from the home?
- ❖ In what number/percentage of cases involving removal of children from the home is the removal an emergency removal?
- ❖ In cases involving emergency removal of children from the home what are the mean/average lengths of time the cases have been known to the CPS system prior to removal?
- ❖ What number/percentage of reported cases result in serious harm or injury to the child in a given 12-month period?
- ❖ What is the number of child fatalities within a 12-month period?
- ❖ What number/percentage of all reported cases are referred to community- based, informal support systems?

### 3. Developing a Protocol for a Stage-by-Stage Review of the Child Protective Service System

The ultimate goal of the Citizen Review Panel process is to determine whether the CPS agency is complying with the state plan and the extent to which it is coordinating with Title IV-E foster care and adoption systems and child fatality and near fatality reviews. In addition, the Panels should evaluate whether the CPS agency is meeting its own outcome-based goals. Outcome-based goals in the context of CPS usually include some combination of the following:

- ❖ Is the CPS system adequately protecting children?
- ❖ Is the CPS system making reasonable efforts to preserve families?
- ❖ Is the CPS system achieving permanency of placement either within or outside the home (at least to the extent the CPS agency is involved in initial placement)?<sup>20</sup> and
- ❖ Is the CPS system meeting the child's needs and ensuring his or her general well-being while the child is under the system's oversight?

This section offers a set of questions that Citizen Review Panels can raise at each stage of the CPS system to assess whether the agency is achieving such outcome-oriented goals as well as

compliance with mandatory assurances contained in state plans. While this section does not address an agency's compliance with other state plan requirements that are not mandated by federal law (since such requirements will vary from state to state), states can adapt these questions to incorporate specific plan requirements. The Panels in each state will have to determine what these specific requirements are and pose additional questions to determine whether they are being met.

The questions are organized as follows. First are broad questions that apply to the stage. These represent general system goals and are placed in boxes. Next are a set of questions, and sub-questions, that place these larger system questions in measurable language. Sources of information that can be used to answer these questions are shown at the end of each question and its sub-questions. These questions were constructed based upon a review of federal and state CPS requirements, state quality assurance systems, court orders and consent decrees related to child protective services, and recommendations for standards of conduct by national organizations such as the American Public Welfare Association and the Child Welfare League of America.

## A. Intake and Screening

Intake and screening refers to the initial stage in the child protective service process of receiving and responding to reports of abuse or neglect. Intake and screening includes gathering enough information to determine whether the report meets the legal and agency definitions of abuse or neglect, whether it is a credible report that requires investigation, and whether it is so urgent that it requires immediate action. As part of the agency's responsibility to provide preventive services, this stage also may include referral to other services, in instances where CPS intervention is not warranted but there are other family needs which should be addressed.

### General Goals for Intake and Screening

Is the agency's system for receiving incoming reports of child abuse or neglect adequate?

Is the agency only screening out prior to investigation cases that do not concern child safety?

Is the agency accurately prioritizing cases in order to begin its investigation in a timely manner?

### Specific Questions Providing Measurable Responses to System Goals

1. Does the agency ensure that reports of abuse or neglect are accepted in an easily accessible manner?

- ❖ What are the applicable legal requirements for accepting reports of abuse or neglect?
- ❖ What are the agency's policies and procedures regarding when and how the agency will receive reports of child abuse and neglect?
- ❖ Does the agency provide 24-hour, 7-day a- week access to receive reports?
- ❖ Does this access include a toll-free phone number?
- ❖ Is the toll-free number well-publicized?
- ❖ Does access include 24-hour, 7-day-a week availability of adequately trained staff?
- ❖ What other mechanisms for receiving reports are in place?
- ❖ Are there any problems with the operation of the system for accepting reports, including but not limited to: busy phone lines, callers put on hold, calls lost, or inadequately trained staff accepting reports?

- ❖ Is the agency aware of any such problems and is it taking any steps to address them?

### **Sources of Information to**

**Answer Questions:** Agency (for laws and procedures in place); Surveys, interviews and focus groups, with mandatory or other reporters and with intake/screening staff (regarding system operation in practice.)

2. If the agency rejects or screens out reports as inappropriate or outside its jurisdiction prior to referral for investigation or assessment, does it do so in a manner that does not risk child safety and that links families to other services?

- ❖ Does the agency do any such prereferral screening out of reports?
- ❖ If so, what are the criteria for rejecting/screening out reports?
- ❖ Who is responsible for making this decision and what are their qualifications? Is this decision reviewed?
- ❖ What proportion of all reports are rejected/screened out?
- ❖ Has this proportion changed in the last three years? If so, is there any information indicating why?
- ❖ What record is kept of decisions to reject/screen out cases, and do these records support the decision?

- ❖ Are these records flagged in a way which allows for tracking of recurring reports in the same case?

- ❖ Is the reporter advised that the report is being rejected/screened out?

- ❖ Is the reporter directed to other agencies or services which are available to appropriately address his/her concerns?

### **Sources of Information to Answer**

**Questions:** Agency (for policies, procedures, numbers and records); Statewide and County Data Systems (for numbers); Case reviews (file review for adequacy of documentation supporting decision); Interviews, surveys, focus groups with mandatory or other reporters and intake/screening staff (regarding decision making in practice and actual availability and quality of referrals).

3. Does the agency, upon receiving reports, assign them priority levels for response purposes which accurately reflect degrees of risk to the child?

- ❖ What are the criteria for making priority determinations?
- ❖ Who is responsible for making the priority decision and is this decision reviewed?
- ❖ What proportion of all reports are assigned to the different priority levels? Has this proportion changed in the last

three years? If so, is there any information indicating why?

- ❖ What record is kept of these prioritization decisions and do the records support the decisions?

#### **Sources of Information to Answer**

**Questions:** Agency (for criteria, procedures and numbers); Data (for numbers); Case Reviews (both file review and in-depth, for accuracy of record- keeping and for soundness of priority decision); Focus groups, surveys and interviews with persons who have been investigated by the agency, mandatory and other reporters, and intake workers and supervisors (for soundness of priority decision and how actually reached in practice).

4. Does the agency refer non-emergency reports for investigation or assessment in a prompt and timely manner?<sup>21</sup>

- ❖ What time-lines exist for referring reports to investigation and assessment?
- ❖ What is the average length of time from receipt of a report to its transmittal to the appropriate office?
- ❖ Have there been any recent delays or backlogs in the transmittal of reports? If so, what are they and how has the agency addressed them?

#### **Source of Information to Answer**

**Question:** Agency (for all questions); Case Reviews (especially file review for

backlogs); Focus groups, surveys and interviews with mandatory and other reporters and intake workers and supervisors (for backlogs and agency response to them).

5. Does the agency receive and process reports in a manner that respects the confidentiality of the reporter and guarantees immunity from prosecution for good faith reports, as required by applicable law?

- ❖ What legal provisions are in place regarding confidentiality of reports and for immunity from prosecution for persons making good faith reports?
- ❖ How does the agency process reports to ensure that the applicable confidentiality provisions are maintained?
- ❖ How does the agency provide assurance to the reporter that confidentiality is being respected and that immunity is guaranteed?

#### **Sources of Information to Answer**

**Questions:** Agency (for laws and procedures in place); Surveys, interviews and focus groups, with mandatory or other reporters and with intake/screening staff (regarding processing of reports and assurances given in practice).

## B. Investigation and Assessment

Investigation consists of gathering information to determine whether the alleged maltreatment occurred and to determine the family's situation, including its strengths and weaknesses. Evidence usually is collected 1) through an examination of the child, and 2) through interviews with the reporter, the child, the alleged perpetrator, witnesses, parents, service providers and other potential sources of information. The investigation should use this information to determine what actually occurred, who is responsible, and what are the risks of future maltreatment. The investigation also may assess the overall family situation, including strengths and weaknesses, and what services are needed.

In several states, an assessment process has been substituted for an investigative process for certain cases, or has been conducted in addition to the investigation of the specific incident. In general, the assessment focuses more upon the family situation and what services might help the family, rather than upon the specific incident.

### Specific Questions Providing Measurable Responses to System Goals

1. Are investigations and assessments initiated and completed promptly?

❖ What are the time-lines for initiating and completing investigations and assessments?

❖ Do agency records show compliance with these time-lines?

❖ If not, how is the agency addressing problems with delays, backlogs, etc.?

### General Goals for Investigation and Assessment

Are investigations and assessments prompt, thorough and accurate?

Is child safety ensured during the investigation?

Is disruption to the family minimized during the investigation?

### Sources of Information to Answer

**Questions:** Agency (all questions); Data (for compliance with time-lines); Case reviews (file reviews and in-depth for compliance with time-lines); Focus groups, surveys and interviews with persons who have been investigated by CPS, workers and supervisors, and mandatory or other reporters (regarding delays).

2. Are investigations and assessments thorough and accurate?

❖ What procedures and criteria describe how an investigation should be conducted, who should be questioned and what information should be collected?

❖ Do these procedures provide at a minimum that there must be a face-to-face meeting with the alleged victim outside of the presence of the perpetrator, an interview with parents or caretakers, and that all sides of the story must be heard?

❖ What risk or safety assessment procedures and criteria are used for determining whether abuse or neglect occurred and to assess the severity and nature of abuse or neglect?

❖ Do the risk or safety assessment criteria include, at a minimum, a consideration of: 1) parental behavior; 2) severity of abuse or neglect; 3) age, physical and mental abilities of the child; 4) frequency/ recency of alleged abuse or neglect and existence of prior reports; 5) credibility of the reporter; 6) location and access of the perpetrator to the child; 7) parental willingness to protect the child and level of cooperation; 8) parental ability to protect the child; 9) assessment of family strengths and resources including availability of the family's relatives and community as resources; 10) general assessment of family needs and risks, not exclusively focused on the alleged incident?

❖ Do the criteria take into account and demonstrate sensitivity to issues of domestic violence and substance abuse.

❖ Do the criteria take into account and demonstrate sensitivity to cultural, racial or ethnic differences?

