**Participant Guide**

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| **Module Six: Policy and Compliance** |
| Description: There are many governmental legislative and policy requirements that must be implemented and adhered to in child welfare services. |
| Learning Objectives:   * Knowledge: Recognize the primary government codes, regulations, and legislation that apply to child welfare work in your county. * Skill: Evaluate and generate strategies for implementation of regulations and legislation. * Attitude: Guide the implementation of policies, ACL/ACINS, reports and audits. |
| Reading and Activities: 2 to 5 hours  Coaching: 2 hours |

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| Segment # 1 - Policy  Reading and Activities: up to 2 hours  Coaching: 1 hour | |
| Learning Objective | Director will be oriented to federal, state, and local policy and legislative requirements of child welfare services delivery. |
| Content | Both federal and state laws and county-administered states establish the legal, regulatory, and fiscal responsibilities of child welfare agencies. Child welfare agencies are responsible, either directly or through providers, to obtain or provide a continuum of services and interventions to address child abuse and neglect and increase the well-being of children and families.  FEDERAL Level  The federal government develops and implements national child welfare policy by:   * Creating or amending federally funded child welfare programs through legislation passed by Congress and signed by the President,   + Providing guidance for the states and tribes by issuing regulations in response to Federal legislative mandates,   + Overseeing state and tribal performance through data collection and compliance reviews of each state and tribe to ensure that programs achieve positive outcomes for children and families, and by   + Reporting to Congress on state and tribal performance. * The Federal government also allocates funds for child welfare and related programs to state, county, city, and tribal governments and public and private local agencies that meet federal requirements.   (\*The Fiscal Management Module includes detailed information on federal and state funding streams.)   * For detailed information on how the Federal government creates child welfare programs: <https://www.childwelfare.gov/pubPDFs/impacts.pdf>   See page 9 of that publication for a flow chart of *How Federal Legislation Impacts Child Welfare Service Delivery*.   * The largest federally funded programs that support State and Tribal efforts for child welfare, foster care, and adoption activities are authorized under titles IV-B and IV-E of the Social Security Act. * These programs are administered by the U.S. Department of Health and Human Services and include: * Title IV-B Child Welfare Services, * Promoting Safe and Stable Families (formerly known as Family Preservation) programs, * Title IV-E Foster Care Program, * Title IV-E Adoption Assistance Program, * Title IV-E Chafee Foster Care Independence Program, and * The Social Services Block Grant (SSBG) is authorized under title XX of the Act and funds a wide range of programs that support various social policy goals. * For a timeline of child welfare legislation that has created federal programs, see the one page summary on page 2 of Major Federal Legislation Concerned with Child Protection, Child Welfare, And Adoption.  <https://www.childwelfare.gov/pubPDFs/majorfedlegis.pdf> * TITLE IV-B   + Title IV-B, the Federal Child Welfare Services Program, is the major federal support for protective and preventive services for abused and neglected children and their families. * TITLE IV-E   + Title IV-E, the Federal Foster Care and Adoption Assistance program, is the primary funding mechanism for children who have been placed in out-of-home care. Funds cover:     - out-of-home care costs such as state and local child welfare personnel training,     - caseworker services associated with placing children in foster care,     - out-of-home care maintenance payments,     - and support for youths who transition from out-of-home care to independent living. * PUBLIC LAW 96-272   + The federal government passed the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272). P.L. 96-272 is in Title IV-B and Title IV-E of the Social Security Act. It’s goals were to     - reduce unnecessary out-of-home care placements by requiring reasonable efforts to prevent placement,     - safely reunify children with their families when possible, limit the time toward reunification, and     - place more children into adoptions when they cannot return home (Legislative Analyst’s Office, 1996).     - P.L. 96-272 established a federal adoption assistance program (AAP) to provide payments to parents who adopt special needs children. * PUBLIC LAW 105-89   + In 1997, the Adoption and Safe Families Act (P.L. 105-89) identified that the safety of children is the primary goal of the child welfare service system and that children’s safety should not be compromised by the pressure to preserve or reunify families. To reduce the possibility that children would languish in foster care, the bill stated that:     - Child welfare workers must make reasonable efforts to reunify children with their parents for up to 12 months.     - There should be concurrent planning, i.e., the simultaneous exploration of family reunification and other permanency options.     - If after 12 months of services parents are unable to care for their children, child welfare agencies are encouraged to develop permanent placements for children including adoption or legal guardianship.     - States must file for [termination of parental rights](https://training.cfsrportal.acf.hhs.gov/node/3032) (TPR) if children have been in foster care for 15 of the most recent 22 months, except in certain circumstances, and expedite TPR in specific situations of severe harm inflicted on children.     - States must hold permanency planning hearings for children in care within 12 months of the child’s entry into care     - States must document efforts to find adoptive or other permanent placements for children, including placements with fit and willing relatives     - When making placement decisions, preference is given to adult relatives over nonrelative caregivers when relative caregivers meet all relevant State child protection standards * MULTIETHNIC PLACEMENT ACT   + In 1994, Congress passed the Multiethnic Placement Act (MEPA) due to concern that racial matching policies were contributing to delays in placing children of color in adoptive homes.     - MEPA prohibited delaying or denying adoptive or foster care placements solely because of the race, color, or national origin of the adoptive parent, foster parent, or child involved.     - The law also required states to develop plans to diligently recruit potential adoptive and foster families that reflect the ethnic and racial diversity of children in the state needing adoptive and foster homes.     - MEPA did not exclude the consideration of race and ethnicity from all placement decisions. It expressly permitted agencies to consider the child’s background and the capacity of prospective adoptive or foster parents to meet the needs of a child of a particular background as one of several factors used to determine the best interest of the child (P.L.103-382, sec. 552).   STATE level   * CALIFORNIA WELFARE AND INSTITUTIONS CODE   + In response to Federal legislative mandates, policy, and/or funding requirements, states may enact statutes, and state and tribal child welfare agencies will develop programs. California has done this with federal child welfare laws.   + Every state has a compilation of statutory codes enacted by their legislature to address issues and services relating to welfare, dependent children, mental health, handicapped, elderly, delinquency, foster care, Medicaid, food stamps, rehabilitation, long-term care, etc.   + In California, this is called the Welfare and Institutions Code (WIC). Child welfare agencies provide child welfare and foster care services under Sections 300 et seq. and 16500 et seq. of the WIC.   + California Welfare and Institutions Code <https://codes.findlaw.com/ca/welfare-and-institutions-code/> * CALIFORNIA SENATE BILL 14   + In 1982, California enacted Senate Bill (SB) 14 incorporating policies consistent with P.L. 96-272 into state law. SB 14 goals were to:     - reduce unnecessary out-of-home care placements by providing treatment services to families,     - safely reunify children with their families,     - increase the stability of out-of-home care placements, and     - place more children into adoptive homes when appropriate (LAO, 1996). * CALIFORNIA ASSEMBLY BILL 1524   + California passed Assembly Bill (AB) 1524 consistent with P.L. 105-89. With consideration for the developmental needs of very young children, this bill requires permanency planning to be completed sooner for children ages three or younger. In these cases, families have six months to progress toward reunification with their children or a permanency plan will be developed at the end of the six months. * CALIFORNIA ASSEMBLY BILL 1743   + California passed AB 1743, consistent with MEPA, to eliminate placement preferences based on race and culture while retaining preference for placement with relatives.   LOCAL level   * All states must comply with Federal and state requirements; but there are differences in how child welfare services are administered locally. The different types of administration are related to the state’s degree of centralization of authority and responsibility for child welfare funding, policymaking, licensing, training for workers, etc. * Most states are considered state administered, i.e., their services are centralized at the state government level. * Several states, including California, are state-supervised and county administered. Program administration is decentralized. California counties administer their own child welfare programs. County administrators submit a plan to the state administrator, California Department of Social Services (CDSS), that describes how the county will provide services meeting state and federal guidelines. Counties decide and control how they will provide services. * A few hybrid States are partially administered by the State and partially administered by counties. * For more information: <https://www.childwelfare.gov/pubs/factsheets/services> * In California, most counties have a county department or agency of human or social services which has a child welfare division that administers and provides local child welfare and foster care services under Sections 300 et seq. and 16500 et seq. of the California Welfare and Institutions Code. The major exception to that is Los Angeles where the county child welfare program is its own department. However, in every county, the county department is under the auspices of the County Board of Supervisors. * At the local level, child welfare law is applied by the Juvenile Dependency Court of each county’s Superior Court. The judge or judicial officer may be “commissioner” or “referee.”, The court protects children who are abused or neglected, and decides legally whether a child is a “dependent” of the court which means that the child needs court supervision. If the child is a dependent of the court, the court decides whether or not to accept a child welfare worker’s recommendation that a child should remain at home, be placed with a substitute caregiver, return home, or be adopted or placed with a guardian. The judge’s ruling on a dependency case will include evaluating whether or not the child welfare services agency correctly implemented aspects of federal law. |
| Activities | 1. The Director will review the materials identified in this section, especially if s/he is new to child welfare services. |
| Materials | 1. (For CWS Directors new to Child Welfare) *How the Child Welfare System Works.*   This fact sheet provides an overview of the purposes and functions of child welfare systems. It explains what happens when abuse or neglect are reported, how those reports are processed, and what happens to the adults and children who are involved in the child welfare system. A flowchart illustrates how cases may move through the child welfare system.  <https://www.childwelfare.gov/pubPDFs/cpswork.pdf>   1. *Calfornia Juvenile Dependency Flow Chart*   <http://www.courts.ca.gov/documents/Dependency_Flow_chart.pdf>   1. *Dependency Quick Guide: A Dogbook for Attorneys Representing Children and Parents, Third Edition*   <http://www.courts.ca.gov/documents/dogbook.pdf>   1. A description of legal representation in Child Welfare Proceedings   Infographic on roles of child attorney, parent attorney, agency attorney, and dependency judge.  <https://www.americanbar.org/content/dam/aba/administrative/child_law/cwrepinfographic.pdf>   1. Detailed information on how the Federal government creates child welfare programs: <https://www.childwelfare.gov/pubPDFs/impacts.pdf>   See page 9 of that publication for a flow chart of *How Federal Legislation Impacts Child Welfare Service Delivery*.   1. A timeline of child welfare legislation that has created federal programs, see the one page summary on page 2 of *Major Federal Legislation Concerned with Child Protection, Child Welfare, And Adoption.* <https://www.childwelfare.gov/pubPDFs/majorfedlegis.pdf> 2. California Welfare and Institutions Code <https://codes.findlaw.com/ca/welfare-and-institutions-code/> 3. For more information on how state administer services: <https://www.childwelfare.gov/pubs/factsheets/services> |
