

## **Final Report: Maryland Child and Family Services Review Executive Summary**

This document presents the findings of the Child and Family Services Review (CFSR) for the State of Maryland. The CFSR assesses State performance on seven child welfare outcomes pertaining to children's safety, permanency, and well being and on seven systemic factors related to the State's capacity to achieve positive outcomes for children and families. The Maryland CFSR was conducted the week of November 17, 2003 (in Federal fiscal year 2004). The findings were derived from the following documents and data collection procedures:

- The Statewide Assessment, prepared by the State child welfare agency – the Maryland Department of Human Resources (DHR), Social Services Administration.
- The State Data Profile, prepared by the Children's Bureau of the U.S. Department of Health and Human Services, which provides State child welfare data for the years 2000 through 2002;
- Reviews of 49 cases at three sites (Anne Arundel County, Allegany County, and Baltimore City) in the State; and
- Interviews or focus groups (conducted at all three sites and at the State-level) with stakeholders including, but not limited to children, parents, foster parents, all levels of child welfare agency personnel, collaborating agency personnel, service providers, court personnel, and attorneys.

A key finding of the Maryland CFSR was that the State is not in substantial conformity with the seven child welfare outcomes assessed through the CFSR. An area of particular concern pertains to Permanency Outcome 1 (Children have permanency and stability in their living situations). This outcome was determined to be substantially achieved in only 26.7 percent of the foster care cases reviewed and each indicator for the outcome was rated as an Area Needing Improvement. CFSR case review findings demonstrated that DHR is not consistent in preventing foster care re-entries, ensuring placement stability for children in foster care, establishing appropriate

permanency goals in a timely manner, achieving permanency for children (through adoption, reunification, guardianship, or permanent placement with relatives) in a timely manner; or ensuring that older children in long-term foster care receive appropriate services to assist them in making the transition from foster care to independent living.

Several barriers were identified with regard to achieving permanency for children in a timely manner. Stakeholders expressed the opinion that the primary philosophy of the Maryland court system is to keep children in the home or reunify children. This results in courts maintaining the goal of reunification for long periods of time even when the prognosis for reunification is low and the agency recommends a change in goals. Several stakeholders suggested that too much time is spent working toward reunification when it is not a realistic goal. They also noted that the waiver allowed by the Adoption and Safe Families Act to permit expedited termination of parental rights (TPR) is not being used when it is apparent that it would be appropriate. In addition, most stakeholders reported that a significant barrier to attaining timely adoptions is the TPR appeals process, which can take from 6 to 12 months to reach resolution. Other identified barriers to timely adoptions were (1) delays in scheduling TPR hearings, (2) the granting of continuances in many cases, (3) a reluctance to seek an adoptive home until after TPR, (4) a lack of adoptive resources for children with behavioral and special needs, and (5) delays in completing the paperwork to finalize an adoption. Some stakeholders, however, expressed the opinion that when mediation services are implemented early on in a case, the barriers to a timely adoption often are resolved.

Another area of concern pertained to Well-Being Outcome 1 (Families have enhanced capacity to provide for their children's needs). This outcome was determined to be substantially achieved in 61.2 percent of the cases reviewed. CFSR findings for this outcome indicate that DHR is not consistent in meeting the services needs of children, parents, and foster parents; involving children and parents in the case planning process; and ensuring that agency social workers have sufficient contact with the parents of children in their caseloads. However, the CFSR case reviews did find that the frequency and quality of DHR caseworker contacts with children were sufficient to meet the children's needs and to promote attainment of case goals in 86 percent of the cases.

With regard to the systemic factors, the CFSR determined that the State is in substantial conformity with the factors of Training; Agency Responsiveness to the Community; and Foster and Adoptive Parent Licensing, Recruitment, and Retention. The State did not achieve substantial conformity with the systemic factors of Statewide Information System, Case Review System, Service Array, and Quality Assurance.

The overall findings with regard to the State's performance on the safety and permanency outcomes are presented in table 1 at the end of the Executive Summary. Findings regarding well-being outcomes are presented in table 2. Table 3 presents the State's performance

relative to the national standards and table 4 provides information pertaining to the State's substantial conformity with the seven systemic factors assessed through the CFSR. A summary of major findings is presented below.

## **I. KEY FINDINGS RELATED TO OUTCOMES**

### **Safety Outcome 1: Children are first and foremost protected from abuse and neglect**

Safety Outcome 1 incorporates two indicators. One pertains to the timeliness of initiating a response to a child maltreatment report (item 1), and the other relates to whether children experience a recurrence of substantiated or indicated maltreatment (item 2).