❖ Are multidisciplinary teams or approaches used to conduct investigations and assessments? If so, how does this process work?

❖ Do agency records or other sources indicate whether investigative policies and established risk assessment criteria are applied in practice?

#### **Sources of Information to Answer**

**Questions:** Agency (for all questions); Case reviews (file reviews and in-depth for compliance with policies and criteria and to determine whether all important factors were adequately considered); Focus groups, surveys and interviews with persons who have been investigated by CPS, workers and supervisors, and mandatory or other reporters (regarding thoroughness and accuracy of process in practice).

3. Does the agency adequately protect the confidentiality of the reporter, the safety of the child and the stability and privacy of the family during the investigation and assessment?

❖ What procedures, criteria or other safeguards are in place to protect the confidentiality of the reporter during investigation and assessment?

- ❖ What procedures, criteria or other safeguards are in place to protect the safety of the child and the stability and privacy of the family during investigation and assessment?
- ❖ Do records or other sources indicate whether these policies, procedures and other safeguards are applied in practice during investigation and assessment and whether they are effective?
- ❖ Are there any records or other evidence of breaches of confidentiality of the reporter during investigation and assessment?
- ❖ For the past three years, what are the rates of injury to children during the investigative stages? What are the rates of emergency placement?

**Sources of Information to Answer**

**Questions:** Agency (all questions); Data (for rates of injury and placement); Case reviews (in-depth and file for actual use and effectiveness of criteria and procedures in practice); Focus groups, surveys, interviews with family members affected by CPS investigations, with community agencies serving such families and with workers and supervisors (concerning compliance with procedures and criteria in practice and the perceived adequacy of confidentiality, child protection and family preservation efforts)

**C. Case Disposition**

Case disposition is often subsumed into investigation and assessment and is really a formalized element of assessment. It consists of classifying the case into the categories recognized by state law, based on the information collected and analyzed during investigation and assessment.

**General Goals for Case Determination**

Are there clear and readily applicable standards for classifying cases?

Are cases accurately classified as substantiated, not substantiated or “other” according to these standards?

Are there adequate provisions for appeal of dispositions and for expungement of public records in non-substantiated cases?

Because the legal and practical consequences of this classification are important, special attention should be given to how it is performed. Different states have different ways of categorizing cases and different names for the categorizations. Some version of “substantiated” and “not substantiated” is usually used. In addition, there may be other categories such as “unable to determine” or “some indication.”

### **Specific Questions Providing Measurable Responses to System Goals**

1. What are the categories into which a case can be classified (e.g. “substantiated,” “unsubstantiated,” “unable to determine” or “some indication.”)

- ❖ How is each category defined?
- ❖ Are the definitions clear and readily applicable to real cases?
- ❖ Have there been any changes in law or policy in the last three years that have affected how a case is classified? If so, what are these changes and why were they adopted?

**Sources of Information to Answer Questions:** State statute and Agency (for definitions); Focus groups, surveys, interviews with mandated and other reporters and with workers and supervisors (concerning clarity and ease of applying criteria to real cases).

2. What number and proportion of reported cases fall into each of the possible disposition categories?

- ❖ What has been the trend in the number and proportion of these different dispositions during the last three years?

### **Sources of Information to Answer Questions:** Agency; Data.

3. Are dispositions made in an accurate manner?

- ❖ In addition to the definitions for the various case classifications, are there other guidelines or procedures used to assist in case disposition? How are they applied in practice?
- ❖ What supervision and review occurs before a final disposition is reached? Are multidisciplinary teams or approaches used at this stage?
- ❖ What kinds of records are kept supporting dispositions?
- ❖ Do the case records concerning dispositions support them?

- ❖ Does the way records are kept permit the agency to spot recurring referrals? If so, what is the number and proportion of recurring referrals in each classification category?

**Source of Information to Answer**

**Questions: Agency;** Case reviews (file reviews for adequacy of record-keeping and to determine whether records support disposition and assist in spotting recurrence; in-depth reviews to determine how criteria are applied in practice); Focus groups, surveys, interviews with staff and supervisors (regarding how criteria are applied to cases in practice, and how and whether these disposition decisions are reviewed or supervised).

4. What mechanisms are in place for protecting the rights of persons accused or cleared of child abuse or neglect through the disposition process?

- ❖ In cases determined to be unsubstantiated or false, are publicly accessible records or records used for employment or other background checks promptly expunged?
- ❖ What review of dispositions is permitted, how many reviews have been requested, and what have been the results of the reviews requested?

**Sources of Information to Answer**

**Questions:** Agency; Focus groups, surveys, interviews with persons who have requested review of dispositions or qualified for expungement, and of persons conducting reviews or responsible for expungement procedures.

## D. Agency Decision Whether Child Remains in the Home

In meeting its requirement to protect children, the agency sometimes will be confronted with a decision of whether to leave a child in the home or remove the child from the home. This often is part of the assessment and disposition or the case planning stage, and in fact, should include elements of both. Because this decision is so critical to the well-being of the child, it must be carefully examined to ensure that it is based on sufficient information, with adequate consideration given to both the safety of the child and the integrity of the family, and with adequate and prompt oversight by the courts.

### General Goals for Decision on Removal

Are the goals of ensuring child safety and family preservation balanced in the decision whether or not to seek out-of-home placement?

### Specific Questions Providing Measurable Responses to System Goals

1. In cases of substantiated abuse or neglect, what consideration is given to the need to protect children and the goal of preserving families?

- ❖ What criteria are used and what range of alternatives is considered in deciding whether to remove a child from the home?
- ❖ What kinds of records are kept to document the grounds for the decision in each case?
- ❖ Do the records show that the criteria were followed?
- ❖ What proportion of all substantiated cases result in removal of the child from the home?
- ❖ Has this proportion changed in the last three years? If so, is there any information indicating why?

### Sources of Information for Answers to Questions:

Agency; Data; File reviews (for adequacy of record-keeping in documenting grounds for removal); Focus groups, surveys, interviews with staff and supervisors (regarding how criteria are applied to cases in practice).

2. Does the agency seek to place children in an “appropriate least restrictive placement?”

- ❖ Is this the stated goal of the agency?
- ❖ If so, what processes does the agency follow and what criteria does it apply to achieve it?
- ❖ Do agency records indicate that the criteria and processes applicable to placement were followed?

- ❖ Are relatives of removed children contacted and screened at very early stages for possible placement?

**Sources of Information for Answers**

**to Questions:** Agency; File case reviews (to determine whether criteria are applied and documented and relatives screened); In depth reviews, focus groups, surveys and interviews with relatives of removed children, workers and supervisors and children, where old enough to interview (to determine whether placement options were adequately and promptly explored and screened).

3. Do removal and placement decisions involve timely judicial oversight with representation of the parties?

- ❖ At what point in removal and placement situations are courts involved?
- ❖ Is a guardian ad litem appointed for the child in every case where judicial proceedings are required?
- ❖ Are all parties afforded legal representation at all stages of the process?
- ❖ Are decisions to remove children and to continue them in placement afforded prompt and regular judicial review?
- ❖ When a termination of parental rights (TPR) is sought, how long, on average, does it take to obtain such an order (from the time the order is requested)?
- ❖ What factors contribute to any delays in obtaining a court order (e.g. excessive

case loads at Office of Counsel, court dockets, etc.)?

- ❖ What other delays, if any, are associated with court involvement? What factors contribute to such delays?

**Sources of Information for Answering**

**Questions:** Agency; File review (to determine whether legal representation and prompt judicial review occur); In-depth and file reviews of cases, surveys, interviews, focus groups with workers, agency attorneys and court personnel (regarding any delays/problems with removal and termination).

**E. Case Service Planning, Implementation and Monitoring**

Case service planning, implementation and monitoring refer to the agency's obligation to ensure that families receive appropriate and timely services directed at reducing the risk to the child and improving overall family functioning. Case planning should be based on the results of investigation and assessment. It should be individualized, reflective of the family's real needs, and should include input from the family as well as community members and providers familiar with the family's circumstances. Implementation and monitoring should ensure not only that the family complies with its obligations under the plan but also that it receives the services and any help it may need in order to access such services. Further, in order to be effective, the plan and its implementation need to be flexible and subject to re-evaluation as circumstances change or as particular approaches prove more or less effective.

## General Goals for Case Planning and Monitoring

Are prompt and adequate services provided to families to prevent the occurrence of child abuse or neglect in cases which are not found to be substantiated?

In substantiated cases, does prompt and adequate planning occur in order to ensure child safety, prevent the re-occurrence of abuse or neglect, and promote family unity and permanency of placement?

Are prompt and adequate services provided based upon the service plans?

Are services and their impacts upon the child and family monitored on a timely basis and adjusted to address changing needs, and to promote child safety and permanency as well as family unity?

### Specific Questions Providing Measurable Responses to System Goals

1. In cases which are not substantiated, or which fall into intermediate categories such as “unable to determine” or “some indication,” are service options discussed with and offered to families?

- ❖ What policies and procedures govern the discussion and offering of these services?
- ❖ What range of service options is discussed and offered?
- ❖ Do the records show in what proportion of these cases services which are discussed and offered are actually received by the family?
- ❖ What are the most commonly occurring needs in these cases and are these needs met through the services offered to the families?

### Sources of Information to Answer

**Questions:** Agency; File reviews (to check for documentation of discussion, offering and receipt of services); In-depth case review, surveys, focus groups, interviews with families who have been involved in the CPS process in non-substantiated cases, CPS workers, and community service providers (to determine most common needs, availability of services to meet them, barriers to accessing services and adequacy of CPS efforts to link families with available services).

2. In substantiated cases, is service planning done promptly, comprehensively and with full input from the family?

- ❖ How soon after intake and investigation does the planning process begin?
- ❖ How long on average does the planning process take?