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| Segment # 2: Compliance  Reading and Activities: up to 2 hours  Coaching: 1 hour | |
| Learning Objective | Director will learn how to access information about state implementation requirements and how the Federal and State governments assess county compliance. |
| Content | * CALIFORNIA DEPARTMENT OF SOCIAL SERVICES   + In California, the state provides All County Letters (ACL) and All County Information Notices (ACIN) to counties to inform them of program implementation requirements and needed information.   + ACLs are issued by the California Department of Social Services when the department is setting or clarifying a requirement.   + ACINs are issued to provide information that is not creating a requirement for counties but providing general guidance or best practice information.   + In California, the California Department of Social Services (CDSS) maintains an online manual of policies and procedures (commonly referred to as Division 31 regulations).   + CDSS has a Children and Family Services Division which supports counties with training, technical assistance, and program evaluations. One of its branches is the Children Services Operation and Evaluation Branch (CSOEB) which:     - Monitors implementation of child welfare laws and regulations in California’s counties.     - Coordinates the federal Child and Family Services Review (CFSR) process     - Partners with counties to conduct the California Child and Family Reviews (C-CFSR) * FEDERAL CHILD & FAMILY SERVICES REVIEWS (CFSR)   + The child welfare services field is largely outcome focused. This focus is emphasized in the monitoring activities of the federal and state governments described below.   + The Children’s Bureau, part of the Federal Department of Health and Human Services, administers reviews of state child and family service programs to ensure conformity with the requirements in Titles IV-B and IV-E of the Social Security Act.   + The Child and Family Services Reviews (CFSRs) enable the Children’s Bureau to:     - ensure that states are complying with federal child welfare requirements;     - determine what families and children involved in child welfare services experience; and     - assist states in enhancing their capacity to help children and families achieve positive outcomes.   + The reviews are structured to help states identify strengths and areas needing improvement within their agencies and programs.   + The goal of the reviews is to help states improve child welfare services and achieve specific outcomes in the areas of safety, permanency, and well-being for families and children who receive services. The review also measures state performance on several systemic factors. * The federal government partners with state and county child welfare staff to conduct the CFSRs. Each CFSR is a two-stage process:  1. A statewide assessment: This reports aggregate data on the state’s foster care and in-home services populations. The data is used to compare safety and permanency data indicators with federal standards determined by the Children’s Bureau. States evaluate their performance on the outcomes and systemic factors in the statewide assessment. 2. An onsite review of child and family service outcomes and program systems. After the statewide assessment, a joint federal-state team conducts an onsite review of the state child welfare program. The onsite review includes  * case reviews; * interviews with children and families engaged in services; and * interviews with community stakeholders, such as courts, community agencies, foster families, caseworkers, and service providers. * STATEWIDE PERFORMANCE IMPROVEMENT PLAN (PIP)   + If a state is found to be not in substantial compliance with federal requirements, the state must develop, and submit to the Children’s Bureau and implement a Program Improvement Plan to correct those areas not found in substantial conformity.   + The overall Program Improvement Plan (PIP) process consists of three general phases:     - *PIP Development and Approval*. The State and Children’s Bureau work together to develop the content of the State’s PIP and the State submits it to the Children’s Bureau for approval.     - *PIP Implementation*. The State implements its PIP activities, including its goals, primary strategies, action steps, benchmarks, and the measurement plan. The State submits to the Federal Regional Office regular reports describing completed action and evidence of completion.     - *PIP Evaluation and Final Determination of Conformity*. The PIP evaluation ensures that the State has completed all action steps and has achieved the required amount of improvement in all measures specified in its approved PIP. * THE CALIFORNIA CFSR & SYSTEM IMPROVEMENT PLAN PROCESS   + In California, the CFSR process described above has been modified so that each California county conducts its own CFSR and the state aggregates results to produce a statewide report. This process is called the California Children and Family Services Review (C-CFSR). The C-CFSR includes the completion of a County Self-Assessment (CSA), a peer case review process, and interviews with children and families involved in child welfare and community stakeholders.   + In California, the state’s accountability system for child welfare services includes the requirement that each county develop a five year System Improvement Plan (SIP) which is based on the county’s self assessment, peer case review and interview results.   + Counties are required to submit annual SIP Progress Reports and to conduct quarterly monitoring of SIP strategies and the effects on Child Welfare outcomes. The state provides oversight of each county’s SIP, and each county SIP will contain elements of the statewide PIP.   + Every county is assigned an analyst from the Outcomes and Accountability Section of CDSS who will talk with them regularly to review progress.   + The county CFSR results and SIPS are then compiled by the state into a statewide CFSR report and a PIP and submitted to the Children’s Bureau.   + For information and resources on CSFR, C-CSFR, PIP, Case Reviews, SIPS   <http://www.cdss.ca.gov/inforesources/Child-Welfare-Program-Improvement/Federal-Child-and-Family-Services-Review>   * OTHER REPORTS REQUIRED BY THE STATE   + There are other reports required by the state. Some reports are submitted regularly and some are Ad Hoc.   + Examples of required reports include but are not limited to:     - Title IV-B report: In order to receive IV-B federal funding states must submit a 5-year Child and Family Services Plan (CFSP) to the Federal Administration for Children and Families (ACF). The plan outlines initiatives and activities that the state will carry out over a 5-year period to administer programs and services to promote the safety, permanency, and well-being of children and families.     - States must also submit an Annual Progress and Services Report (APSR) on the progress made by states toward the goals and objectives in their CFSPs and outlining the planned activities for the upcoming fiscal year.     - In California, counties submit the required information to the state for both the CFSP and APSR.     - Counties must submit training plans for their staff, reports on Office of Child Abuse Prevention activities and fund expenditures, and program reports, e.g., Resource Family Approvals, Commercially Sexually Exploited Children, Independent Living Skills Program, and others. It will be important for the Director to learn from his/her staff what reports are submitted, to whom, by whom, and when.     - Occasionally, the State Bureau of Audits will audit services in your county. Usually counties are randomly selected based on large, medium and small county size. Often these audits are to determine the incidence and scope of a problem and how county’s respond to that problem.     - Child Death Reporting Requirements: County child welfare agencies are required to submit State of California (SOC) for 826, “ Child Fatality/Near Fatality County Statement Of Findings And Information” whenever there is a child fatality or near fatality determined to be a result of abuse and/or neglect. This form must be submitted to CDSS within ten business days of notification of final determination from the investigating agency. For more information, see:   <http://www.cdss.ca.gov/inforesources/Child-Fatality-and-Near-Fatality/Reporting-and-Disclosure>   * MONITORING YOUR COUNTY’S CHILD WELFARE INDICATORS   + In California, the U.C.Berkeley School of Social Welfare and CDSS partner to produce the *California Child Welfare Indicators Project.* The Project produces performance outcomes reports for the state and each of the counties that are available online. Counties can view their Quarterly Outcomes reports on various outcome measures. Information is included on the child welfare performance measures over time and across counties and demographic groups. In addition to stratifications by year and county, data can also be filtered by age, ethnicity, gender, and placement type.<http://cssr.berkeley.edu/ucb_childwelfare/>   + Most counties also subscribe to *SafeMeasures* which is a data reporting system that provides real-time information about child welfare workers’ performance primarily based on state and federal outcome measures. It can be accessed by administrators, supervisors, and child welfare workers to see how the agency, a district or unit, or a particular staff person is performing on a specific measure. It can indicate how many children are receiving a specific service (e.g., kin placement). For more information about SafeMeasures: <https://www.nccdglobal.org/analytics/safemeasures> |
| Activities | 1. Go to the California Department of Social Services’ website and find the “Letters and Notices” section. Look for ACLs and ACINs. 2. Retrieve the most recent version of your County Self Assessment and System Improvement Plan (SIP). What are the key areas of improvement? What do you think about the improvement strategies? When is the next one due? What do your SIP progress reports state about where you have improved and need to continue improvement? How are status and progress reported out to staff? 3. Who in your agency is responsible for leading the CSA and SIP processes? 4. Get a copy of the latest quarterly outcomes report produced by the California Child Welfare Indicators Project. How is your county doing? How does your county’s performance compare to the standards? To statewide performance? 5. Spend time navigating through your county’s SafeMeasures website and reviewing your SafeMeasures reports. Look at the different ways that you can review performance, e.g., by unit, by worker, etc. Look at the different features for use by different levels of staff. 6. Identify areas of needed improvement. Review your SIP and area that are already identified for improvement. The SIP will include your agencies steps towards improvement. If it is a new area of needed improvement you will learn more about how to address in Module 8 Implementation Science. |
| Materials | 1. The California Department of Social Services website on the entire C-CFSR process with instructions.   <http://www.cdss.ca.gov/inforesources/Child-Welfare-Program-Improvement/Child-and-Family-Services-Review/Resources>   1. California Child Welfare Indicators Project   <http://cssr.berkeley.edu/ucb_childwelfare/Default.aspx>   1. National Council on Crime and Delinquency, SafeMeasures   <https://www.nccdglobal.org/analytics/safemeasures>   1. The California Department of Social Services website has information and resources on CSFR, C-CSFR, PIP, Case Reviews, SIPS.   <http://www.cdss.ca.gov/inforesources/Child-Welfare-Program-Improvement/Federal-Child-and-Family-Services-Review> |
| Preparation for next module | * Review module 7 content and identify policy & funding areas in which you are already familiar and in which you are unfamiliar. * Research and secure existing agency’s budget documents and review especially the sections specific to child welfare |