Maryland did not achieve substantial conformity with Safety Outcome 1. This determination was based on the following findings:

- The outcome was determined to be substantially achieved in 87.2 percent of the applicable cases, which is less than the 90 percent required for substantial conformity.
- The State did not meet the national standard for the percentage of children experiencing more than one substantiated or indicated child maltreatment report within a 6-month period.

However, the State did meet the national standard for the percentage of children maltreated while in foster care.

Performance on this outcome varied substantively (i.e., by more than 20%) across CFSR sites. The outcome was determined to be substantially achieved in 100 percent of Baltimore City cases and 82 percent of Allegany County cases, compared to 71 percent of Anne Arundel County cases.

A key finding of the CFSR case reviews was that DHR is consistent in responding to maltreatment reports in accordance with agency-established timeframes. In 88 percent of applicable cases, DHR established contact with the child victim in a timely manner. Another finding was that, although the State's fiscal year 2002 data did not meet the national standard for the incidence of maltreatment recurrence within 6 months, case reviewers found no maltreatment recurrence (as it is measured for that item) in 87 percent of the cases. However, in 6 of the 16 cases reviewed in which there was at least one substantiated report during the period under review, there was another substantiated report within a 6-month period.

### **Safety Outcome 2: Children are safely maintained in their homes when possible and appropriate**

Performance on Safety Outcome 2 is assessed through two indicators. One indicator (item 3) addresses the issue of the child welfare agency's efforts to prevent children's removal from their homes by providing services to the families that ensure children's safety while they remain in their homes. The other indicator (item 4) pertains to the child welfare agency's effectiveness in reducing risk of harm to children.

Maryland did not achieve substantial conformity with Safety Outcome 2. This determination was based on the finding that the outcome was substantially achieved in 81.3 percent of the cases reviewed, which does not meet the 90 percent required for substantial conformity.

A key finding of the CFSR case reviews was that although in many cases DHR was effective in addressing risk of harm and providing services to families to prevent placement, performance on these indicators was inconsistent. Concerns were identified in cases where the agency had not made diligent efforts to assess or reduce risk and where the agency did not provide appropriate services to ensure safety or prevent removal of the child.

### **Permanency Outcome 1: Children have permanency and stability in their living situations.**

There are six indicators incorporated in the assessment of permanency outcome 1, although not all of them are relevant for all children. The indicators pertain to the child welfare agency's effectiveness in preventing foster care re-entry (item 5), ensuring placement stability for children in foster care (item 6), and establishing appropriate permanency goals for children in foster care in a timely manner (item 7). Depending on the child's permanency goal, the remaining indicators focus on the child welfare agency's success in achieving permanency goals (such as reunification, guardianship, adoption, and permanent placement with relatives) in a timely manner (items 8 and 9), or whether children who have "other planned living arrangements" as a case goal are in stable placements and adequately prepared for eventual independent living (item 10).

Maryland did not achieve substantial conformity with Permanency Outcome 1. This determination was based on the following findings:

- The outcome was substantially achieved in 26.7 percent of the cases, which is less than the 90 percent required for a determination of substantial conformity.
- Fiscal year (FY) 2002 data reported in the State Data Profile indicate that the State did not meet the national standards for (1) the percentage of children who achieved reunification within 12 months of entry into foster care, or (2) the percentage of children who achieved a finalized adoption within 24 months of entry into foster care.

However, FY 2002 data indicate that the State met the national standards for (1) the percentage of children entering foster care in FY 2002 who were re-entering within 12 months of a prior foster care episode; and (2) the percentage of children in foster care in FY 2002 for 12 months or less who experienced no more than 2 placement settings.

Although performance on this outcome was low in all CFSR sites, there was variation across localities. The outcome was determined to be substantially achieved in 56 percent of Anne Arundel County cases, compared to 25 percent of Allegany County cases and 8 percent of Baltimore City cases.

The results of the case reviews suggest that DHR is not consistently effective with regard to (1) preventing re-entry into foster care, or (2) ensuring children's placement stability while in foster care, although the State Data Profile indicates that the State meets the national standards for these measures. With regard to re-entry into foster care, the case reviews found that in 29 percent of the applicable cases, children entering foster care during the period under review had a prior foster care episode within 12 months of entry. With regard to placement stability, in 21 percent of the cases, reviewers determined that children experience placement changes that were not necessary to achieve their permanency goals or meet their service needs. Case review findings also indicate that DHR is inconsistent in its efforts to (1) establish appropriate permanency goals in a timely manner, and (2) achieve children's permanency goals in a timely manner.