- ❖ What guidelines or criteria apply to the planning process?
- ❖ Do these guidelines or criteria provide room for an individualized response tailored to the needs and strengths of a particular family?
- ❖ Do these guidelines or criteria take into account and demonstrate sensitivity to issues of domestic violence and substance abuse?
- ❖ Do these guidelines or criteria take into account and demonstrate sensitivity to cultural, ethnic and racial differences?
- ❖ Do records or other evidence show whether these criteria are applied in practice?
- ❖ Is the family involved in the planning process? How?
- ❖ Who else is involved in the planning process? Are multidisciplinary teams or approaches used at this stage?
- ❖ Do families understand the plans?
- ❖ Are case plans based on the needs identified in assessment?
- ❖ In what proportion of substantiated cases is it the initial goal of the service plan that a) the child remain with the family, b) be reunified with the family or c) be placed permanently outside the family?

- ❖ Are there substantiated cases where no service planning occurs? If so, what proportion of substantiated cases are they?
- ❖ Based on what criteria is the decision made not to undertake case planning in substantiated cases?

### **Sources of Information to Answer**

**Questions:** Agency; File reviews (for records showing whether criteria applied in practice and time lines for planning); In depth case reviews, surveys, focus groups and interviews with family members involved in case planning, with workers and supervisors (to determine application of criteria in practice, level of family involvement and understanding).

3. In implementing the plan, does the agency offer and provide a range of appropriate, needed services?

- ❖ What range of services is offered to families whose children remain at home?
- ❖ What range of services is offered to families whose children are placed out of the home?
- ❖ Are there specific services offered to promote reunification or permanent placement outside the home?
- ❖ Are offered services available in sufficient quantity throughout the jurisdiction of the agency?

- ❖ If not, what is the agency doing to expand their availability?
- ❖ Do the records show that the agency actually has made available services identified as needed by families?
- ❖ Are there substantiated cases where no services are offered? If so, in what proportion of substantiated cases are services not offered?
- ❖ What criteria are used to decide not to offer services in substantiated cases?

**Sources of Information to Answer**

**Questions:** Agency; Case review (both file and in-depth, for offers of services, accessibility and actual receipt of services); Focus groups, surveys and interviews with families, service providers, workers and supervisors (regarding services needed, discussed, offered and accessed).

4. How and when is progress and compliance with a service or permanency plan measured and monitored?

- ❖ Are there specific criteria for when and how monitoring should occur in order to ensure prompt follow-up and compliance with a case plan by both the family and the agency?
- ❖ Do agency records or other evidence indicate compliance with these criteria for prompt follow-up?

- ❖ What opportunities exist for service or permanency plan reevaluation?

**Sources of Information to Answer**

**Questions:** Agency; Case review (both file and in-depth, for compliance with criteria); Focus groups, surveys and interviews with families, service providers, workers and supervisors (regarding frequency and adequacy of case monitoring or reevaluation).

**F. Crisis Intervention/  
Emergency Placement/  
Family Stabilization<sup>22</sup>**

By whatever name they are called in a given state, crisis intervention, emergency placement and/or family stabilization are those aspects of agency intervention that involve urgent situations where risk of ongoing harm to the child is imminent. Although emergency placement most often is seen at the beginning of agency intervention, it may occur at any stage if the family's situation becomes aggravated or if additional facts come to light. In these situations, the agency is called upon to carefully balance family preservation and child safety.

## General Goals Regarding Emergency Responses

Does the CPS system respond effectively to crisis situations and emergency placements in ways that ensure child safety and minimize family disruption and separation?

### Specific Questions Providing Measurable Responses to System Goals

1. Does the agency ensure that children are removed immediately when situations require such an immediate removal?

- ❖ Does the agency have processes that ensure prompt action to achieve an emergency removal?
- ❖ What processes and criteria are used to determine whether there is a need for emergency placement?
- ❖ What oversight and supervision exists to ensure that these processes and criteria are applied accurately?
- ❖ Do agency records show that these criteria and processes are applied in practice?

- ❖ What is the rate of emergency placement and has this rate changed over the last three years? If so, is there evidence indicating why?

- ❖ Do children who are removed in emergency placements receive immediate attention and care that mitigate the effects of the removal?

### Sources of Information to Answer Questions:

Agency; File review and in depth case review (to test application of criteria in practice); Focus groups, surveys and interviews with family members, workers and supervisors (concerning how emergency placements were conducted and whether they complied with criteria).

2. By providing adequate and accessible stabilization services, does the agency ensure that children are not unnecessarily removed from their homes?

- ❖ What specialized services are made available by the agency to stabilize the family and avoid emergency placement or to shorten its duration and alleviate its effects (e.g. domestic violence shelters, emergency housing, crisis homemaker)?
- ❖ What specialized services are needed but are not readily available or accessible?

### **Sources of Information to Answer**

**Questions:** Agency; Case reviews (both file review and in-depth to determine what services offered and needed); Focus groups, surveys, interviews with families, workers, supervisors and community service providers (regarding need for emergency services, available services and CPS' assistance to families in accessing services).

3. Is emergency removal reviewed in a timely manner?

- ❖ According to state law, how soon must a court review removal decisions?
- ❖ What other legal requirements apply to emergency removal situations?
- ❖ Is there compliance with these legal requirements?
- ❖ Are all parties represented in court reviews?
- ❖ What is the actual time between the removal and the first opportunity for the child to be returned home or receive a more permanent placement?

### **Sources of Information to Answer**

**Questions:** Agency; Case reviews (both file review and in-depth to determine actual compliance with legal requirements); Focus groups, surveys, interviews with families, workers, supervisors, attorneys practicing in this area, and children (regarding access to legal representation and actual compliance with state's legal requirements concerning emergency removal).

## **G. Case Closure/Discharge**

The decision to close a case should be based on the child's safety and the family's progress, not external considerations such as case loads or length of time a case is open.

### **General Goal for Case Closure**

Does case closure occur when, and only when, the issues that led to the case opening or which were subsequently identified by the agency have been addressed?

### **Specific Questions Providing Measurable Responses to System Goals**

1. How does the agency ensure that a case is closed only when the child safety issues which led to its opening or which arose during the agency's oversight have been addressed?
  - ❖ What criteria are used to determine when to close substantiated cases?
  - ❖ Is the decision to close a case reviewed by a supervisor?
  - ❖ Are these criteria and oversight procedures followed in practice?

- ❖ Who is notified when a case is closed?
- ❖ What is the average length of time that substantiated cases not involving out- of-home placement remain open?
- ❖ Has this average length of time changed over the last three years? If so, is there information indicating why?
- ❖ What monitoring Magging occurs for recurrence of abuse or neglect after a case is closed?

**Sources of Information to Answer**

**Questions:** Agency; Data (for lengths of time cases open); Case reviews (both file reviews and in-depth to corroborate use of criteria and oversight in case closure); Surveys, focus groups and interviews with families, workers, supervisors (regarding understanding and actual use of closure criteria).

2. Does the agency have any information gathering procedures (such as consumer surveys or follow-up interviews) after case closure to evaluate or monitor the effects of its intervention in some or all cases? If so, what are the results of these procedures?

**Sources of Information to Answer**

**Questions:** Agency.

## 4. Examining the Child Protective Service System<sup>23</sup> Coordination of Services with Other Systems

The CPS agency cannot provide all the services needed by families. Still, the success or failure of CPS case plans often depends on the availability of a wide range of services, supports, and resources. These may be scattered throughout the community and dispersed among a number of providers, both publicly supported and voluntary (such as churches, relatives, and friends). Therefore, the CPS agency's ability to work with outside agencies, service providers, and communities is extremely important for achieving positive outcomes for children. Because CPS agencies usually are perceived as the agencies most directly responsible for

child safety, they need to take leadership roles in creating community partnerships for effective service coordination and, where necessary, for the expansion or creation of additional service options.

### Specific Questions Providing Measurable Responses to System Goals

1. How does CPS coordinate its functions with the function of the agency[ies] responsible for foster care and adoption?

❖ Is there a written protocol or other procedure?

❖ If so, does it define responsibility for particular decisions?

❖ Does it promote information sharing and cooperation in developing and revising case plans?

❖ Is it followed in practice?

❖ If there is no written protocol or procedure, what collaborations occur in practice?

**Sources of Information for Answers to Questions:** Agency; Case reviews (file and in-depth); Surveys, focus groups and interviews with affected families and staff and supervisors of both CPS and other agency[ies] (regarding practical use of coordination protocol and/or informal collaborative practices).

### General Goals for Coordination

Does the agency coordinate with other agencies and service providers in a manner that ensures that adequate and "seamless" services are provided to children and families?

Does the agency recognize community resources, such as religious organizations, self-help and mutual aid groups, and relatives and friends in service coordination?

2. How does CPS coordinate its functions with the function of law enforcement?

- ❖ Is there a written protocol or other procedure?
- ❖ If so, does it address cooperation in crisis situations, in less urgent protective custody situations, and in criminal investigations?
- ❖ Do these procedures, at a minimum, address which agency will be responsible for which decisions and tasks in each situation?
- ❖ Are these procedures followed in practice?
- ❖ If there is no written protocol or procedure, what collaborations occur in practice?

**Sources of Information for Answers to Questions:** Agency; Case reviews (file and in-depth), surveys, focus groups and interviews with affected families and staff and supervisors of both CPS and the other agency[ies] (regarding practical use of coordination protocol and/or informal collaborative practices).

3. How does CPS coordinate its functions with the function of Public Attorneys?

- ❖ Is there a written protocol or other procedure?

- ❖ If so, does it address both criminal prosecutions and dependency and neglect petitions?

- ❖ Do these procedures, at a minimum, address which agency makes which major decisions?

- ❖ Are these procedures followed in practice?

- ❖ If there is no written protocol or procedure, what collaborations occur in practice?

**Sources of Information for Answers to Questions:** Agency; Case reviews (file and in-depth), surveys, focus groups and interviews with affected families and staff and supervisors of both CPS and the other agency[ies] (regarding practical use of coordination protocol and/or informal collaborative practices).

