



COMMISSION TO ELIMINATE CHILD ABUSE AND NEGLECT FATALITIES

COMMISSION MEETING—BY TELECONFERENCE TRANSCRIPT

AUGUST 26, 2015, 1:00-3:00 PM EDT

In Attendance/Speakers:

- Dr. David Sanders, Chairman
- Commissioner Amy Ayoub
- Commissioner Cassie Statuto Bevan
- Commissioner Teri Covington
- Commissioner Bud Cramer
- Commissioner Susan Dreyfus
- Commissioner Patricia Martin
- Commissioner Michael Petit
- Commissioner Jennifer Rodriguez
- Commissioner Marilyn Bruguier Zimmerman
- Amy Templeman, Acting Executive Director
- Jill Greene, Project Manager

CHAIRMAN SANDERS: Good morning. We're going to go ahead and get started with the meeting.

Thank you. And this is certainly advanced technology. It's great to be able to use this. We have so far, I believe, five commissioners on. There are going to be nine total, so we'll go ahead and get started, and I'm sure people will catch up.

So everybody should have received an agenda from Amy Templeman. And the agenda includes opening remarks from me, which I'll do in just a second.

The bulk of the agenda is on the discussion about the national strategy document. We'll cover plans for future calls and then do closing remarks.

So the focus today is on the national strategy document, which everybody received on Friday and which we also had extensive discussion about at our last meeting.

So what I wanted to cover is really two things. One, the purpose of the call, as well as the purpose of the document. And then the second is to talk a little about the process from today forward.

So the goal today is to reach consensus, if we can, on the content of the national strategy document. And the purpose of the document is everybody hopefully recalls, we developed a document that summarized a set of ten findings or themes. And that the idea with that was that all of our recommendations should be directly related to a Commission finding and that it is a direct tie to those findings.

I heard general agreement on the content of the themes or findings. But the concern was that we were creating what some call the Christmas tree, that there was really no unifying theme under which the recommendations or the findings fell. It was really just a list of findings, and that we needed to create kind of an overarching structure under which everything else fell.

So, for example, we've talked about CAPTA and potentially using CAPTA as a vehicle. The national strategy would actually capture in a succinct way the content of the reforms that we might propose under CAPTA if that was a direction that we chose to go.

All of the recommendations should be understood through this framework. And it should also fully capture what we've found after more than a year of hearings and what it will take to eliminate child abuse and neglect fatalities. It will guide staff as they begin to draft the final report and we will have a reference point as commissioners to assess whether the report adheres to our direction. And staff will have the necessary guidance to really translate thousands of hours of information into a draft report.

So let me stop there and see if there are any questions.

Commissioner Petit?

COMMISSIONER PETIT: David, this is Michael. Do you hear me?

CHAIRMAN SANDERS: Yes.

COMMISSIONER PETIT: I'm sorry, I got on a minute late here. Can you just run us through what the process is going to be today?

CHAIRMAN SANDERS: Yes. That was the next thing. So I was just going over the purpose right now. And I have the process that I will go over. If you want me to go over it right now before questions, that's fine, too.

COMMISSIONER PETIT: For me it would be helpful to see what the endgame is today, what we're trying to achieve and then go back and work our way through it.

CHAIRMAN SANDERS: Okay. So the goal for the day is to develop consensus on the content of the national strategy document.

Let me go to kind of from today forward. So the goal today will really be to reach consensus on the national strategy document. And by that -- and Amy and staff included a definition in the agenda that the -- we're really looking to see if people can live with the document. It doesn't have to be perfect, but can people live with it.

And if we are able to develop consensus, we'll continue with that process.

So the discussion today will really be focused on developing consensus. So if you don't like something in the national strategy, please be prepared to offer an alternative. Because

hopefully what we can do is make modifications to the document throughout the call in an attempt to reach consensus. And staff really can't begin to draft a final document that reflects the Commission's direction without the direction this document can provide.

So at the end, everyone will be asked whether they can live with this or not. If not, then -- if we aren't able to develop consensus today, then what I would anticipate that we will do is actually have a vote, an e-mail vote, between now and the next call, to really develop this as either a final document that has majority opinion or that we go with something different.

But my goal is to develop consensus today.

COMMISSIONER MARTIN: If, in fact, what you're asking us to do is see if we can get consensus around this graph today, I have a couple questions. And maybe the questions -- maybe my concerns aren't supposed to be in the graph, and that's fine.