### **Permanency Outcome 2. The continuity of family relationships and connections is preserved for children.**

Permanency Outcome 2 incorporates six indicators that assess the child welfare agency's performance with regard to (1) placing children in foster care in close proximity to their parents and close relatives (item 11); (2) placing siblings together (item 12); (3) ensuring frequent visitation between children and their parents and siblings in foster care (item 13); (4) preserving connections of children in foster care with extended family, community, cultural heritage, religion, and schools (item 14); (5) seeking relatives as potential placement resources (item 15); and (6) promoting the relationship between children and their parents while the children are in foster care (item 16).

Maryland did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 64.3 percent of the cases, which is less than the 90 percent required for substantial conformity. Ratings for this outcome varied across CFSR sites. The outcome was determined to be substantially achieved in 100 percent of Allegany County cases, compared to 67 percent of Anne Arundel County cases and 42 percent of Baltimore City cases.

A key CFSR case review finding is that DHR makes concerted efforts to place children in close proximity to their parents and communities whenever appropriate (item 11). However, other case review findings indicate that DHR is not consistent in its efforts to (1) place siblings together in foster care whenever appropriate (item 12); (2) provide for sufficient visitation between children and their parents and siblings in foster care (item 13); (3) preserve children's primary connections while they are in foster care (item 14); (4) search for and assess relatives as potential placement resources (item 15); and (5) support and strengthen the parent-child relationship of children in foster care (item 16).

### **Well Being Outcome 1: Families have enhanced capacity to provide for their children's needs.**

Well Being Outcome 1 incorporates four indicators. One pertains to the child welfare agency's efforts to ensure that the service needs of children, parents, and foster parents are assessed and that the necessary services are provided to meet identified needs (item 17). A second indicator examines the child welfare agency's effectiveness with regard to actively involving parents and children (when appropriate) in the case planning process (item 18). The two remaining indicators examine the frequency and quality of caseworker's contacts with the children in their caseloads (item 19) and with the children's parents (item 20).

Maryland did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that the outcome was rated as substantially achieved in 61.2 percent of the cases reviewed, which is less than the 90 percent required for substantial conformity.

Performance on this outcome varied across CFSR sites. The outcome was determined to be substantially achieved in 92 percent of Allegany County cases, compared to 57 percent of Anne Arundel County cases and 48 percent of Baltimore City.

A key CFSR finding is that caseworkers are in frequent face-to-face contact with the children in their caseloads. However, the other three indicators for this outcome were rated as areas needing improvement. Case review findings indicate that DHR is not consistently effective with regard to (1) assessing needs and providing services to children, parents, and foster parents; (2) involving children and parents in case planning; and (3) establishing face-to-face contact with parents with sufficient frequency and quality to ensure children's safety and/or promote attainment of case goals. One concern identified pertained to the lack of involvement of fathers in case planning and in service assessments.

### **Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.**

There is only one indicator for Well-Being Outcome 2. It pertains to the child welfare agency's effectiveness in addressing and meeting the educational needs of children in both foster care and in-home services cases (item 21).

Maryland did not achieve substantial conformity with Well-Being Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 86.5 percent of the cases reviewed, which does not meet the 90 percent required for substantial conformity. Ratings for this outcome varied across CFSR sites. The outcome was determined to be substantially achieved

in 100 percent of Allegany County cases and 91 percent of Anne Arundel County cases, compared to 73 percent of Baltimore City cases.

A key CFSR finding was that DHR is not consistent in its efforts to assess children's educational needs and provide appropriate services to meet those needs, although in many of the cases reviewed, children's educational needs were effectively assessed and addressed.

**Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.**

This outcome incorporates two indicators that assess the child welfare agency's efforts to meet children's physical health (item 22) and mental health (item 23) needs.

Maryland did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in 80.4 percent of the cases, which is less than the 90 percent required for substantial conformity.

Performance on this outcome varied across the CFSR sites. The outcome was determined to be substantially achieved in 100 percent of Allegany County cases, compared to 77 percent of Anne Arundel County cases and 73 percent of Baltimore City cases.

The CFSR found that although DHR makes concerted efforts to meet children's physical health needs, the agency is less consistent in its efforts to meet children's mental health needs. A key concern identified is that children are being assessed for mental health needs, but not receiving the services recommended to address identified needs.

## **II. KEY FINDINGS RELATED TO SYSTEMIC FACTORS**

### **Statewide Information System**

Substantial conformity with the systemic factor of Statewide Information System is determined by whether the State is operating a statewide information system that can identify the status, demographic characteristics, location, and goals for children in foster care (item 24).