4. Does CPS have agreements, written procedures or more informal networks for working with other human services agencies or community organizations?

- ❖ How many such other written agreements does it have and what is the nature of these agreements?

- ❖ What other informal networks exist?

- ❖ Are there any formal or informal links to providers of services related to substance abuse, mental health or domestic violence?

**Sources of Information for Answers to Questions:** Agency; Focus groups, surveys, interviews with staff and supervisors (regarding nature of informal networks).

5. How effective are the agency's formal and informal cooperation and referral relationships with other agencies or service providers in promoting adequate and coordinated services to families and children?

- ❖ In what percentage of cases is CPS actively working with agencies or organizations to provide family services (i.e. cooperation beyond mere referral)?
- ❖ Is there evidence indicating whether prompt and adequate services are provided in such cases?
- ❖ Do staff and families involved in these cases perceive that services were prompt, adequate and uninterrupted?
- ❖ In what percentage of cases does CPS refer families to other agencies or service providers?
- ❖ In what percentage of such referred cases are services actually obtained by the child or family?
- ❖ What are the lag times between referral and receipt of services?
- ❖ How satisfied are families which receive referrals?

❖ In cases of referral where services are not actually accessed by the child or family, do agency records or other evidence indicate why not? What are the reasons?

**Sources of Information for Answers to Questions:** Agency; Case reviews (both file reviews and in-depth) surveys, focus groups and interviews with families, CPS workers and supervisors and the staff from other coordinating agencies regarding effectiveness and satisfaction with interagency cooperative relationship.

6. Is agency staff capable of assisting families in accessing services from other providers in the community?

Is agency staff trained in assisting families in accessing services in the community?

- ❖ Does agency staff have adequate formal and informal links to the community to assist clients with accessing services?
- ❖ Do staff caseloads permit active involvement in assisting families with access to services?
- ❖ Is the agency aware of barriers to community services experienced by families? If so, what are they?
- ❖ What kind of assistance with accessing services from other providers does agency staff offer to families?

**Sources of Information for Answers to Questions:** Agency; Case reviews (both file reviews and in-depth), surveys, focus groups and interviews with families, CPS workers and supervisors and community service providers (regarding staff knowledge and links to community services and availability of time to assist with referrals).

7. Is the agency involved in community efforts to ensure that adequate preventive and stabilizing services are available for families and children?

- ❖ Are there adequate existing services in the community?
- ❖ If not, which services are unavailable or how long are the delays in accessing services?
- ❖ What, if anything is being done by the agency, in conjunction with the community, to improve access to services?

**Sources of Information for Answers to Questions:** Agency; Interviews, focus groups, surveys of families, agency staff community service providers (regarding service availability and agency efforts to address).

8. What barriers exist outside the CPS agency itself to the agency's ability to ensure a continuity of consistent, timely and adequate services?

- ❖ Are there adequate resources and administrative mechanisms in the community to provide needed services to families promptly?

- ❖ Are there adequate resources and administrative mechanisms in other agencies or systems (such as law enforcement or foster care) to provide needed services promptly?

**Sources of Information for Answers to Questions:** Agency; Interviews, focus groups, surveys of families, agency staff, community service providers and staff from other agencies or service systems (regarding adequacy of resources, promptness of service provision and efficiency of administration of services).

## 5. Evaluating CPS Staff Qualifications, Training and Work Loads<sup>24</sup>

The ability of the CPS agency to perform adequately is tied closely to workforce and management issues. In order to do a good job, agency staff must be highly qualified, have adequate and ongoing training, and have manageable work loads. These are also issues that can be subject to Citizen Review Panel review.

### General Goals for Staffing and Management

Are agency staff qualified and adequately trained to perform their responsibilities?

Are workloads manageable, permitting staff to adequately perform their responsibilities?

### Specific Questions Providing Measurable Responses to System Goals

1. What are the required minimum qualifications for different agency staff positions, including workers, supervisors and administrators?

❖ What are the formal education requirements for each position?

❖ What are the requirements for each position in terms of documented competencies such as experience, and preparation and training for particular tasks which are part of the job?

❖ Do the formal education requirements and documented competencies required for the various positions conform to the standards promulgated by the National Association of Social Workers or the Child Welfare League of America or other accepted standards in the field?

❖ What proportion of workers meet the guidelines for their position?

### Sources of Information for Answering Questions: Agency.

2. What kind of training is provided to staff?

❖ Is there an organization-wide staff development and training plan?

❖ If so, is it based on input from staff, management and experts outside the agency?

❖ Are there individual staff development and training plans which are job-specific?

- ❖ Are new workers trained prior to assuming a full case load?
- ❖ Is training also available on an ongoing basis to supervisors and to experienced or long-term staff.?
- ❖ Does training include training in cultural sensitivity, substance abuse, domestic violence, assisting families in accessing other services, cross-training with outside professionals, and emphasis on agency interaction with a broad range of agencies throughout the community in order to promote a seamless child protection system?
- ❖ Does the agency support its staff in meeting credential, certification and/or licensing requirements relevant to their employment?
- ❖ Is there ample opportunity for on-the-job training through case-work supervision and multidisciplinary case reviews?

**Sources of Information for Answers to Questions:** Agency; Surveys, focus groups, interviews with workers and supervisors (regarding nature, timing and adequacy of training).

3. Do agency evaluations of staff promote high performance and assist with employee growth and development?
- ❖ Is both quality and quantity of work evaluated?

- ❖ Are there clear performance standards?
- ❖ Is there opportunity for individualized and participatory goal setting by employees?
- ❖ Are supervisors involved as supportive mentors and coaches in goal achievement?

**Sources of Information for Answers to Questions:** Agency; Surveys, focus groups, interviews with workers and supervisors (regarding nature of evaluation process).

4. Is the agency able to retain qualified staff?
- ❖ What are the staff turnover rates?
  - ❖ What percentage of staff have been with the agency less than one year? between one and three years? between three and five years? between five and ten years? longer than ten years?
  - ❖ Are salaries and benefits competitive?
  - ❖ Does the agency provide its staff with specific assistance, training, tools or other resources to handle stress and emotional and personal involvement with client situations?
  - ❖ What other benefits, recognitions, incentives and career opportunities does the agency provide to create a healthy environment and encourage retention of valuable staff?

- ❖ Is staff generally satisfied and do they regard their employment as long-term?

**Sources of Information for Answers to Questions:** Agency; Surveys, focus groups, interviews with workers and supervisors (regarding job satisfaction and long-term employment plans).

5. Are workloads manageable, permitting staff to perform their responsibilities adequately?

- ❖ What are the workloads for the various staff positions?
- ❖ Are workloads determined solely by number of cases handled or are they measured in terms of actual work required by different kinds of cases?
- ❖ Do workloads vary by worker experience?
- ❖ Are these workloads actual or theoretical, i.e. do they exist in practice or are they based on theoretical staffing levels which may not exist due to vacancies?
- ❖ Do supervisor/worker ratios conform to the 1:5 standard recommended by the American Humane Association?
- ❖ Does the agency collect performance based evidence or conduct worker satisfaction surveys or use other quality assurance tools to determine whether workloads are manageable?

- ❖ Do staff in various positions believe that workloads are manageable?

**Sources of Information for Answers to Questions:** Agency; Surveys, focus groups, interviews with workers and supervisors (regarding perceived manageability of workloads).

## Appendix I

### Amendments to the Child Abuse Prevention and Treatment Act (CAPTA) Establishing Citizen Review Panels

*This appendix contains the language enacted on October 3, 1996, that relates to CAPTA. The language related to Citizen Review Panels is highlighted in boldface. The language provided is contained under the “Grants to States for child abuse and neglect prevention and treatment programs (SEC. 106 [42 U. S. C. 51 06a].*

DEVELOPMENT AND OPERATION GRANTS. The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective services system of each such State in —

- (1) the intake, assessment, screening, and investigation of reports of abuse and neglect;
- (2) (A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and  
(B) improving legal preparation and representation, including -
  - (i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and
  - (ii) provisions for the appointment of an individual appointed to represent a child in judicial proceedings;
- (3) case management and delivery of services provided to children and their families;
- (4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;
- (5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

- (6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;
  - (7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;
  - (8) developing, implementing, or operating
    - (A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for —
      - (i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities;
      - and
      - (ii) the parents of such infants; and
    - (B) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including —
      - (i) existing social and health services;
      - (ii) financial assistance; and
      - (iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or
  - (9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.
- (b) **ELIGIBILITY REQUIREMENTS.** —
- (1) **STATE PLAN.** —
    - (A) **IN GENERAL.** — To be eligible to receive a grant under this section, a State shall, at the time of the initial grant application and every 5 years thereafter, prepare and submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State intends to address with amounts received under the grant.
    - (B) **ADDITIONAL REQUIREMENT.** — After the submission of the initial grant application under subparagraph (A), the State shall provide notice to the Secretary of any substantive changes to any State law relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section.

