



Governance, Oversight and Accountability: Legislative Opportunities in Child Welfare

New Mexico's Interim Courts, Corrections and Justice Committee

September 11, 2024





Overview

- Child welfare governance
- Federal oversight
- State examples of oversight mechanisms
- Policy considerations for states



Key Components of Child Welfare Governance

SYSTEM ACCOUNTABILITY

Ensuring child welfare systems are accountable and complying with legal and ethical requirements.



SAFETY AND RISK

Ensuring children and their families receive protection and support when they need it.



SUSTAINABILITY

Ensuring finances, people and policies work long-term.



To promote child and family wellbeing.

COLLABORATION

Ensuring multiple system, sector and stakeholder coordination and collaboration.



ADAPTABILITY

Ensuring people and systems can adapt to the needs of families and communities.



OUTCOMES AND GOALS

Ensuring high quality programs, practices and services are received by families to strengthen outcomes.



Federal Oversight: Child and Family Services Reviews

The Administration for Children and Families Children's Bureau conducts Child and Family Services Reviews, which are periodic reviews of state child welfare systems, to achieve three goals:

1. Ensure conformity with federal child welfare requirements.
2. Determine what is happening to children and families as they are engaged in child welfare services.
3. Assist states in helping children and families achieve positive outcomes.

Outcome Areas

- **Safety**

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

- **Permanency**

1. Children have permanency and stability in their living situations.
2. The continuity of family relationships and connections is preserved for children.

- **Well-being**

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

Child and Family Services



Child maltreatment prevention services are often housed across government entities, including those that focus on health, human services, economic development, education and civil and criminal justice.



Most states house their child welfare and protection services within a larger human services department.



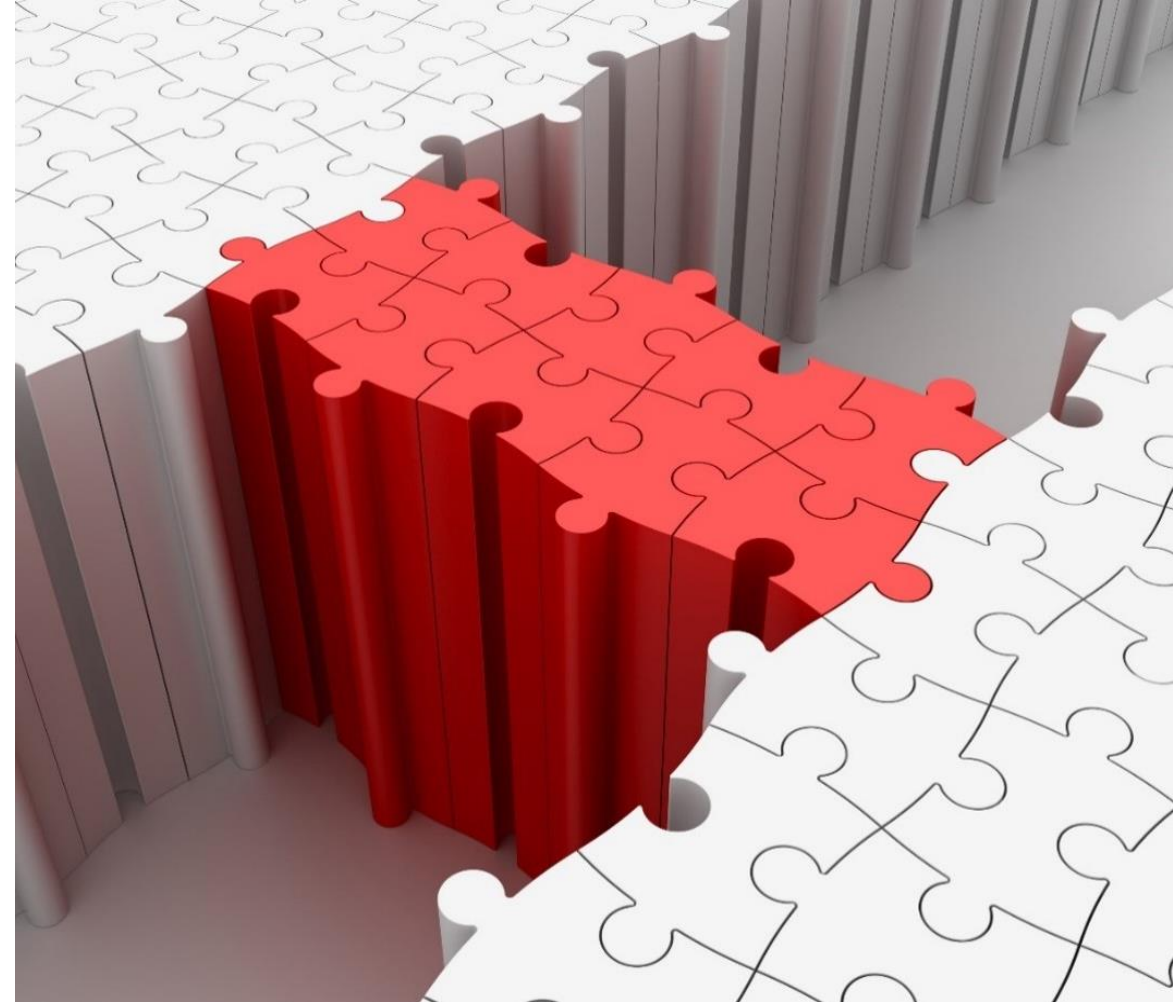
A few states—such as [Indiana](#), [Washington](#) and [Tennessee](#)—have departments focused on child welfare that exist outside of other human service departments.