Item 24 is rated as an Area Needing Improvement. Although Maryland's existing data systems have the technical capability to identify the status, demographic characteristics, and goals for most children in foster care, the location of children in foster care who are placed by a private nonprofit agency under contract with the State is not recorded in the State's data system. Only the name of the private agency is recorded. In addition, the CFSR found that information on children in foster care with the State agency is not readily accessible on a consistent basis. Many of the cases included in the "population" sample for the onsite CFSR could not be selected for the review sample because of inaccurate information.

### **Case Review System**

Five indicators are used to assess the State's performance with regard to the systemic factor of Case Review System. The indicators examine the development of case plans and parent involvement in that process (item 25), the consistency of 6-month case reviews (item 26) and 12-month permanency hearings (item 27), the implementation of procedures to seek termination of parental rights (TPR) in accordance with the timeframes established in the Adoption and Safe Families Act (ASFA) (item 28), and the notification and inclusion of foster and pre-adoptive parents and relative caregivers in case reviews and hearings (item 29).

Maryland was not in substantial conformity with the systemic factor of Case Review System. The CFSR determined that DHR does not involve parents in the case-planning process on a consistent basis, that permanency hearings are not being held in a timely manner, and that foster parents are not consistently notified of hearings and reviews, or given an opportunity to have input into court hearings. In addition, the CFSR found that although DHR has established procedures to achieve TPR in accordance with the provisions of ASFA, there are multiple barriers to achieving TPR in a timely manner. These included the following: (1) a lack of effort on the part of DHR to identify absent parents, particularly fathers, early on in the case; (2) frequent court continuances; (3) a lengthy TPR appeals process; (4) a lack of sufficient legal and judicial personnel (e.g., there are waiting lists for parents to access public defenders or pro bono attorneys); and (5) a requirement that TPR must be granted for both parents at the same time.

However, the CFSR found that periodic 6-month case reviews are being held in a timely manner.

### **Quality Assurance System**

Performance with regard to the systemic factor of Quality Assurance System is based on whether the State has developed standards to ensure the safety and health of children in foster care (item 30), and whether the State is operating a statewide quality assurance system that evaluates the quality and effectiveness of services and measures program strengths and areas needing improvement (item 31).

Maryland is not in substantial conformity with the systemic factor of Quality Assurance System. The CFSR determined that although the State has developed and implemented standards for the provision of services that protect the safety and health of its children in foster care, the State is not operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.

### **Training**

The systemic factor of Training incorporates an assessment of the State's new caseworker training program (item 32), ongoing training for child welfare agency staff (item 33), and training for foster and adoptive parents (item 34).

Maryland achieved substantial conformity with the systemic factor of Training. The CFSR found that the State operates a staff development and training program that supports the title IV-B and IV-E goals (as set forth in the CFSP) and provides initial training for staff who delivers these services. The CFSR also determined that the State provides for and requires ongoing training for staff that addresses the skills and knowledge needed to carry out their duties as related to services included in the CFSP and provides both initial and ongoing training for foster and adoptive parents and for staff of State-licensed or approved facilities that care for children receiving assistance under title IV-E.

## **Service Array**

The assessment of the systemic factor of Service Array addresses three questions: (1) Does the State have in place an array of services to meet the needs of children and families served by the child welfare agency (item 35)? (2) Are these services accessible to families and children throughout the State (item 36)? (3) Can services be individualized to meet the unique needs of the children and family served by the child welfare agency (item 37)?

Maryland did not achieve substantial conformity with the systemic factor of Service Array. The CFSR determined that the State has critical gaps in its service array, particularly in the areas of mental health services and substance abuse treatment, and has insufficient bilingual services. In addition, services are not consistently accessible to children and families on a statewide basis. The Statewide Assessment reports that urban communities have a wider array of services than rural communities, but that even in urban communities there are significant service gaps, particularly with regard to dental and mental health services. Despite these findings, the CFSR determined that DHR makes concerted efforts to individualize services to children and families.

## **Agency Responsiveness to the Community**

Performance with regard to the systemic factor of Agency Responsiveness to the Community incorporates an assessment of the State's consultation with external stakeholders in developing the Child and Family Services Plan (items 38 and 39), and the extent to which the State coordinates child welfare services with services or benefits of other Federal or federally-assisted programs serving the same population (item 40).

Maryland is in substantial conformity with the systemic factor of Agency Responsiveness to the Community. The CFSR determined that the State engages in ongoing consultation with stakeholders and uses their input in developing the State 5-year plan. However, the CFSR also found that some stakeholders, including representatives of Native American populations, are not consulted on a consistent basis in the State's development of the Annual Progress and Services Report. In addition, the CFSR determined that the State child welfare agency has implemented or is part of a number of efforts to coordinate and integrate services for the children and families that are served by various agencies.