(2) COORDINATION. A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act [42 USCS 620 et seq.] relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this title [42 USCS 5101 et seq.], including —

(A) an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect that includes —

- (i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;
- (ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;
- (iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect and ensuring their placement in a safe environment;
- (iv) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;
- (v) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act [42 USCS 5101 et seq.] shall only be made available to —

- (I) individuals who are the subject of the report;
- (II) Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;
- (III) child abuse citizen review panels;
- (IV) child fatality review panels;
- (V) a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and
- (VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

(vi) provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse or neglect;

(viii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment;

(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who may be an attorney or a court appointed special advocate (or both), shall be appointed to represent the child in such proceedings —

(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and

(II) to make recommendations to the court concerning the best interests of the child;

**(x) the establishment of citizen review panels in accordance with subsection (c);**

(xi) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section [enacted Oct. 3, 1996] —

(I) for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

(II) by which individuals who disagree with an official finding of abuse or neglect can appeal such finding;

(xii) provisions, procedures, and mechanisms to be effective not later than 2 years after the date of the enactment of this section [enacted Oct. 3, 1996] that assure that the State does not require reunification a surviving child — with a parent who has been found by a court of competent jurisdiction

(I) to have committed murder (which would have been an offense under section 1111 (a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

- (II) to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, the offense has occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;
  - (III) to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or
  - (IV) to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent; and
- (xiii) an assurance that, upon the implementation by the State of the provisions, procedures, and mechanisms under clause (xii), conviction of any one of the felonies listed in clause (xii) constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (although case-by-case determinations of whether or not to seek termination of parental rights shall be within the sole discretion of the State);
- (B) an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for —
- (i) coordination and consultation with individuals designated by and within appropriate health-care facilities;
  - (ii) prompt notification by individuals designated by and within appropriate healthcare facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and
  - (iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions;
- (C) a description of —
- (i) the services to be provided under the grant to individuals, families, or communities, either directly or through referrals aimed at preventing the occurrence of child abuse and neglect;

(ii) the training to be provided under the grant to support direct line and supervisory personnel in report taking, screening, assessment, decision making, and referral for investigating suspected instances of child abuse and neglect; and

(iii) the training to be provided under the grant for individuals who are required to report suspected cases of child abuse and neglect; and

(D) an assurance or certification that the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act [2 USCS 620 et seq.] comply with the requirements set forth in paragraph (1) and this paragraph.

(3) LIMITATION. — With regard to clauses (v) and (vi) of paragraph (2) (A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

(4) DEFINITIONS. — For purposes of this subsection —

(A) the term “near fatality” means an act that, as certified by a physician, places the child in serious or critical condition; and

(B) the term “serious bodily injury” means bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(c) CITIZEN REVIEW PANELS. —

(1) ESTABLISHMENT. —

(A) IN GENERAL. — Except as provided in subparagraph (B), each State to which a grant is made under this section shall establish not less than 3 citizen review panels.

(B) EXCEPTIONS. —

(i) Establishment of panels by states receiving minimum allotment. State that receives the minimum allotment of \$175,000 under section 203(b)(1)(A) [42USCS 5116b(b)(1)(A)] for a fiscal year shall establish not less than 1 citizen review panel.

(ii) DESIGNATION OF EXISTING ENTITIES. — A State may designate as panels for purposes of this subsection one or more existing entities established under State or Federal law, such as child fatality panels or foster care review panels, if such entities have the capacity to satisfy the requirements of paragraph (4) and the State ensures that such entities will satisfy such requirements.

(2) MEMBERSHIP. — Each panel established pursuant to paragraph (1) shall be composed of volunteer members who are broadly representative of the community in which such panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

(3) MEETINGS. — Each panel established pursuant to paragraph (1) shall meet not less than once every three months.

(4) FUNCTIONS. —

(A) IN GENERAL. — Each panel established pursuant to paragraph (1) shall, by appropriate, specific cases, evaluate the extent to which the agencies are effectively discharging their child protection responsibilities in accordance with –

- (i) the State plan under subsection (b);
- (ii) the child protection standards set forth in subsection (b); and
- (iii) any other criteria that the panel considers important to ensure the protection of children, including -
  - (I) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under part E of title IV of the Social Security Act [42 USCS 670 et seq.]; and
  - (II) a review of child fatalities and near fatalities (as defined in subsection (b)(4))

(B) CONFIDENTIALITY.—

(i) IN GENERAL.—The members and staff of a panel established under paragraph (1) -

- (I) shall not disclose to any person or government official any identifying information about any specific child protection case with respect to which the panel is provided information; and
- (II) shall not make public other information unless authorized by State statute.

(ii) CIVIL SANCTIONS. — Each state that establishes a panel pursuant to paragraph (1) shall establish civil sanctions for a violation of clause (I).

(5) STATE ASSISTANCE. — Each State that establishes a panel pursuant to paragraph (1)

(A) shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions under paragraph (4); and

(B) shall provide the panel, upon its request, staff assistance for the performance of the duties of the panel.

(6) REPORTS. —Each panel established under paragraph (1) shall prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the panel.

(d) ANNUAL STATE DATA REPORTS. -- Each state to which a grant is made under this section shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

(1) The number of children who were reported to the State during the year as abused or neglected.

(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were-

- (A) substantiated;
- (B) unsubstantiated; or
- (C) determined to be false.

(3) Of the number of children described in paragraph (2) -

- (A) the number that did not receive services during the year under the State program funded under this section or an equivalent State program;
- (B) the number that received services during the year under the State program funded under this section or an equivalent State program; and
- (C) the number that were removed from their families during the year by disposition of the case.

(4) The number of families that received preventive services from the State during the year.

(5) The number of deaths in the State during the year resulting from child abuse or neglect.

(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

(7) The number of child protective services workers responsible for the intake and screening of reports filed in the previous year.

(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect

(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

(10) The number of child protective services workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated the previous year.

(11) The number of children reunited with their families or receiving family preservation services that, within five years, result in subsequent substantiated reports of child abuse and neglect, including the death of the child.

(12) The number of children for whom individuals were appointed by the court to represent the best interests of such children and the average number of out of court contacts between such individuals and children.

(e) **ANNUAL REPORT BY THE SECRETARY.** Within 6 months after receiving the State reports under subsection (d) the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse.

(Jan. 31, 1974, P. L. 93-247, Title I, 106 [107] [8], as added April 25, 1988, P.L. 100-294, Title I, 101, 102 Stat. 103; Oct. 25, 1989, P.L. 101-126, 3(a)(1), (2), 103 Stat. 764; May 28, 1992, P.L. 102-295, Title I, Subtitle B, 114(a)-(c), 106 Stat. 192; Nov. 4, 1992, P. L. 102-586, 9(b), 106 Stat. 5037; Oct. 3, 1996, P.L. 104-235, Title I, Subtitle A, 107, 113(a)(1)(A), 110 Stat. 3071, 3079.)

## Appendix II

### Program Instruction on Citizen Review Panel Requirements

*This Program Instruction (Log No. ACYF-PI-CB-98-01) was issued on January 7, 1998 by the Administrator on Children, Youth and Families to provide states with instruction on the Citizen Review Panel requirements*

#### **PROGRAM INSTRUCTION**

**TO:**

The State Office, Agency, or Organization Designated by the Governor to Apply for a State Child Abuse and Neglect Grant

**SUBJECT:**

Establishment of the Citizen Review Panel Requirement Under the Child Abuse Prevention and Treatment Act

**PURPOSE:**

The purpose of this Program Instruction is to provide instruction on the citizen review panel requirements under the Child Abuse and Neglect State Grant (or Basic State Grant) Program.

**BACKGROUND:**

The Child Abuse Prevention and Treatment Act (CAPTA) was reauthorized and amended by “The CAPTA Amendments of 1996” (Public Law 104-235) on October 3, 1996. Section 106 (formerly 107) of CAPTA's Title I was amended to direct the focus of the State grant program to one of support and improvement of State child protective services (CPS) systems. This new legislation authorizes the annual award of funds to States that submit State plans every five years and meet certain other eligibility requirements.

One of those requirements is the establishment of citizen review panels. The purpose of these panels is to provide new opportunities for citizens to play an integral role in ensuring that States are meeting their goals of protecting children from abuse and neglect (Congressional Record - House, pp H11148-9, September 25, 1996).

The number of panels a State must establish is statutorily linked to the amount of funds that it receives under the Community-Based Family Resource and Support (CBFRS) Program. Specifically, section 106(c)(1)(A) of CAPTA requires that recipients of a Basic State Grant establish no less than three citizen review panels. Then only exception to that statutory requirement is that States receiving the minimum allotment of \$175,000 under the CBFRS Programs are required to establish no less than one citizen review panel (section 106(c)(1)(B)).

#### **DISCUSSION:**

Although the concept of citizen review of State child protective services is new, citizen review panels have been around for a while. Citizen review boards originated in the 1970s as a result of State-based initiatives to review the status of children in the foster care system. In the 1980s, there was a dramatic increase in the creation of citizen review boards in response to Public Law 96-272, which required reviews of each child in foster care every six months.

Today, many States have established these review boards in State statute or through judicial appointment. These foster care review boards have evolved as a major mechanism for case specific and system accountability and have served as effective lobbyists for foster children, as well as for State agencies. These boards have resulted in increased community awareness and ownership of child abuse and neglect issues and the strengths, weaknesses and challenges facing the child welfare service delivery system.

A lesson to be learned in establishment of the citizen review panels under CAPTA is that, properly established, these panels have the capacity to promote creative problem-solving with the involvement of community members who often represent a variety of disciplines. In addition, the annual reports of these boards have the potential for recommending not only increased resources, but also better collaboration and system change.

#### **INSTRUCTION:**

##### **Number of Panels Required and Deadline for Establishment**

All 50 States, as well as the District of Columbia and Puerto Rico, received more than the minimum allotment of \$175,000 under the CBFRS program in their FY 1997 awards (see enclosed list). Therefore, each of the 50 States, the District of Columbia and Puerto Rico must establish no less than three citizen review panels in accordance with section 106(c)(1)(A) of CAPTA and their FY 1997-1999 State plans.

Since the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau submit consolidated grant applications in accordance with 45 CFR part 97, these jurisdictions are not required to comply with the instructions set forth in this issuance. As discussed in ACYF-PI-NCCAN-97-01, while States are urged to implement the CAPTA requirements as soon as possible to comply with the CAPTA amendments, States have an interim planning period to implement the changes. The Governors' certifications that accompanied the State plans submitted in FY 1997 under CAPTA included an assurance that the citizen review panels required by CAPTA either were already in place or would be in place no later than June 30, 1999.

### **Panel Membership**

The statute directs States to establish panels that are composed of volunteer members who are broadly representative of the community in which the panel is established and include members with expertise in the prevention and treatment of child abuse and neglect.

Accordingly, Statewide panels should include membership from across the State; regional and local panels should include membership reflective of those geographic communities.