But one of the things that I thought we spent a grade deal of focus on together is really thinking about not just improving CPS agencies, but making certain that we look at the child welfare system beyond just CPS agencies and making certain that every aspect or everyone who touches and works within the child welfare system is included in terms of the responsibilities for the wellbeing and safety of our children.

And so when we talk about, you know, one of the main focuses of the Commission is improving CPS agencies and moving services upstream, you know, I didn't think it was just improving CPS agencies. That's something that we need to do.

But the real gut of it was that it wasn't just CPS agencies, but it's all of us. It's the attorneys, it's the police, it's the pediatricians, all of us have a responsibility for the welfare and safety.

And then also, with respect to moving services upstream, that only works if, in fact, all these agencies -- the pediatricians, the attorneys, everybody, the school -- is looking to help protect and provide safety for our kids without the punitive measure. We don't want all these kids coming into care. We want the kids to be treated at the pediatrician and only the kids that have to come to the care come into care. But we don't call DCFS or call the hotline every time we find a family in need.

And so again, I guess what I'm asking is, you know, this graph, to me, doesn't say anything different than what we're doing already. And it seems to me that the important parts of the work that we've done are those two elements. The sharing of the responsibility and the making certain that we're not trying to bring everyone in the system, but we're trying to treat families and children who don't necessarily have to come into the system, but improve their lot and minimize the risk to -- of severe abuse and death.

CHAIRMAN SANDERS: So, Judge Martin, that's exactly the purpose of the call, is to identify those elements that either are missing that need to be changed, that need to be revamped, that are working well within the document and ultimately come to some consensus on it.

And so do you have a recommendation for how to correct that?

COMMISSIONER MARTIN: So I don't know if I've messed up the system, but can you hear me right now?

CHAIRMAN SANDERS: Yes.

COMMISSIONER MARTIN: Okay. So one of the things in intervening earlier, I think it's imperative that there be some language included in there that talks about a non-punitive intervention. Because the goal isn't to bring kids in. The goal is to provide safety.

When we're talking -- excuse me, I apologize -- mobilizing leadership and accountability, I think it's -- I think it needs to be clear that we're talking about expanding beyond CPS, but making certain that all of us are responsible for the safety of our children.

CHAIRMAN SANDERS: So would you change the headings, or would you make sure that content falls under each of the headings? So intervening earlier, for example, would include something around how to approach families and mobilizing leadership and accountability would clearly define that as beyond the traditional or what we've called the child protection system.

COMMISSIONER MARTIN: So I'm going to hedge on this answer. And the reason I say that, I think if it's not in the heading, we're going to miss it. But, you know, I think if it's not in the heading, we'll gloss over if it's just the bullet point under the heading. And that's what makes our information, work that we've done different than intervening now.

I mean, we've gone through a decade of talking about bringing services in a one-stop shop and bringing them into court, getting people in services earlier. This is far different than that whole campaign that has been done for the last decade.

And so therefore, for that reason, I think it has to be in the heading.

CHAIRMAN SANDERS: Thanks. Commissioner Dreyfus?

COMMISSIONER PETIT: David, this is Michael. Can you hear me?

CHAIRMAN SANDERS: Yeah. Go ahead.

COMMISSIONER PETIT: The first thing. Without the interchange for the moment among and between commissioners just in terms of talking about this version and I'm not going to go on about all of it yet, because there's a lot of comments that I have, but I think if we do this incrementally.

The first thing that I would just talk about and limit myself to for the moment is that this document as presented, for me, lacks any emotional punch. I'm not sure where it would fit. And I don't see here where we describe what the problem is. We don't describe the problem that the kids are experiencing, so many killed, so many injured, so many removed from their families, so many -- so much mental health, et cetera.

And then what we don't speak to -- so the whole reason for this exercise, child protective services, is that there are children who are being abused -- and not just in need, they're being abused and neglected.

So one thing is well, what's the problem we're trying to fix? And the second thing, I think, is an assessment of the status of what the current capacity is. Is it adequately resourced? Is it adequately staffed? Does it have the proper language? Does it have the proper legal framework? Does it have the proper administrative action?

So to me, going into everything else that follows is what happens after you say, here's the problem we're trying to fix and here's our current descriptive assessment of what our current capacity is to address that problem. Then that sets the stage for what the intervention is going to be.

And I would make one last distinction just before stopping. This known/unknown thing has gotten us, I think -- I think it's confusing. The fact that it's unknown to the agency doesn't mean it's not a child who's been abused or neglected.