**Resources**

(For CWS Directors new to Child Welfare) *How the Child Welfare System Works.*

This fact sheet provides an overview of the purposes and functions of child welfare systems. It explains what happens when abuse or neglect are reported, how those reports are processed, and what happens to the adults and children who are involved in the child welfare system. A flowchart illustrates how cases may move through the child welfare system.

<https://www.childwelfare.gov/pubPDFs/cpswork.pdf>

*California Juvenile Dependency Flow Chart*

<http://www.courts.ca.gov/documents/Dependency_Flow_chart.pdf>

*Dependency Quick Guide: A Dogbook for Attorneys Representing Children and Parents, Third Edition*

<http://www.courts.ca.gov/documents/dogbook.pdf>

A description of legal representation in Child Welfare Proceedings

<https://www.americanbar.org/content/dam/aba/administrative/child_law/cwrepinfographic.pdf>

How the Federal government creates child welfare programs

<https://www.childwelfare.gov/pubPDFs/impacts.pdf>

Major Federal Legislation Concerned with Child Protection, Child Welfare, And Adoption.<https://www.childwelfare.gov/pubPDFs/majorfedlegis.pdf>

California Welfare and Institutions Code

<https://codes.findlaw.com/ca/welfare-and-institutions-code/>

For more information on how states administer services: <https://www.childwelfare.gov/pubs/factsheets/services>

Children and Family Services Reviews Fact Sheet. [**https://www.acf.hhs.gov/sites/default/files/cb/cfsr\_general\_factsheet.pdf**](https://www.acf.hhs.gov/sites/default/files/cb/cfsr_general_factsheet.pdf)

The California Department of Social Services website on the entire C-CFSR process with instructions.<http://www.cdss.ca.gov/inforesources/Child-Welfare-Program-Improvement/Child-and-Family-Services-Review/Resources>

California Child Welfare Indicators Project <http://cssr.berkeley.edu/ucb_childwelfare/Default.aspx>

National Council on Crime and Delinquency, SafeMeasures <https://www.nccdglobal.org/analytics/safemeasures>

The California Department of Social Services CSFR website

<http://www.cdss.ca.gov/inforesources/Child-Welfare-Program-Improvement/Federal-Child-and-Family-Services-Review>