We encourage States to give special attention to the goal and purpose of the panels and duties of the members to ensure that panelists have the necessary qualifications to review the complex issues presented by child maltreatment. It is recommended that panel membership include a balance among children's attorneys, child advocates, CASA volunteers, parent consumer representatives and health/mental health professionals who are familiar with the intricacies of the CPS system. Since States are allowed to use certain standing panels for this purpose and some of those panels may be comprised of some child welfare/child protection staff, staff of the public agency are not prohibited from serving on these panels, so long as the majority of the panel's membership is comprised of volunteer members from other disciplines.

### **Panel Requirements**

As noted in section 106(c)(1)(B)(ii) of CAPTA, a State may designate one or more of its existing entities established under State or Federal law, such as child fatality panels or foster care review panels, to serve as citizen review panels under CAPTA, so long as those panels perform the functions set forth in section 106(1)(B)(4) of the statute. An example of another panel established by Federal law that States may consider for this purpose is the multidisciplinary task force required by the Children's Justice Act (CAPTA section 107(c)). Pursuant to section 106(1)(B)(4) of CAPTA, each citizen review panel must evaluate the extent to which the State agency is effectively fulfilling its child protection responsibilities in accordance with the CAPTA State plan, as well as other criteria that the panel considers important to ensure the protection of children, including: (1) a review of the extent to which the State CPS system is coordinated with the foster care and adoption programs established

Under title IV-E of the Social Security Act; and (2) a review of child fatalities and near fatalities, as defined in subsection 106(b)(4).<sup>1</sup>

The citizen review panel requirement need not create unnecessary duplication at the State and local level; the statute allows States to utilize existing panels, so long as they also fulfill the CAPTA requirements. Therefore, while the statute mandates that each of the three panels established under CAPTA must perform all the functions required by the statute, it does not prescribe that each panel engage in only these functions nor does it specify the depth or breadth of review. Accordingly, States have considerable flexibility in designing their panels.

Hypothetically, a State might choose to establish its citizen review panels so that the three panels would:

(1) each examine different portions of the State's policies and procedures relating to child abuse and neglect, and review of relevant cases, as determined appropriate by the panel, to determine the extent to which the agency is discharging its child protection responsibilities under its CAPTA State plan (section 106(c)(4)(A)(i));

(2) each review the extent to which the CPS system is coordinated with different portions of foster care and adoption programs under title IV-E of the Social Security Act (section 106(c)(4)(A)(iii)(I)); and

(3) each conduct reviews of child fatalities and near fatalities occurring in different regions of the State based on the findings and recommendations of a standing child fatality panel (section 106(c)(4)(A)(iii)(II))

While CAPTA does not address geographic coverage by the panels, ACF encourages States to consider broad coverage. However, States have the flexibility to set up their panels in such a way that will be most appropriate for the State. For example, a State might establish one Statewide and two regional panels; or a State might establish three regional panels that do not cover the entire State but cover the areas of the State in which most child protection issues arise. Regardless of whether the panel is geographically based or statewide, it must meet the statutory requirement that each panel examine the policies and procedures of State and local agencies. In addition, the State should assure that the three panels combined review and input provide a holistic picture of the State's CPS system.

The statute requires that each panel meet no less frequently than every three months (section 106(c)(3))

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<sup>1</sup> Section 106(b)(4) defines "near fatality" as "an act that, as certified by a physician, places the child in serious or critical condition."

## **State Assistance**

### **A. Panel Access to Case-Specific Information**

Section 106(c)(5)(A) of CAPTA requires States to provide each citizen review panel with access to information on cases that the panel chooses to review if the information is necessary for the panel to carry out its functions under CAPTA. Report language clarifies that Congressional intent was to direct States to provide the review panels with information that the panel determines is necessary to carry out these functions (Congressional Record – House, September 25, 1996, p. H11149).

### **B. Staff Assistance**

Section 106(c)(5)(B) of CAPTA requires that States provide staff assistance to the citizen review panels for the performance of their duties, upon request of the panel. We envision that these panels may need administrative support, in particular, to assist in typing reports and facilitating the exchange of case-specific information. A state should evaluate its staff resources when establishing its citizen review panels and make clear the extent to which staff will be available to panels.

## **Reports**

Section 106(d) of CAPTA requires that the citizen review panels develop annual reports and make them available to the public. These reports should be completed no later than 90 days after the end of the Federal fiscal year (December 31 st of each year) and should, at a minimum, contain a summary of the panel’s activities, as well as the recommendations of the panel based upon its activities and findings. States are encouraged to include these reports with their Annual Progress and Services Reports that are due to the Federal Regional Office by June 30th of each year and include information on the progress States are making in implementing the recommendations of the panels.

## **Confidentiality**

Citizen review panel members are bound by the confidentiality restrictions in section 106(c)(4)(B)(i) of CAPTA. Specifically, members and staff of a panel may not disclose identifying information about any specific child protection case to any person or government official, and may not make public other information unless authorized by State statute to do so.

Further, section 106(c)(4)(B)(ii) of CAPTA requires States to establish civil sanctions for violations of these confidentiality restrictions. States that already have civil sanctions in place for breaches of confidentiality need not enact new legislation, so long as their existing provisions encompass the CAPTA requirements.

## Amendment to the Program Instruction on Citizen Review Panel Requirements

*This Program Instruction (Log No. ACYF-PI-CB-98-12) was issued on July 15, 1998, by the Administration on Children, Youth and Families as an Amendment to ACYF-PI-CB98- 01, dated January 7, 1998 to provide states with instructional on the Citizen Review Panel requirements.*

### PROGRAM INSTRUCTION

**TO:**

The State Office, Agency, or Organization Designated by the Governor to Apply for a State Child Abuse and Neglect Grant

**SUBJECT:**

Establishment of the Citizen Review Panel Requirement Under the Child Abuse Prevention and Treatment Act

**PURPOSE:**

The purpose of this Program Instruction is to amend the section of ACYF-PI-CB-98-01, dated January 7, 1998, that sets forth the number of citizen review panels States are required to establish in accordance with sections 106(b)(2)(A)(x) and 106(c)(1) of CAPTA. (Note: This issuance does not supersede ACYF-PI-CB-98-01 in its entirety. It amends only the section on “Number of Panels Required and Deadline for Establishment” under “Instruction” of that issuance on pages 2-3.)

**BACKGROUND:**

The number of citizen review panels a State must establish is statutorily linked to the amount of funds that it receives under the Community-Based Family Resource and Support (CBFRS) program. The CBFRS program funds are awarded through a two-part calculation. Seventy percent of the funds are allocated proportionately among the eligible States based on the number of children under the age of 18 who are residing in each State, except that no State receives less than the base amount of \$175,000. The remaining 30 percent of the funds are then allocated proportionately among the eligible States based on the amount of funds leveraged by the State from private, State or other non-Federal sources for community-based support activities and directed through the State's CBFRS lead agency in the preceding fiscal year. A State's grant award is the total of these two figures.

**INSTRUCTION:**

**Number of Panels Required and Deadline for Establishment**

Twenty States had a minimum allotment of \$175,000 under section 203(b)(1)(A) before including amounts for their leveraged funds as authorized by section 203(b)(1)(B) of CAPTA. The 20 States that received the minimum allotment of \$ 175,000 are required to establish no less than one citizen review panel in accordance with section 106(c)(1)(B) of CAPTA. Those States are: Alaska, Arkansas, Delaware, the District of Columbia, Hawaii, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming.

States that received more than the base amount of \$175,000 under section 203(b)(1)(A) are required to establish no less than three citizen review panels in accordance with section 106(c)(1)(A) of CAPTA. Those States are: Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin.

Since the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Paulau submit consolidated grant applications in accordance with 45 CFR Part 97, these jurisdictions are not required to comply with the instructions set forth in this issuance.

As stated in ACYF-PI-NCCAN-97-01, the citizen review panels must be established no later than June 30, 1999.

**INQUIRIES TO:** Regional HUB Directors and Administrators  
Regions I - X  
James A. Harrell  
Deputy Commissioner

## Appendix III

### Policy Interpretation Questions Regarding CAPTA Assurance Requirements

*This Policy Interpretation Questions (Log No. ACYF-NCCAN-PIQ-97-03) issued by the Administration on Children Youth and Families on September 26, 1997, offers some initial answers to questions regarding the CAPTA Amendments of 1996. Question 8, reprinted below, deals directly with an issue related to the establishment of citizen Review Panels*

#### PROGRAM INSTRUCTION

**TO:**

The State Office, Agency, or Organization Designated by the Governor to Apply for a State Child Abuse and Neglect Grant

**SUBJECT:**

Clarification on Certain Child Abuse Prevention and Treatment Act State Plan Assurance Requirements

**PURPOSE:**

The purpose of this issuance is to provide guidance to the States, through representative questions and answers, on the principles governing implementation of the Child Abuse Prevention and Treatment Act Amendments of 1996.

**BACKGROUND:**

The Child Abuse Prevention and Treatment Act (CAPTA) was reauthorized and amended by the CAPTA Amendments of 1996 (Public Law 104-235) on October 3, 1996. Section 106 (formerly 107) of CAPTA's Title I was amended to direct focus of the State grant program to one of support and improvement of State child protective services (CPS) systems.

This new legislation authorizes the annual award of funds to States that submit State plans every five years and meet certain other eligibility criteria. Specifically, subsection (b) of section 106 requires assurances in the form of certifications by the Governor of the State that, among other things, the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect.

The Department, through its Regional Offices, continues to receive questions and concerns regarding the assurances. We hope to clarify some of those assurance requirements with this issuance.

**QUESTION #8:**

If a State has a number of existing entities that collectively perform the required functions for the citizen review panels, would the statutory requirement for the establishment of three citizen review panels be met?

**RESPONSE:**

No. The statute at section 106(c)(4)(A) requires that “each Panel [emphasis added]...shall” perform the functions set forth for the citizen review panels. While States are free to designate standing panels to meet the purpose of the citizen review panels under CAPTA, each of those panels must perform all of the functions required by the statute.