## **Foster and Adoptive Parent Licensing, Recruitment, and Retention**

The assessment of this systemic factor focuses on the State's standards for foster homes and child care institutions (items 41 and 42), the State's compliance with Federal requirements for criminal background checks for foster and adoptive parents (item 43), the State's efforts to recruit foster and adoptive parents that reflect the ethnic and racial diversity of foster children (item 44), and the State's activities with regard to using cross-jurisdictional resources to facilitate permanent placements for waiting children.

Maryland is in substantial conformity with the systemic factor pertaining to Foster and Adoptive Parent Licensing, Recruitment and Retention. The CFSR determined that the State has implemented comprehensive standards for licensing foster family homes and child care institutions and that these standards are consistently applied to all foster homes and child care institutions receiving title IV-E and IV-B funds. In addition, criminal background checks are consistently completed for prospective foster and adoptive parents. The CFSR also determined that the State's recruitment and retention efforts are meeting the need for an adequate stable pool of foster and adoptive homes that reflect the ethnic and racial diversity of the children in foster care. However, the CFSR found that although the State has some cross-jurisdictional resources in place to facilitate timely adoptive or permanent placements for waiting children, the agreement with the District of Columbia had expired and was not renewed, out-of-State adoptive resources for waiting children are not actively pursued until after Maryland families are recruited, delays occur in the ICPC process, and the State is experiencing financial constraints which mitigate against implementation of ICPC stipulations with neighboring jurisdictions.

**Table 1. Maryland CFSR Ratings for Safety and Permanency Outcomes and Items**

Outcomes and Indicators	Outcome Ratings			Item Ratings		
	<i>In Substantial Conformity?</i>	<i>Percent Substantially Achieved*</i>	<i>Met National Standards?</i>	<i>Rating**</i>	<i>Percent Strength</i>	<i>Met National Standards</i>
Safety Outcome 1-Children are first and foremost, protected from abuse and neglect	No	87.2	One met, one not met			
Item 1: Timeliness of investigations				Strength	88	
Item 2: Repeat maltreatment				ANI	87	No
Safety Outcome 2 - Children are safely maintained in their homes when possible and appropriate	No	81.3				
Item 3: Services to prevent removal				ANI	83	
Item 4: Risk of harm				ANI	84	
Permanency Outcome 1- Children have permanency and stability in their living situations	No	26.7	Two met, two not met			
Item 5: Foster care re-entry				ANI	71	Yes
Item 6: Stability of foster care placements				ANI	79	Yes
Item 7: Permanency goal for child				ANI	34	
Item 8: Reunification, guardianship and placement with relatives				ANI	38	No
Item 9: Adoption				ANI	42	No
Item 10: Other planned living arrangement				ANI	56	
Permanency Outcome 2 - The continuity of family relationships and connections is preserved	No	64.3				
Item 11: Proximity of placement				Strength	96	
Item 12: Placement with siblings				ANI	71	
Item 13: Visiting with parents and siblings in foster care				ANI	67	
Item 14: Preserving connections				ANI	71	
Item 15: Relative placement				ANI	72	
Item 16: Relationship of child in care with parents				ANI	64	

\*90 percent of the applicable cases reviewed must be rated as having substantially achieved the outcome for the State to be in substantial conformity with the outcome.

\*\*Items may be rated as a Strength or an Area Needing Improvement (ANI).

**Table 2. Maryland CFSR Ratings for Child and Family Well Being Outcomes and Items**

Outcomes and Indicators	Outcome Ratings		Item Ratings			
	<i>In Substantial Conformity?</i>	<i>Percent Substantially Achieved*</i>	<i>Met National Standards</i>	<i>Rating**</i>	<i>Percent Strength</i>	<i>Met National Standards</i>
Well Being Outcome 1 - Families have enhanced capacity to provide for children's needs	No	61.2				
Item 17: Needs/services of child, parents, and foster parents				ANI	63	
Item 18: Child/family involvement in case planning				ANI	71	
Item 19: Worker visits with child				Strength	86	
Item 20: Worker visits with parents				ANI	68	
Well Being Outcome 2 - Children receive services to meet their educational needs	No	86.5				
Item 21: Educational needs of child				ANI	86	
Well Being Outcome 3 - Children receive services to meet their physical and mental health needs are met	No	80.4				
Item 22: Physical health of child				Strength	91	
Item 23: Mental health of child				ANI	69	

\*90 percent of the applicable cases reviewed must be rated as having substantially achieved the outcome for the State to be in substantial conformity with the outcome.

\*\*Items may be rated as a Strength or an Area Needing Improvement (ANI).