And so I think it's more a question not of whether they're known or unknown, but what's the presenting problem and what's the appropriate response to that problem? So some kids get referred to CPS. They're not abused or neglected. They shouldn't be opened, they should be screened out. There are kids that are unknown to CPS that are abused and neglected. They should be reported to CPS.

So at some point I think we need to talk more about the known/unknown dichotomy. That isn't prevention versus early intervention. That's a different thing in terms of where the kids are landing, who's first seeing them. But it doesn't mean that just because a kid ends up in the pediatrician's office and the pediatrician assesses that the child may have been injured, it doesn't follow that CPS is going to protect that child. And the pediatrician has no assets or resources except to say this is a problem, you should intervene and here's how you might do it.

I'm going to stop there. I'm assuming we're just going to keep coming back forth all day or all morning on this, and that this is just the opening salvo. But bottom line is I don't think this creates, as presented here, any sense of urgency about what these children are facing and what we're calling -- what I think we should properly call a national crisis in child protection.

CHAIRMAN SANDERS: So I will come back to that in just a second. Commissioner Dreyfus?

COMMISSIONER DREYFUS: Okay. Thank you.

I want to, first of all with Judge Martin, really want to agree with her was kind of my view as well. And then listening to Michael, a couple of things started to come a little bit clearer to me is that I think he's right. I think Judge Martin is right. I think there's been something where we've been thinking that there is the CPS agency and then there's this larger community-wide responsibility.

When what we've really talked about, and whether people like the language that I always use, which is my language, that what we're dealing with is we need a very different way in which our country thinks about and just describes its child protective services system, its child welfare system, and CPS agencies, the state governmental agency is but part of it.

And I'm wondering if the error that we're making is when we are so clearly delineating between the two versus re-describing the 21st century idea of whatever language we use -- I don't want to pretend my language is the right language; it's the language I use on this -- is that this child protective services systems redefined has this integral critical government response system as part of it that must be adequately resourced and responsive and able to do what it needs to do when it needs to do it, but that it is but a part of this other -- this larger community-wide system of child protection. That it isn't an either/or, it is all one.

And I think, as I listen to Judge Martin, I think what she's trying to say it's a much more dynamic than being able to clearly delineate one path versus the other path.

The other thing I wanted to add, I wanted to agree with Michael, because I saw it when I read the outline section and the introduction. And yesterday I was in a presentation in Chicago done by Frameworks on just how we frame these things to really get society to care and respond and policymakers.

And I agree with him, we don't go far enough to call out the problem. But one of the things they really challenge us on is to call out the problem in little "P", call out solutions with big capital letters. That there is a problem, no doubt. But if we over fixate on the problem with big "P" and it's just this horrible terrible problem we've got, what their research shows, pretty good research shows is that we shut people down from their ability because they get reactive versus thoughtful and planful about what needs to be done.

So I do want to say, yes, we need to make a stronger statement of problem, little "P", and very big "S's" on the solution, solution, solution.

CHAIRMAN SANDERS: Commissioner Cramer.

COMMISSIONER CRAMER: I agree with Judge Martin, with Michael, with Susan as well. Particularly, I want to pivot off what Judge Martin said. I had circled on the outline or the documents that had been forwarded to us under advancing safety, circled with the CPS agency. I just feel like we need to pound the table harder and speak to not just the CPS agency and pivot off that, but we need to speak to all of those, law enforcement and other parts of the criminal justice system as well.

And just in general, what Michael said, I do think so far what I'm seeing doesn't capture the kind of passion and reaction that we've been having together through the hearings and through our discussions with one another.

Having said that, I'm going to have to struggle to see what I can offer back to you that would channel some of that.

Those are my comments.

CHAIRMAN SANDERS: Let me see if -- I'm trying to capture much of this just in writing as we're going through this. So let me see if this captures what we're talking about, or at least might move forward how we would put together a document to direct staff.

So in some ways the top two circles, the advancing state be in intervening early, continue to perpetuate that there are two separate groups of children that the system response is not necessarily integrated or coordinated, that it is still CPS response versus kind of everybody else who intervenes earlier. And that we haven't highlighted the importance of an approach that engages families at a much earlier point in order to assure safety for children.

And so I wonder if we would better capture it by combining those two circles into something along the lines of -- and this isn't the language that I would even recommend using, but maybe capture the thought, the redefining the system of safety for children and to try and -- as a single system and look at the responsibility across systems, look at the fact that it's not two distinct populations, that you want to intervene earlier with children who are also known

to child protection, for example. And also that we would emphasize the importance of family engagement in that.