**INQUIRIES TO:** Regional HUB Directors and Administrators  
Regions I - X  
James A. Harrell  
Deputy Commissioner

## Appendix IV

### Considerations in Using Foster Care Review Boards, Child Death Review Panels and Other Panels as Citizen Review Panels for Child Protective Services

*This appendix describes some of the issues states should consider in using foster care review boards, child fatality panels, or other existing state review boards to fulfill the Citizen Review Panel requirements under CAPTA*

Many states will look toward existing advisory committees, review boards, or panels as candidates for assuming the responsibility of Citizen Review Boards. The federal statute specifically cites Foster Care Review Boards and Child Death Review Panels as possible candidates.

States considering these options must recognize that most such panels, including Foster Care Review Boards and Child Death Review Panels were not established to review state CAPTA plans nor to examine all aspects of a state's CPS system.

If a state wishes to use existing committees, review boards or panels to serve the functions of Citizen Review Boards, it should include their representatives in the planning process. It should examine what the committee, review board, or panel currently does, and what else it will need to do to qualify as a Citizen Review Panel. It must examine what additional resources and supports will be needed to make this transition.

The following are considerations that need to be addressed with respect to Foster Care Review Boards, Child Death Review Panels and other panels in determining whether they should be transformed to assume the additional obligations of Citizen Review Panels for CPS.

Foster care review panels typically only review cases of children in foster care. Therefore, they examine only a small minority of the cases under the responsibility of the CPS system and typically do not examine the child abuse investigative and case monitoring processes in those cases, poor to a child's entry into out-of-home care. Some foster care review panels largely see their role as overseeing individual cases rather than reviewing the system and its policies and practices as a whole. Some foster care review panels may not meet the definition of "broadly representative of the community" or may not include "individuals with

for Citizen Review Panels for CPS. Even where foster care review panels are capable of assuming all the responsibilities of Citizen Review Panels, this would require that they take on additional work, such as reviewing agency compliance with the CAPTA plan. They also would have to look at a much broader range of child welfare cases, as well as agency policies and practices.

Child fatality panels generally perform in-depth reviews of a very small number of cases in order to offer retrospective, forensic, and corrective action analysis. Some of the cases they review never have come to the attention of the CPS system. They do not examine a representative set of child protective service cases. While they may identify instances where the CPS system failed to follow its policies and procedures, they generally do not determine the degree to which these failures occur in the system. While their work can be very valuable in identifying areas where change is needed, they do not provide a broad view of the system. Further, child fatality panels often are composed of experts as opposed to being “broadly representative.” Even where child fatality panels are capable of assuming all the responsibilities of Citizen Review Panels, this would require that they take on additional work and examine a much broader range of CPS cases.

Similarly, task forces put in place under the Children's Justice Act (42 U.S.C. § 5106c(c)) could theoretically undertake the new and additional functions of citizen review, as suggested in the Administration for Children and Families' Program Instruction (Log No. ACYF-NCCAN-PIQ-9801). Such task forces, however, are composed of experts and tend to focus on review of the civil and criminal justice system's handling of child abuse and neglect cases. Thus, in most instances, both the composition of these panels and the scope of their responsibilities would have to be changed significantly in order to meet the requirements of federal law regarding Citizen Review Panels for child protective services agencies.

## Appendix V

### Sources for More Information

*The following provides an annotated resource list of materials that may be useful to states in developing Citizen Review Panels, The resources are organized under the following headings:*

- *Guidebooks on Citizen Involvement and Review*
- *Model Standards and Practices in Child Protective Services*
- *Models of Monitoring Protocols from Consent Decrees*
- *Data and Outcome Measurement in Child Protective Services*

#### **Guidebooks on Citizen Involvement and Review**

Bruner, Charles and Stephen Scott. *Supporting Effective Citizen Involvement in Child Protective Services: A Guide for State and Local Officials*. Des Moines, IA: Child and Family Policy Center (1996).

This guide provides an introduction to two ways in which child protective service systems can improve their ability to protect children through involving citizens and consumers. The first involves formal citizen oversight and review of the CPS system. The second involves collaboration between the CPS system and citizens and consumers Both approaches are discussed and essential features for the success of each is delineated.

For copies contact: The Child and Family Policy Center, 1021 Fleming Building, 218 6th Ave., Des Moines, IA 50309, 515-280-9027, fax:515-244-8997.

Jeppson, Elizabeth and Josie Thomas. *Essential Allies: Families as Advisors*. Washington, D.C.: Institute for Family-Centered Care (1995).

This is a practical, how-to manual on involving families as consultants and advisors in policy and program design, with examples and descriptions of how hospitals, state agencies, community programs, and universities have fostered family-professional collaboration. Particular emphasis is given to involving families traditionally under represented in policy-making activities.

For copies contact Institute for Family-Centered Care, 7900 Wisconsin Ave., Suite 40, Bethesda, MD 20814, 301-652-0281, fax:301-652-0186.

National Association of Foster Care Reviewers. Guidelines for 3rd Party Review in [Foster Care. publication date: June 15, 1998

These guidelines discuss in detail the organization and structure of 3rd party review, including the responsibilities, training and evaluation of reviewers; the process of conducting reviews; and how information received through the review process can be analyzed and applied in practice to promote improvements in the system.

### **Model Standards and Practices in Child Protective Services**

American Association for Protecting Children. *AAPC's Framework for Advocacy*. Denver, CO: American Humane Association (1989).

This publication summarizes key elements of an effective social response to child maltreatment, including: public philosophy and policy, the legal framework, CPS agency policies and procedures, and staff and community resources. Of particular interest are the sections dealing with recruitment and training of caseworkers.

Child Welfare League of America, Inc. *CWL Standards of Excellence for the Management and Governance of Child Welfare Organizations*. Washington, D.C.: (1996).

This publication sets out the CWLA's ideals and goals for the operation of Child Welfare agencies. Chapter, 3, concerning human resources, is of particular interest to readers involved in the implementation of Citizen Review Panels. It discusses in detail the ideals of agency staff qualification, recruitment, training, development, and retention.

Child Welfare League of America. *Ours to Keep: Building a Community Assessment Strategy for Child Protection*. publication pending. CWLA (1998).

This guide is a detailed and practical discussion of the assessment approach to child protection, including tool kits and information about culturally sensitive assessment and assessment evaluation.

National Association of Public Child Welfare Administrators, an affiliate of the American Public Welfare Association. ***Guidelines for a Model System of Protective Services for Abused and Neglected Children and Their Families.*** Washington, D.C.: NAPCWA ( 1988).

These guidelines discuss the history, mission and philosophy of child protective services as well as its services, tasks and responsibilities. They also discuss agency management, including but not limited to staffing, workload standards, training, and relationships with other agencies. Supplemental papers in Part II contain invaluable detailed discussions of such issues as inter-agency relationships, CPS staff qualifications and training, workload standards, agency self-assessment and desired client outcomes.

#### **Models of Monitoring Protocols from Consent Decrees**

The Child Welfare Policy and Practice Group. ***Compliance and Corrective Action: Partnerships to Promote Safety, Nurturance and Permanence: Assessment Process Compliance and Corrective Action Monitoring Protocol.*** Montgomery, AL.: The Child Welfare Policy and Practice Group.

This document, developed as part of a litigation settlement, is a detailed protocol of forms, with questions for conducting in-depth case reviews of both CPS and foster care cases. It includes forms and questions for interviews with the youth, parents, foster parents, caseworker, teacher and service provider, as well as sections for summarizing and assessing the results. Parts of this document could provide valuable models for Citizen Review Panels designing their own case review protocols.

For additional information or copies contact: The Child Welfare Policy and Practice Group/Paul Vincent/3328 Lexington Road/Montgomery, AL 36106/334-264-7599.

Groves, Ivor D., Monitor, R.C. Consent Decree. ***System of Care Implementation: Performance, Outcomes and Compliance - A Status Report on the Implementation of the R. C. Consent Decree from January 1994 to January 1996.*** Tallahassee, FL.: Human Systems and Outcomes, Inc. (1996).

This document is a periodic report on the progress of compliance with the settlement agreement of a lawsuit concerning child welfare. It includes useful information about what kinds of outcomes for children should be sought by child welfare systems and how to measure progress towards such outcomes. It also contains examples of how cases for review can be selected, what case review objectives should include, and what service practices of the child welfare system may require scrutiny.

For additional information or copies contact Human Systems and Outcomes, Inc./2107 Delta Way/ Tallahassee, FL 32303/904-422-8900/fax:904-422-8487.

### **Data and Outcome Measurement in Child Protective Services**

Bruner, Charles. *Outcomes in Child Welfare Place-Based Analyses*. Des Moines, IA: Child and Family Policy Center (1998).

This monograph summarizes three studies that have examined child protective service caseloads by neighborhood: in Linn County, Iowa (Cedar Rapids); in Allegheny County, Pennsylvania (Pittsburgh); and in Chicago, Illinois. Each shows the concentration of child abuse reports and out-of-home placements of children within poor neighborhoods. The monograph also outlines the outcomes established for three foundation initiatives that are working on different aspects of the child welfare system through specific projects in poor neighborhoods: the Edna McConnell Clark Foundation's "Community Partnerships for Protecting Children," the Annie E. Casey Foundation's "Family to Family Initiative," and the Kellogg Foundation's "Families for Kids Initiative."

Center for the Study of Social Policy. *Community Partnerships for Protecting Children: Documentation of the First Year*. Prepared for the Edna McConnell Clark Foundation (1997).

This report discusses the first year results of this initiative, the purpose of which is to involve entire communities in the development of better child protection systems. Improved data collection, strengthening the functioning of CPS agencies and developing improved community networks are all goals of the initiative.

The Family to Family Evaluation Team, Research Triangle Institute (Social & Health Policy Research) and School of Social Work (The University of North Carolina at Chapel Hill). *Measuring Outcomes in Child Welfare: Lessons from Family to Family*. Chapel Hill, NC: prepared for The Annie E. Casey Foundation (1996).

