

Fact Sheet

for TRIBAL CHILD WELFARE OFFICIALS

HISTORY of the CFSRS

The 1994 Amendments to the Social Security Act authorize the U.S. Department of Health and Human Services to review 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 Children's Bureau, part of the Department of Health and Human Services, administers the review system, known as the Child and Family Services Reviews.

In 2000, the Children's Bureau published a final rule in the Federal Register to establish a process for monitoring state child welfare programs. Under the rule, states are assessed for substantial conformity with federal requirements for child welfare services.

All 50 states, the District of Columbia, and Puerto Rico completed their first review by 2004 and their second review by 2010. After each review cycle, or "round," no state was found to be in substantial conformity in all of the seven outcome areas and seven systemic factors. States developed and implemented Program Improvement Plans after each review to correct those areas not found in substantial conformity.

The third round of reviews is scheduled to begin in 2015 and conclude in 2018.



PURPOSE

The Child and Family Services Reviews enable the Children's Bureau to: (1) ensure conformity with federal child welfare requirements; (2) determine what is actually happening to children and families as they are engaged in child welfare services; and (3) 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. Ultimately, the goal of the reviews is to help states improve child welfare services and achieve the following seven outcomes for families and children who receive services:

Safety

- Children are, first and foremost, protected from abuse and neglect.
- Children are safely maintained in their homes whenever possible and appropriate.

Permanency

- Children have permanency and stability in their living situations.
- The continuity of family relationships and connections is preserved for families.

Family and Child Well-Being

- Families have enhanced capacity to provide for their children's needs.
- Children receive appropriate services to meet their educational needs.
- Children receive adequate services to meet their physical and mental health needs.



The Child and Family Services Reviews also assess the following seven systemic factors that affect outcomes for children and families:

- statewide information system
- case review system
- quality assurance system
- staff and provider training
- service array and resource development
- agency responsiveness to the community
- foster and adoptive parent licensing, recruitment, and retention

The INDIAN CHILD WELFARE ACT

The Indian Child Welfare Act was enacted in 1978 to protect the best interests of Native American Tribes, children, and families, and to promote their stability and security. The law recognized that there is no resource more vital to the integrity of Tribes than their children. The Indian Child Welfare Act also established standards for the removal of Native American children from their families and their placement in foster or adoptive homes. It also provided for assistance to Tribes for programs that help prevent the removal of children and the breakup of Native American families.

The law includes certain requirements for state child welfare proceedings involving Indian children who are unmarried and under age 18, are either a member of a federally recognized Native American Tribe or eligible for such membership, and are the biological children of a member of a Tribe. The law established a number of protections, including:

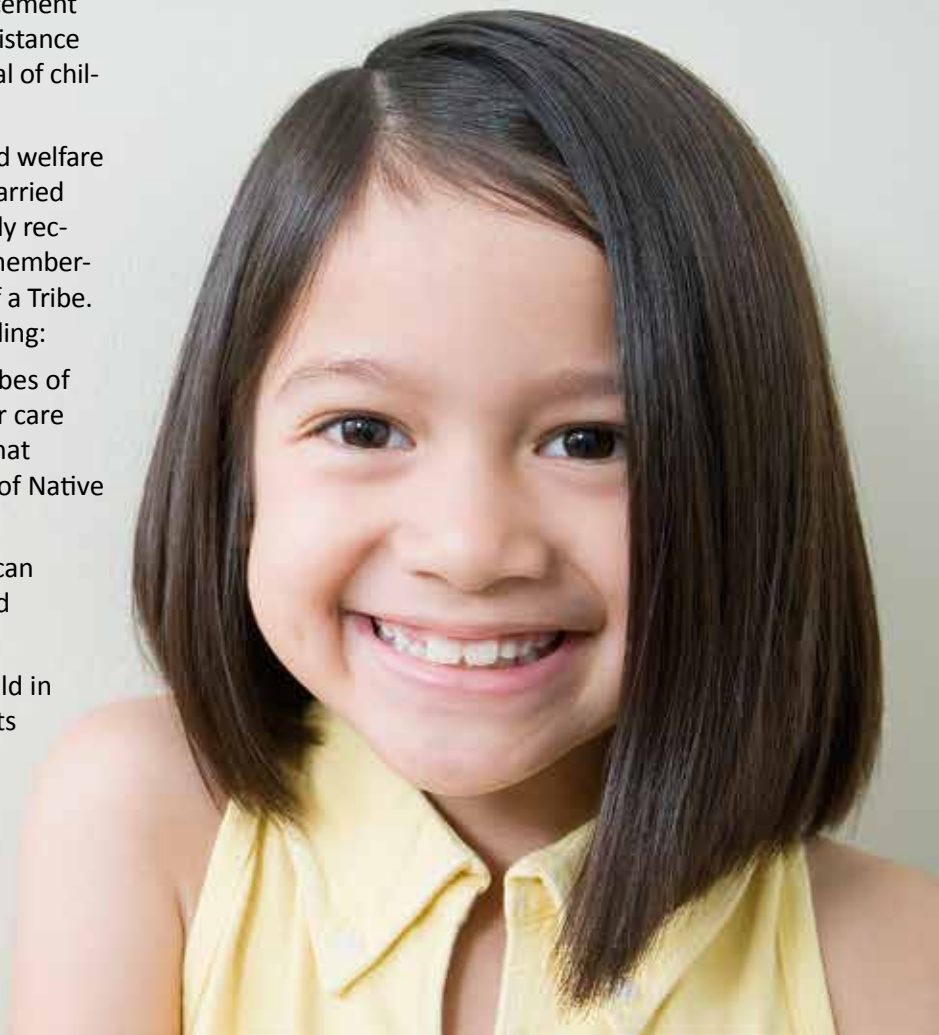
- Notification of Native American parents and Tribes of certain state court proceedings related to foster care placement and termination of parental rights that involve Native American children and the right of Native American parents and Tribes to intervene;
- Preferences for the placement of Native American children in foster care, pre-adoptive homes, and adoptive homes;
- A requirement for parties seeking to place a child in foster care or for adoption to make active efforts to prevent the removal of children and the breakup of the Native American family; and
- The ability to transfer state proceedings to the jurisdiction of the Tribe, and a Tribal right to intervene in state proceedings.