So those are just some initial thoughts from what people are saying. How does that -- how do people react to that?

COMMISSIONER CRAMER: Well, this is Bud Cramer. It seems like I need to say my piece and then get off. I think -- David, I think you summed that up rather well. I think what you just stated, I would be more comfortable with. And I'd like to hear other people react.

CHAIRMAN SANDERS: Commissioner Dreyfus. You're on now, Commissioner Dreyfus.

COMMISSIONER DREYFUS: Hello. It takes a little while mics to get turned on.

I really liked how you framed that. I really do. I like the way of talking about that it's one circle and we're describing within that all these various components, but not as if one is more important than the other or as if they're separate and distinct. So I really like the way you laid that out.

CHAIRMAN SANDERS: Commissioner Martin?

COMMISSIONER MARTIN: So I think that -- David, I do think that what you outlined is more along what I was thinking or what I think I heard all of us kind of talk about.

I do want to go back to this one issue and I want to make certain that that's captured and how you reframed it. I don't think anyone is saying that if a child or family presents at a pediatrician's office and there's some deficits with providing safety for that child, that depending on the severity or depending on the specific facts, you would never call that into the hotline.

I think what we are saying, though, is simply because a family presents, we want to encourage community-based services. We want to see that the school takes care of what the school can; the pediatrician takes care of what the pediatrician can without bringing into care.

Simply because a family is having difficulty doesn't mean they have to come into care. They only come into care if care is the last resort.

And so it's not this distinction between not known to the system and known to the system. So if you come to social -- if you go in to get a WIC card or a WIC and the kid looks like they're not safe, that you automatically call child protection. It depends on what services that -- and the needs of that kid and family as to whether or not you need to call CPS. And so long as that's also reflective.

I guess in sum, I'm trying to say that when we expand and beef up the responsibilities of everyone in the system -- the school, the pediatrician, law enforcement, the court, you know, the grocery store -- and make everybody understand their responsibilities as mandated reporters and to provide and look for the safety and responsibility for the safety of our children, that doesn't mean every one of those kids and families have to come into care. It just means that we're trying to protect kids before the risk materializes.

And so yes, if in fact it should be a call that's made to the hotline, absolutely. But we're also not opening the floodgates where every kid that goes to the pediatrician that needs supports to be more safe has to come into care to get that safety.

CHAIRMAN SANDERS: Thank you. Commissioner Petit? You're on now, Commissioner Petit. Go ahead.

COMMISSIONER PETIT: Can you hear me now, Davis?

CHAIRMAN SANDERS: Yes. So there is a couple of second delay because you have to hit the right button to get you unmuted.

COMMISSIONER PETIT: So look. There's no question that the least degree of intrusion necessary to be of assistance to families is something that we all aspire to. Nobody wants to overreach on this. No one wants to overplay their hand. No one wants to drop an atomic bomb on a family.

To the extent that it can be dealt with at a local level in communities without resorting to legal apparatus that, you know, threatens to take people's children away from them, that's where we should be going. And there has been much written about that in the last ten years, 20 years, 30 years, 40 years. I mean, there is a widespread recognition. Our country just has not addressed, in my opinion, some of these, you know, early intervention and prevention and too early parenthood and all of that other stuff that also needs to be dealt with.

But just dealing with the question of the children that are going to be killed this year, as many as 3,000 or so. Clearly, the current apparatus that we have is not geared up to deal with these children.

If somebody at a -- just use the pediatrician. If you found someone who's abused, neglected right now and thought it did warrant CPS intervention and he recommended it, it wouldn't be any different than anyone else making a recommendation that saw a family that there might be a fatal or severe injury to a child.

So one of the things that's not coming through and we've talked about it, but I don't think we've talked about it enough, is the current apparatus that exists to protect children. The legal apparatus exists right now whose sole purpose is to protect children is the child protection agency.

We have heard again and again and again and again the fact that they have too few workers, they have workers who are untrained, they lack supervision, their caseloads are too high, they don't have treatment services. So anything that we do upstream, doing this, preventing that, is not going to deal with the reality that right now there are 3,000 kids that will be dead in a year. And we know who many of them are. And the question is, how do we respond to that? What specifically do we do with that?

And so this question of resources and an appraisal of the current systems capacity to respond, I think, is an essential step in building public will, building public understanding about why we need to do more on the short term to protect and more on the medium and longer term to prevent.