This report discusses interim results of the Foundation's initiative to improve outcomes for children in foster care at four sites. The initiative focuses on reducing length and improving quality of stay in foster care, promoting family unity and a more neighborhood-based, culturally sensitive foster care system. As part of the initiative, the evaluation team worked with each state involved to develop databases which permit longitudinal tracking of children in foster care.

U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect. ***Child Maltreatment 1995: Reports from the States to the National Child Abuse and Neglect Data System***. Washington, D.C.: U.S. Government Printing Office, (1997).

These annual reports contain the aggregate, all-state findings from the NCANDS system as well as state-specific findings where available.

Wulczyn, Fred H., Allen W. Harden, Robert M. Goerge. ***An Update from the Multistate Foster Care Data Archive, Foster Care Dynamics 1983-1994***. Chicago, IL: The Chapin Hall Center for Children, University of Chicago (1997).

This report presents the most recent longitudinal data analysis of children in foster care in six states. It tracks entry patterns, duration of spells, exits from and reentries into care, and other factors, demonstrating the utility of longitudinal tracking.

## Endnotes

1. CAPTA was originally enacted in 1974 to deal comprehensively with child abuse and neglect issues. It has been amended ten times, most recently in 1996. The amendments relevant to the subject of these guidelines are contained in the Appendices. Additional information about CAPTA can be obtained from the Office of Child Abuse and Neglect (1-800-FYI-3366; NCCANCH@CALIB.COM) or from regional offices of the Department of Health and Human Services.
2. See Appendix II, Administration for Children and Families Program Instruction (ACYF-PI-CB-98-01), dated January 7, 1998, and its Amendment (ACYF-PI-CB-98-12), dated July 15, 1998, indicating which states are required to establish a minimum of three panels and which are allowed to establish only one.
3. On its face, the statute seems to indicate that evaluating agency coordination with Title IV-E foster care/adoption programs and child death review processes is an optional function of Citizen Review Panels. The statute states:

Each panel established pursuant to paragraph (1) shall ...evaluate the extent to which the agencies are effectively discharging their child protection responsibilities in accordance with –

.....

- (iu) any other criteria that the panel considers important to ensure the protection of children, including –
  - (I) a review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under part E of title IV and
  - (II) a review of child fatalities and near fatalities

42 U.S.C. § 5106a(c)(4) (emphasis added.)

Despite this language, the Department of Health and Human Services has indicated informally that it is interpreting agency coordination with Title IV-E foster care/adoption and child death reviews a mandatory subject of citizen review.

Regulations formally interpreting the statute are not available as of the publication of these guidelines, so it is impossible to predict whether they will require or merely encourage review of agency coordination with these other systems and agencies. Regardless of the legal outcome, on a practical level it makes sense for the Citizen Review Panels to include in their reviews a consideration of agency coordination with foster care/adoption systems and child death review processes, as both are connected to the overall functioning of the CPS system.

4. Two ACYF communications, included as Appendices II and III, provide guidance on this issue. The Administration on Children and Families Policy Instruction (ACYF-PI-CB-98-01) provides detailed guidance on the functions which each Citizen Review Panel must perform and provides examples of acceptable division of duties among three panels.

The Administration for Children and Families Policy Interpretation Question (Log No. ACYF-NCCANPIQ-97-03: Issuance Date: 09/26/97) provides an earlier response related specifically to division of responsibilities across the Citizen Review Panels. Question #8 posed the following: “If a State has a number of existing entities that collectively perform the required functions for the citizen review panels, would the statutory requirement for the establishment of three citizen review panels be met?” The Response was as follows: “No. The statute at section 106(c)(4)(A) requires that 'each panel [emphasis added]...shall' perform the functions set forth for the citizen review panels. While States are free to designate standing panels to meet the purpose of the citizen review panels under CAPTA, each of those panels must perform all the functions required by the statute.”

5. While the federal legislation creating Citizen Review Panels focuses on review of state and local agencies, there is nothing in federal law to Prohibit a voluntary agreement between the state and a tribe to also include oversight over child protection on a reservation. This is a matter for the state and the tribe to determine. Of course, any such expansion would require additional legal and cross-cultural training for Panel members and additional Panel membership to ensure adequate representation of the community.
6. CAPTA requires that states expunge records of unsubstantiated cases from public records, or from records used for employment or other background checks. Such records may be retained in casework files to assist in future risk assessment. 42 U.S.C. §5106a(b)(2)(viii).
7. See Appendix II, Administration for Children and Families Program Instruction (ACYF-PI-CB-98-01, dated January 7, 1998, and its Amendment (ACYF-PI-CB-98-12), dated July 15, 1998, indicating which states are required to establish a minimum of three panels and those states are allowed to establish only one.
8. *Program Instruction* (Log No. ACYF-PI-CB-98-01).
9. Although federal law does not specify how the report is to be made public, the fact that it is to be public assists in maintaining Panel independence.
10. The NAFCR guide entitled “Guidelines for 3rd Party Review in Foster Care” will be available June 15, 1998.
11. While federal regulations interpreting the requirement of Citizen Review Panels are not available as of the publication of this document, preliminary information from the Department of Health and Human Resource indicates that it may also be permissible to use Title IV-B funds for the establishment and maintenance of Citizen Review Panels. In addition, an argument could be made that Title IV-E funding should also be available for these purposes because review of the CPS process, while not wholly concerned with placement, does review initial placement decisions. The informal opinion from HHS on this subject, however, is that Title IV-E funding would only be available for that small portion of the Citizen Review Process that concerns oversight of a CPS agency's coordination with Title IV-E foster care and adoption.
12. See 42 U.S.C. §5106a(b) in Appendix I for statutory text. The section of the statute which creates the requirement of Citizen Review Panels (42 U.S.C. §5106a(c) also states that the review of agency compliance with federal standards in the preceding section (42 U.S.C. §5106a(b)) is one of the mandatory functions of Citizen Review Panels. However, section 5106a(b) does not contain any standards separate from the assurances that must be contained in each state's CAPTA plan. Thus, if a Panel reviews an agency's compliance with its state plan as required by statute, it will be reviewing simultaneously the agency's compliance with these federal mandates.

13. A full-fledged evaluation of the community's performance in the area of child protection (as opposed to the CPS agency's performance) is beyond the scope of this Guide. Given the limited resources available to Citizen Review Panels, such in-depth review of the entire community-based CPS system may not be feasible. It is critical, however, that Citizen Review Panels be trained to understand the role of other key players in child protection and that they at least consider the adequacy of their resources and of CPS agency coordination with them.
14. Panels should also request that they be placed on the mailing list for manual and policy updates. One important task for Panels may be to review these manuals for conformity with state and federal statutory and regulatory requirements. Since this task requires legal expertise and significant time, the decision whether to include it among the Panel's early priorities depends on whether there is a history of nonconformity and inaccuracy in the written policies and procedures of a given agency.
15. Copies of the annual reports and other information regarding child abuse data can be obtained from NCCAN by calling 1.800.394.3366 or by contacting their web site at [www.calib.com/nccanch](http://www.calib.com/nccanch).
16. Administration for Children and Families Information Memorandum (Log No. ACYF-IM-CB-98-02).
17. Several foundations have supported the development of longitudinal data for their child welfare and juvenile justice initiatives, including the Annie E. Casey Foundation (its family foster care, Family-to-Family Initiative and its juvenile detention, Juvenile Detention Alternatives Initiative), the Edna McConnell Clark Foundation (its child protective services, Community Partnerships for Protecting Children Initiative), and the Kellogg Foundation (its permanency and adoption, Families for Kids Initiative). Lynn Usher at the University of North Carolina at Chapel Hill and Bob Goerge at the Chapin Hall Center for Children at the University of Chicago have participated in these and other efforts to use longitudinal and cohort child welfare data to influence policy and practice. For references, see Appendix V.
18. For instance, in Allegheny County, Pennsylvania (which includes the city of Pittsburgh), the likelihood of a child being involved in the protective service system are almost nine times greater in the county's "highest risk" neighborhoods than in the rest of Allegheny county. In Chicago, children in neighborhoods with child poverty rates of 50% or more were thirteen times as likely to have founded cases of abuse or neglect and forty-three times more likely to reside in foster care than neighborhoods with child poverty rates below 10%. Bruner, Charles with Stephen Scott and Martha Wade Steketee. Background paper: Potential Returns on Investment from a Comprehensive Family Center Approach in High-Risk Allegheny County Neighborhoods. Pittsburgh, PA: University of Pittsburgh Office of Child Development Family Support Policy Board. See Appendix V for annotation.
19. See language of statute in 42 U.S.C. §5106a(b)(xii) & (xiii), in Appendix I.
20. This Guide does not cover the performance of agencies charged with administering foster care systems, since these are usually separate from the CPS agencies and are already reviewed by foster care review boards. As of the publication of this Guide, the National Association of Foster Care Reviewers (NAFCR) is nearing completion of its extensive "Guidelines for 3rd Party Review in Foster Care." Additional information concerning third party review in foster care can be obtained from NAFCR.
21. See section F (page 53) for emergency intervention.

22. Although emergency placement may occur anytime during a family's involvement with the agency, this section is placed toward the end of this stage-by-stage protocol.
23. For more information see "Child Protective Services Protocol for Inter-Agency Relationships," Michael Weber in "Guidelines for a Model System of Protective Services for Abused and Neglected Children and Their Families" by National Association of Public Child Welfare Administrators (1988).
24. For more information see "Guidelines for a Model System of Protective Services" by National Association of Public Child Welfare Administrators" (1988): "Qualifications of Child Protective Services Staff" by Judee Filip; "The Components of Child Protective Services Training" by Toshio Tatara; "Workload Standards in Child Protective Services" by Homer D. Kern. See also "AAPS's Framework for Advocacy," by American Association for Protecting Children ( A division of American Humane Association) and "Standards of Excellence," by Child Welfare League of America (1996).



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