

## **CFSR Round 4: Children’s Bureau Guidance for Case Elimination**

June 2022

### **Overview**

In accordance with 45 CFR § 1355.33(c), the Child and Family Services Review (CFSR) requires an onsite review of a random sample of foster care and in-home services cases to evaluate child and family outcomes. To ensure that the state child welfare case population subject to the CFSRs and Program Improvement Plan (PIP) measurement is included in the review, states are required to use a clearly defined sampling process and plan that encompasses criteria for the elimination of some cases. This document provides federal and state-specific case elimination criteria, and guidance for developing and implementing procedures to document, apply, track, and report case elimination for CFSR Round 4.

### **Case Elimination Process**

States are required to have a written process (policy or procedures) to consistently apply federal and, as applicable, state-specific case elimination criteria. Case elimination criteria are applied to the parameters used to generate case review sampling frames, the random samples, when arranging key case participant interviews, and during the case reviews. The state’s case review procedures and sampling plan must specify the case elimination criteria; the process to eliminate and replace cases; procedures to notify and engage in consultation for case elimination with the Children’s Bureau (CB); and the method and elements used to track, report, and routinely submit case elimination worksheets to the CB.

### **Tracking and Reporting Case Elimination**

A component of the case elimination process is for states to track and report cases that are eliminated. This requirement applies to cases eliminated after the random sample is selected up to the time the case review is completed. States must establish a case elimination process in consultation with the CB. States are required to track which cases are eliminated from the sample, the date of elimination, and the reason(s) for eliminating the case(s). States are also required, as negotiated with the CB, to regularly submit case elimination worksheets for CB review. States should discuss elimination of cases regularly with the CB to ensure that criteria are met for the elimination of cases.

### **Federal Case Elimination Criteria**

Federal case elimination criteria include:

- An in-home services case open for fewer than 45 consecutive days during the period under review (PUR)

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

The following cases are subject to review unless extenuating circumstances warrant exclusion as discussed and agreed to by the CB:

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

### **State-Specific Case Elimination**

States may propose and seek CB approval for the elimination of cases beyond the required federal case elimination criteria, including but not limited to the reasons outlined below:

- Situations in which case selection would result in overrepresentation of child welfare agency staff, such as when more than two cases in one site are from the caseload of a single caseworker

- Situations in which case selection would result in overrepresentation or underrepresentation of certain program areas
- Situations when the state has a large number of children with short lengths of stay in foster care

### **Case Elimination Guidance When Scheduling Case Participant Interviews**

States may encounter the need to eliminate a case when key case participant interviews cannot be arranged. Below is guidance to assist states, in consultation with the CB, to determine which cases to review and/or eliminate based on the availability of key case participants to be interviewed.

- The state should make concerted efforts to seek the participation of key individuals in case participant interviews and document those efforts in the case elimination worksheet.
- Cases in which key individuals involved in the case are unavailable or are unwilling to be interviewed, even by telephone, may be appropriate for case elimination. The key participants to interview in a case are the child/youth (if school age), the parent(s), the foster parent(s), pre-adoptive parent(s), or other caregiver(s), and the family's caseworker (or supervisor when the caseworker is no longer available for interview).
- On a case-by-case basis, other individuals who have relevant information about the case may need to be interviewed, such as the child's guardian ad litem, a parent's significant other, or other family members.
- There may be cases that should not be eliminated even though key case participants are unavailable to be interviewed. Before eliminating a case for this reason, the state should consult with the CB to determine whether sufficient information and perspectives can be obtained from interviewing other available case participants.
- Cases involving children/youth on runaway status should not be eliminated from the sample unless it has been determined that pertinent information needed to complete the Onsite Review Instrument and Instructions (OSRI) cannot be obtained from other available case participants, such as the guardian ad litem or caregiver.
- Cases involving out-of-county or out-of-state family members are considered on a case-by-case basis, depending on the availability of key case participants to be interviewed.

### **Case Elimination Guidance When Conducting Case Reviews**

States may encounter the need to eliminate a case at the point of initiating or during the process of completing a case review. Below is guidance to assist states, in consultation with the CB, to determine which cases to review and/or eliminate during this step of the review.

- If, after making concerted efforts to seek the participation of a key case participant, an interview is cancelled at the last minute and results in insufficient information to inform case ratings, the case should be eliminated from the sample.

- In the event a case is eliminated during a CB-Led Review, the state and CB will consider whether sufficient time exists to use a substitute case.
- A case originally included in the foster care sampling frame that is determined during the onsite review to meet the criteria for an in-home services case may be reviewed as an in-home services case when no alternative in-home services case can be scheduled for review.
- An in-home services case in which any child/youth in the family was in foster care for more than 24 hours during the PUR may not be reviewed as a foster care case.

### **Guidance for Replacing Cases Eliminated**

Below is general guidance for replacing cases that are eliminated after the selection of random samples. Additional guidance may be needed from the CB based on the uniqueness of each state's case review procedures and sampling plan.

- Eliminated cases are to be replaced with the next random-ordered case of the same case type and site.
- With CB approval, a case may be replaced with a case of the same case type from another site if the sampling frame for the original site has been exhausted or there is insufficient time to schedule case participant interviews.