The Reviews and the Indian Child Welfare Act

The Children's Bureau has made significant efforts to include Tribes in the CFSR process and to collect limited information if an Indian child is included in the sample of reviewed cases. Although the Child and Family Services Reviews are not designed or intended to measure states' conformity with specific Indian Child Welfare Act provisions, they look at whether best practices are being followed, such as notification of Tribes and placement preferences.

In gathering information and/or assessing whether the continuity of family relationships and connections is preserved for children, the Child and Family Services Reviews look at such issues as whether the state child welfare agency:

- Explored whether the child may be an Indian child who is subject to Indian Child Welfare Act protections;
- Provided timely notification to the Tribe of any pending court proceedings and the Tribe's right to intervene; and
- Placed Indian children in foster care, pre-adoptive homes, or adoptive homes in accordance with Indian Child Welfare Act placement preferences.



FINDINGS FROM *the* REVIEWS

Promising approaches in meeting the needs of Native American children that were identified during the CFSRs have included:

- Tribal/state intergovernmental agreements and contracts to share funding resources with the intent of improving Tribal child welfare capacity and outline protocols on the provision of services to Native American children and their families under state care
- Strategies such as using “Family Group Decision Making” or other methods to involve family members in case planning, resulting in increasing placements with relatives, achieving permanency goals, and preserving connections
- Tribal/state collaboration groups that meet on a regular basis to address issues concerning Native American children in state custody

Areas needing improvement in meeting the needs of Native American children that were identified during the Child and Family Services Reviews have included:

- Early identification of Native American children
- Timely notification to Tribes
- Training on the Indian Child Welfare Act and cultural competency for state child welfare staff and courts
- Recruitment and training of Native American foster care, pre-adoptive homes, and adoptive homes
- State acceptance of Tribal licensing standards

TRIBAL INVOLVEMENT *in the* REVIEWS

Tribes are important partners in the Child and Family Services Reviews process, and Tribal input is important in the overall evaluation of the state. Tribal representatives are encouraged to participate directly in the review process in a variety of ways, such as serving on review planning teams with states, participating as consultant reviewers, or participating in interviews conducted during the reviews. States are strongly encouraged to ensure Tribal participation in related activities by conducting outreach to Tribes well in advance of each phase of review planning and implementation, and by discussing with Tribes the specific opportunities available and the process for becoming involved.

To increase their involvement in the reviews, Tribes are encouraged to communicate and coordinate with the Child Welfare Administrator in their state either directly or through their state/Tribal committee to:

- Become informed about current issues by obtaining a copy of the state Child and Family Services Plan, the most recent Child and Family Services Review Final Report, and the most recent Program Improvement Plan;
- Request information about when the next onsite review will take place for their state;
- Request involvement in their state’s review planning meetings;
- Assist in identifying potential review team members and key Tribal stakeholders for interviews with review team leaders;
- Ask to serve on state review planning teams;
- Ask to participate in interviews related to cases selected in the sample; and
- Ask to participate in state focus groups or interviews, if applicable.



A photograph of two young women with dark hair, wearing light blue zip-up jackets with pink trim, sitting at a desk. They are looking down at a document on the desk. The woman on the left is holding a yellow highlighter. The background features a colorful wall with blue, green, and yellow sections, and several orange sticky notes are attached to the wall. The overall scene suggests a classroom or a collaborative learning environment.

MORE INFORMATION

Additional information on the reviews, including Final Reports from the first and second rounds, is available on the Children's Bureau's website at <http://www.acf.hhs.gov/programs/cb/monitoring/child-family-services-reviews> or from the Child Welfare Reviews Project, JBS International, Inc., 5515 Security Lane, Suite 800, North Bethesda, MD 20852; 301-565-3260; e-mail: cw@jbsinternational.com. Round 3 resources are available at <https://training.cfsrportal.org/resources/3105>.