



State of New Jersey

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June 13, 2018

Ms. Kathleen McHugh, Director
Children's Bureau, Division of Policy
Administration for Children and Families
United States Department of Health and Human Services
330 C Street SW
Washington, DC 20024

Dear Ms. McHugh,

New Jersey appreciates the opportunity to review and provide comments on the Advance Notice of Proposed Rulemaking that was published in the Federal Register on March 15, 2018.

New Jersey continues to be strongly committed to using data for analyzing safety, permanency, and well-being outcomes for the children and families we serve. Consistent with New Jersey's comments provided in 2015, however, our assessment is that certain amendments under the Final Rule present a high burden on caseworkers and supervisors; and that taken as a whole, these amendments require significant changes to the current SACWIS/CCWIS system, are complex for a state agency to collect and report on accurately, and that the financial cost of implementing this rule would be significant.

Additionally, New Jersey like other states, is balancing multiple priorities currently identified by the Children's Bureau. New Jersey is completing the final stages of the AFCARS Improvement Plan; understanding the impact and implementation of shifting resources under the Family First Act; and developing, implementing and reporting on an Improvement Plan resulting from the Child and Family Services Review. An appropriate timeframe for implementation of any new rules should contemplate jurisdiction's needs to manage multiple major federal priorities.

CHILD WELFARE CASE PRACTICE

New Jersey expresses continued concern about the impact of the Final Rule on the day-to-day work of the child welfare agency and its staff. The gathering of the data will largely fall on the shoulders of our front-line caseworks and supervisors. New Jersey is mindful that this work will require additional time and effort of the caseworker to gather, synthesize and document this new information. The number of new data elements a caseworker would need to document would significantly increase. We urge consideration of the cost of collecting additional data in this way, compared to the need for this sort of

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data. We all share an interest in protecting the caseworker's primary responsibility of providing quality child welfare case practice to vulnerable children and families, and hope that we can distinguish between data gathering that is necessary to appropriately manage child welfare practice, and data gathering in service of research. Our strong recommendation is that data gathering necessary to promote research should be accomplished in a way that does not impose the research task of assembling datasets on frontline child welfare practitioners.

In addition to the burden on front-line caseworker staff, several new data elements will require DCF to amend policy and develop and implement Statewide professional development plans. New Jersey would partner with internal and external stakeholders to review literature, identify best practices, and conduct focus groups with staff. These best practices for professional development impose a significant cost to ensure quality case practice is implemented across all 46 local offices in New Jersey.

New Jersey has identified several new data elements that seem overly burdensome, many of which have limited value in measuring outcomes for children in out of home placement, and will pose a significant burden to the State's child welfare operation:

- School Enrollment and Educational Level

Currently, New Jersey policy requires staff to obtain collateral information from the child's school with regard to the overall functioning of the child in his/her school system. The caseworker is also required to document educational stability for each child in placement. However, New Jersey does not require its staff to input granular data about a child's placement proximity to the school, the district or zoning rules around the school, and educational services or programs. Expectations that staff will record educational data at this level of specificity is unrealistic and will likely compromise the quality and usefulness of the data.

- Prior Adoptions

While caseworkers routinely document a child's prior adoption or guardianship in the case record, the specific details including the dates and the type/jurisdiction may not be available at the time of placement, particularly for adoptions that are finalized outside of New Jersey. It would be time consuming for caseworkers to obtain legal records from other jurisdictions leading to inaccurate and/or untimely documentation.

- Sexual Orientation

New Jersey recognizes the importance of developing a system of care to address the various needs of youth. This work includes building competency, appropriate policies, training and services to support healthy development related to sexual orientation, gender identity and expression. While there is value in gathering data on the sexual orientation of youth and foster parents for the purpose of better aligning services, it is critical that the data collection process not be undertaken in a manner that risks privacy violations or discriminatory outcomes. This work is complex and requires a significant commitment from the agency to implement responsibly. To effectively report on sexual orientation, New Jersey anticipates a 5-year implementation timeline. This would allow the state to engage a wide array of

stakeholders, review literature, identify best practices, develop policy in alignment with the core conditions of New Jersey's Case Practice Model, ensure integration of healthy development into relevant trainings, provide support to caseworkers through coaching and mentoring, and ultimately report accurate demographic data on sexual orientation.

INFORMATION TECHNOLOGY (IT) and REPORTING

New Jersey is currently in an AFCARS Improvement Plan (AIP) and as a result, we are currently making comprehensive modifications and enhancements to our SACWIS/CCWIS system. The State system is complex; the time, effort and costs to make these changes is significant. In addition to the AIP, New Jersey has identified other IT priorities that have resulted from the Child and Family Services Review (CFSR) including modifications to the Structured Decision Making (SDM) Safety and Risk Assessments.

The additional data elements under the Final Rule will require New Jersey to undertake a lengthy and costly process to redesign our SACWIS/CCWIS system while simultaneously making the modifications described above. Out of the 272 data elements, 153 will be new to New Jersey. The 65 ICWA data elements alone will require an estimated 640 hours of analysis. Of the existing 54 data elements, 5 require system modifications. Additionally, there are 11 new guardianship elements, not included in the 272 count. Table 1 below provides an overview of New Jersey's estimated level of effort for all modifications and new data elements. Each data element is classified into low or medium level of effort depending on the complexity of the changes required. In total, New Jersey expects these changes to take three years to complete in the state's SACWIS/CCWIS system.

In addition, if any changes are required to the existing file format, a complete re-write may be necessary. This all results in an intensified need for additional IT staff resources during system design and development, additional contingency planning, data retention issues, and data transmission process issues.

Table 1: Pre-Design Level of Effort

Number of Data Points	Analysis/Design/Testing Per Data Point	Development/Testing Total	Summary
150	Low (Less than a week)	Extremely High (More than a year)	This includes the current data points we collect.
59	Medium (Less than a month)		This includes the guardianship not currently collected.
74	Medium (Less than a month)		This includes the ICWA elements.
Total Time	2 years	1 year	

Given the burden of work outlined above, additional data and system analysts are needed to implement the new requirements in a timely manner. For each new data element, a team of data and system analysts engage front-end system users to identify impacted business processes. The analyst team then leads user acceptance testing by reviewing code, creating test cases, entering data, analyzing results, and performing quality assurance. The data analysts then work with New Jersey's performance management system to provide updates on system changes that impact statewide performance measures.

File Submission

New Jersey objects to the new 30-day file transaction timeframe as a barrier to ensuring the quality of all required data elements. We believe this standard increases the likelihood of inaccurate and invalid data. New Jersey recommends a continued 45-day period for submission, especially given the increase in the number of new data elements and the potential for accompanying penalties.

In summary, although New Jersey supports the intent of focused longitudinal data reporting, we believe that some of the amendments place a burden on the organization thereby compromising the quality of services provided by caseworkers. Additionally, the new data elements compromise data quality through impractical timeframes, penalty provisions, and unnecessary details. The required modifications present an unreasonable cost burden to the State and grossly underestimate the complexity of implementing the changes in the timeframes allotted.

Sincerely,



Katherine L. Stoeck, MPA
Deputy Commissioner of Operations
New Jersey Department of Children and Families