

Practice Matters

Quality Assurance and Improvement

Colorado's Administrative Review Division (ARD) serves as an independent third-party review system under the auspices of the Colorado Department of Human Services (CDHS). The ARD is the mechanism responsible for the federally required Case Review System and a portion of the Quality Assurance System for the Division of Child Welfare (DCW) and the Division of Youth Corrections (DYC). Our mission is to create a safe and promising future for our children by strengthening the communities, people and systems that work to make that change possible.

The co-authors of this issue of *Practice Matters* are:

- Kati Makelky
- James Martinez
- Leslie Mascarenas
- Sara Peterson
- Roy Reed
- Dave Tyner



The Administrative Review Division (ARD) works closely with Colorado's counties and the Division of Youth Corrections (DYC) to train, measure, and assess adherence to state and federal regulations. The ARD collaborates with stakeholders and other child welfare professionals to inform our review process and share data and research toward the shared goal of improving the child welfare system. The ARD has been identified as a trusted and accurate source of information, and a timely provider of communication. Stakeholders identified that they were likely to consult with the ARD regarding policy and best practice.¹ In the role of informing and reinforcing good case practice, the purpose of this article is to address some myths and misconceptions about Colorado's case review system by discussing the policies that guide the review process and the impact reviews can have on children and families.

Myth: *Outcomes for Colorado's children and families are not affected by the case review system.*

Fact: The administrative case review system positively impacts Colorado's children and families. The following points detail how the impact is demonstrated:

- Dr. Tia Whitaker's published research concludes that the administrative case

Understanding Colorado's Case Review System

review system in Colorado is a social work intervention that promotes shorter lengths of stay and improves permanency for children in out-of-home care. Dr. Whitaker's research shows that children who are not reviewed regularly stay in care approximately 10.76 months longer than children who receive timely case reviews.

- The ARD provides each county with a narrative report that identifies strengths and areas of need.
- The ARD offers counties the opportunity to participate in continuous quality improvement to strengthen case practice by identifying desired outcomes, action steps, and indicators. Data is then collected and used by counties to assess the level of achievement of the desired outcome.
- Feedback from Screen Out review participants indicates that local county practice is improved through the learning and collaborative process of this annual review.



Did you know...

children in out-of-home placement and whose cases are not reviewed timely remain in care approximately 10.76 months longer than those children who receive timely case reviews?

Did you know...

youth placed in group home settings are eligible for Chafee services, and that their eligibility begins 90 days before they are scheduled to leave that level of care?

Myth: *The ARD writes the rules. The ARD and the Division of Child Welfare (DCW) are one and the same.*

Fact: The DCW and the ARD are required by federal law to be separate and distinct. The ARD reviews the rules and policies established by the federal government and by Colorado's DCW. The ARD's data informs the DCW, which in turn interprets and creates rule and policy.

Myth: *Reviewers are auditors going through a checklist related to the caseworker's file documentation.*

Fact: Reviewing individual case files for compliance is one component of the review process that the ARD uses to assist county staff in identifying the strengths and needs of their service delivery system. The face-to-face portion of the Out-of-Home review is a dynamic process that brings together all of the affected parties to the case. It allows the parties to a case, including foster parents and children (of appropriate age and maturity), the right to be heard regarding:

- the safety of a child's living environment;
- movement towards permanency; and
- whether a child's overall needs (well-being) are being met.

Myth: *Certain case practice and documentation should be done mainly to avoid a compliance issue (a.k.a. "ding").*

Fact: The intent of federal and state child welfare policy, which guides case practice and documentation, is to improve the lives of children. Therefore, these practices should be implemented because they are in the best interest of the child, not because the ARD reviews to them. While the ARD reviews to the minimum standards of federal and state rule and policy, information gathered through the use of instruments and face-to-face reviews informs and reinforces good case practice.

Myth: *Information from the ARD is duplicative of data found in Trails.*

Fact: While Trails contains a significant amount of administrative data on each child the database cannot qualitatively assess federally required review components. The ARD assessment and case reviews provide feedback regarding the quality of case practice, which is not captured in Trails data. The ARD is committed to not duplicating what can already be found in Trails. The creation of the new instrument removed some of the questions that can be directly pulled from Trails.

Myth: *The ARD independently decides when to change the review instruments and what information will be measured.*

Fact: The previous review instruments, which were developed in 2007, were updated due to changes at the federal and state level, to include:

- Public Law 110-351 (Fostering Connections);
- The Child and Family Services Review;
- The Performance Improvement Plan and its reliance on review data for measurement;
- A commitment to gathering more qualitative data that would better inform Colorado regarding which practices are effective; and
- An effort to stay aligned with evolving case practice/philosophy in Colorado.

With the support of the ARD's Steering Committee, the ARD invited state and county staff to participate in workgroups to develop the new instruments. Over a one-year period, which included time to pilot the instruments in counties, the new Out-of-Home, In-Home, and Assessment instruments were revised. The new instruments went live on July 1, 2010.

Myth: *Children under 12 years of age cannot participate in or be invited to administrative reviews. Youth over 12*

years of age must be invited to and participate in administrative reviews.

Fact: The age of 12 is the designated age at which a youth may begin to be involved in case planning (the age at which they must consent to adoption). However, not all youth reach developmental milestones at the same time. A child younger than 12 years of age may be very invested in his/her case and desire to attend the administrative review, and may be mature enough to process the issues discussed during the review. Alternatively, a youth over 12 years of age may not be developmentally mature enough to understand the discussion, may not be mentally stable enough, etc. Although rule 7.304.65 E states that children over 12 shall be invited and encouraged to attend, it is left to the treatment team to determine whether the child's/youth's participation in the review is appropriate.