States have both internal and external processes for oversight.

Child Welfare Citizen Review Boards

- States are required to establish citizen review panels under the [Child Abuse Prevention and Treatment Act](#).
- State governments house their review boards in various entities, including entities outside of the formal child welfare system.
- Review boards may take different forms, including:
 - Statewide Review Boards
 - Local Advisory Boards
 - Child Fatality Review Panels



State Examples: Citizen Review Boards

State Advisory Boards

Iowa's child advocacy state board consists of 9 members appointed by governor. The board reviews activities of local boards and Court Appointed Special Advocate Programs. The board also establishes data collection systems and reporting.

South Carolina's Division for Review of the Foster Care of Children consists of 7 members appointed by the governor. The members must be past or present local review board members.

Local Advisory Boards

Arizona's foster care review board system is established within the Supreme Court. Members of local advisory boards are appointed by juvenile court judges.

Local public health districts in Idaho must establish citizen review panels to evaluate and provide recommendations of the child protection system within each district.

Child Fatality Boards

Alabama houses its State Child Death Review Team in the Department of Public Health.

Hawaii required the Department of Human Services to establish a child protective review panel to review each case of child abuse or neglect that leads to fatality or near fatality.

Child Welfare Commissions and Advisory Councils

- Typically, long-term bodies
- Work to address a broad issue and recommend legislation or policy solutions.
- May represent state agencies from multiple jurisdictions.
- May work to support collaborative initiatives and coordinate services.



State Examples: Child Welfare Commissions and Councils



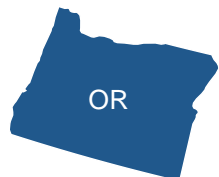
Texas's [Policy Council for Children and Families](#) studies and makes recommendations to improve long-term services and supports, including community-based supports, for children with special health care needs, as well as children with disabilities and their families receiving protective services from the state.



Nebraska created a committee within the [State Children's Commission](#) in 2019 as a high-level leadership body to monitor and evaluate the child welfare and juvenile justice systems.



In 2021, **Nevada** required the [Juvenile Justice Oversight Commission](#) to establish a 5-year strategic plan to establish policies and procedures for the Division of Child and Family Services of the Department of Health and Human Services. The plan must outline the use of evidence-based services to children subject to the jurisdiction of the juvenile court.



Oregon established the [Governor's Child Foster Care Advisory Commission](#) in 2016 to advise the Governor and Director of Human Services regarding foster care system in the state.

Children's Ombudsman and Child Advocacy Offices

The most common form of statutory oversight for child and family services offices and divisions.

Duties vary by state, but often these offices:

- Handle and investigate complaints from citizens and families.
- Recommend system-wide improvements to benefit children and families.
- Monitor placements, programs and departments responsible for providing services to children.



Recent State Legislation: Children's Ombudsman Offices



Idaho ([SB 1380, 2024](#)): Establishes a child protection ombudsman. The office will operate independently from the courts and the state's Department of Health and Welfare.



Michigan ([HB 5249, 2019](#)): Establishes the children's ombudsman office. The office investigates concerns regarding children who may be victims of abuse or neglect, including children who have died as a result of the suspected abuse or neglect.

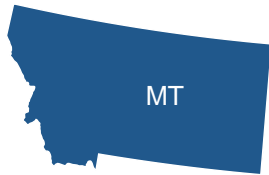


Virginia ([H 1301, 2020](#)): Establishes the Office of the Children's Ombudsman as a means of effecting changes in policy, procedure and legislation.

State Examples: Children's Ombudsman and Child Advocacy Offices



Illinois' Office of the Inspector General is located within the Department of Children and Families. It independently conducts investigations into any employee, foster parent, service provider or contractor of the Department.



Montana's Office of Child and Family Ombudsman is part of the Department of Justice and works in consultation with the child welfare department and county attorneys to strengthen children and family services.



Ohio's Youth and Family Ombudsman Office is under the Department of Job and Family Services. The office consists of a Youth Ombudsman, a Family Ombudsman and at least two regional ombudsmen. The office investigates and resolves concerns made by or on behalf of children and families involved with public children's services agencies.



Minnesota's Office of Ombudsperson for Families is an independent state agency. The ombudsperson monitors agency compliance with laws regarding child protection and placement as to the impact on children of color. The office also provides cultural diversity training to state and local courts and receives and investigates complaints.

Data Sharing and Analysis



In 2023, [Arizona](#) passed legislation requiring the Department of Economic Security to give certain courts access to case management systems to assist foster care review boards.



In 2020, the [District of Columbia](#) amended its Data Sharing and Information Coordination Amendment Act to allow the disclosure of health and human services information to aid in the development of a report on the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth.



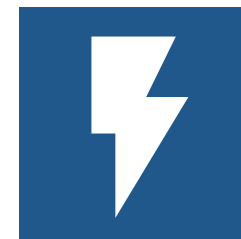
[Maryland](#) includes child welfare data in the data collected and analyzed by the State Longitudinal Data System Center. In 2021, the state required the Center to conduct research on the educational and economic impact of out-of-home placement child welfare programs.



Policy Considerations



Clear Priorities



Proactive vs. Reactive



Roles



Communication



Policy Considerations



Data and Evaluation



Stakeholder Engagement



Collaboration



Cost-Benefit

NCSL Resources

[Child Welfare Enacted Legislation Database](#)

[Policy Levers to Prevent Child Maltreatment](#)

[The ABCs of Evidence-Informed Policymaking](#)

[Incorporating Data and Evidence Into Criminal Justice Policy Decisions: Options and Resources](#)



Thank you for joining us today!

Reach out to us with questions.



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