Myth: *Parents who are incarcerated do not need to be engaged in case planning or invited to administrative reviews.*

Fact: All parents whose parental rights are intact and whose whereabouts are known shall be engaged in case planning and invited to administrative reviews and court proceedings. Reviews can be segmented to accommodate protection/court orders, reduce harmful interactions between parties, or to meet the needs of the child.

Myth: *The 15/22 form in Trails must be completed annually unless parental rights are terminated.*

Fact: Per rule 7.301.24 M (6), the 15/22 form in Trails must be completed when the child has been in out of home placement for 15 of the most recent 22 months and a motion for Termination of Parental Rights has not been filed. Unlike the review of an Other Planned Permanent Living Arrangement (OPPLA) goal, the 15/22 form is not due annually. The intent of this process is to outline the compelling

reasons not to file a motion for Termination of Parental Rights and to prevent unnecessary time in out of home placement.

Myth: *The review of an OPPLA goal is only required once in the life of a case.*

Fact: The intent of the review of an OPPLA goal is to ensure that a team determined that all other more permanent goals have been ruled out. Use of this goal requires an annual review by a permanency review team so as to continue to assess whether other more permanent goals may be possible and/or more appropriate, as circumstances may change in a child's case.

Myth: *Youth in group homes are not eligible for Chafee services.*

Fact: According to the DCW, youth in group homes are indeed eligible for Chafee services. Youth in residential levels of care are eligible for services when they are 90 days from leaving that level of care.

Myth: *An Independent Living Plan (ILP)/ FSP 4D, does not need to be completed for youth who have developmental delays.*

Fact: An ILP is required for all youth in out-of-home placement who are aged 16 years plus 60 days. Youth who have developmental delays should have a plan that is modified to take into consideration their ability level and eligibility for services.

Myth: *It is a compliance finding (a.k.a. "ding") if a youth on the run does not have monthly contact with the Department/ Division.*

Fact: Federal law states that all children in the custody of the department must be seen every month. Rule 7.001.6 B was recently updated (6/1/10) to reflect this directive. However, at this time, if a youth

Did you know...

only the specified Tribe, BIA or the Court may determine whether the Indian Child Welfare Act (ICWA) applies, and that the ICWA contains no blood quantum requirement?

Did you know...

the ARD offers counties the opportunity to participate in continuous quality improvement to strengthen case practice by identifying desired outcomes, action steps, and indicators?

Coming up in the next issue of Practice Matters:

Examining the identification of unresolved concerns and the impact of this process on the safety, permanency and well-being of Colorado's children.

is on the run (whereabouts unknown) for the entire month, the ARD does not review to a contact for that month. (Please note that in the Children and Family Services Review, monthly contact is required, regardless of runaway status.)

Myth: Documentation from the child's annual physical must be signed by the doctor.

Fact: State rule 7.708.41 states that "...a statement from the medical examiner shall be retained in the foster child's file." This document verifies that the exam occurred, what (if any) follow up is needed, and can follow the child to another placement, home, or through emancipation for consistency in medical treatment. This also helps to ensure that all identified health needs are addressed for the child in placement. Reviewers do not look for a doctor's signature; however, they do look to ensure that the statement is from the actual medical provider (i.e., not filled out by a foster parent).

Myth: A statement from the dentist is required for documentation of routine care.

Fact: Collecting statements from all medical care providers is in the child's best interests but a dental exam statement is not required to determine routine care in administrative reviews.

Myth: The Indian Child Welfare Act (ICWA) does not apply if the family indicates that the blood quantum or percentage of Native

American heritage is too small, or the family does not want the Tribe involved.

Fact: Only the Tribe or the court can determine whether the ICWA applies. All reports of Native American heritage must be sent to all specified Tribes or the Bureau of Indian Affairs (BIA) for response. If all of the notified Tribes/BIA state that there is no indication the child is an Indian child, the ICWA does not apply. If the Tribes/BIA do not respond after efforts to contact them, the court may make a determination regarding ICWA application.

Myth: Voluntary placement agreements can be extended beyond 90 days.

Fact: Per rule 7.001.41 E (3, 4), only one voluntary placement agreement can be completed per removal per child. If the child needs to remain in care beyond 90 calendar days, the county needs to obtain a Petition to Review the Need for Placement (PRNP) or request that the court grant the county temporary legal custody through a dependency action.

Myth: If a child is on a trial home visit, the administrative review may be canceled.

Fact: According to rule 7.304.53 J, children on trial home visits remain in the county's temporary legal custody; therefore, these children remain in the administrative review universe until legal custody is granted to the parent. These cases will be reviewed the same as for any child in out-of-home placement, even though the child is physically placed in the parent's home.



Administrative Review Division
Marc J. Mackert, Ph.D.,
Director

4045 S. Lowell Blvd.
Denver, CO 80236
Phone: 303.866.7160
Fax: 303.866.7658

<http://www.colorado.gov/cdhs/ard>



Administrative Reviews directly and positively affect outcomes for children and families, facilitate cooperative and reciprocal relationships, and encourage evolution at the systemic level. Case review, as it relates to maintaining consistency in the application of child welfare practice throughout Colorado, is a fundamental element of improving outcomes for the children and families in our child welfare system.

Resources:
¹(Policy Studies Inc. and American Humane Association—Child Welfare Organizational Structure and Capacity Analysis Project, 2009).