CHAIRMAN SANDERS: So if we extend -- earlier, just off the top of my head, to redefine the system of safety. If we use language like redefine and strengthen the system of safety, does that capture what you're saying? Or do you have another way of better capturing it in --

COMMISSIONER PETIT: That does capture for me what I'm saying. And I would note, and I'll just say it point blank, there is always going to have to be somebody who takes the overall initial lead and responsibility for the protection of children. As it currently stands right now, that responsibility rests with CPS. I don't know if we're planning to -- you know, I'm not prepared to say it should be somebody else. There needs to be a closer working relationship with multidisciplinary teams, other systems, all the stuff that we saw with the child advocacy centers. That was all great stuff and that all needs to be built into this.

But in terms of the legal responsibility for protecting these children from abuse and neglect in their own homes, that falls first and foremost with CPS. And we need to address what the capacity of the CPS agencies is.

We had a discussion last week, David and I and some staff were with the public agencies. Those public agencies were saying the same thing. Their capacity is tried at this point. They are at the limits of what they are able to do.

And if you take a look at some material that Tom prepared, in terms of the highest states and the lowest states, you see vast, vast differences in the numbers of children killed, the number of children removed, the number of children reported abused and the number of children separated from their families. We have a very uneven situation among the states at this point. And I think we need to say that point blank.

CHAIRMAN SANDERS: So did say or did not capture your thinking if we emphasize --

COMMISSIONER PETIT: I thought it did more capture the thinking. Yes. But I think within it, we need to really show that --

CHAIRMAN SANDERS: Let me actually -- Commissioner Dreyfus, I think, had a comment. Then Commissioner Covington. Commissioner Dreyfus should be coming on.

COMMISSIONER DREYFUS: I just came on. So I'd love to just...but I'm afraid the pausing will take so long. So I'll just say what I wanted to say very quickly.

I like where Michael is going, but I just want to remind us all, too, is that when we've all talked about the child protection agency, we have talked about it in a very different way. We not only talked about it being able to have more resources to do what it does today, but we've talked about the child protection agency in a very different way in terms of its leadership, its accountability, its way of partnering, and its capacity for more rapid response and the way that response needs to be done with multidisciplinary teams, et cetera.

So I want just to remind us all that we didn't just talk about CPS getting more to do what it currently does. We talked about a real redefinition of that child protection agency.

I also wanted to remind us about -- on this prevention front just to, again, support what Judge Martin is saying. And I just want to remind us all, too, that time and time again what we've also seen is the opportunities to reduce risk in these households where kids are going to get killed. And that's one of those missed opportunities we'd like to intensify. So I think, you

know, this idea of larger community-based intervention, Michael, from my perspective is all about reducing risk.

And lastly, I just want to say again, David, with the direction you went and how you described it with Michael I like that. But I really think what we're talking about is this safety system in our country and that it really is an ecosystem.

Now, don't get me wrong, the child protection agency sitting within it is crucial, critical, and must be resourced and operating in an excellent fashion in all 50 states. Because without it, the rest of it's going to falter.

So those would just be my additional comments.

CHAIRMAN SANDERS: Commissioner Covington. You're on now, I believe. Go ahead.

COMMISSIONER COVINGTON: Hi there. I'm sorry. I sent out e-mails. They're having a hard time getting me to be able to talk. But apparently I'm on.

So some of the things I wanted to say have already been said, but I will reiterate them because I feel strongly about them.

I, too, really feel that advancing safety for kids known to CPS and intervening earlier is not mutually exclusive. I sort of felt that way all along, even as the committees were doing their work, that for kids known to CPS, even some of the recommendations we're thinking of around the prevention, intervention end would meet those kids' needs, as well as kids who are not known to CPS.

So I get concerned that we're breaking them up into two categories. You know, I think the upstream and downstream approach works, but the kids are not -- the kids can be the same kids. I agree with Michael, somehow or another I think this lacks the most and I don't know how to capture that.

And there's something about the graphic and I've been spending a lot of time trying to figure out what it is. But it doesn't seem as relational to me as I think our work is doing. You know, the two circles at the bottom in terms of mobilizing leadership and accountability and improving measurement and data, that those two are sitting side by side, somehow or another those don't fit for me going into this center circle and then popping out, working -- advancing safety or intervening earlier.

So that's -- and I haven't really -- I've been trying in my head to think about a different schemata, but there's something that doesn't fit for me in terms of these circles being relational.

The other case that I -- and I don't -- other commissioners may completely disagree with me on this, but to me a lot of what -- the way we're presenting this is really coming from a deficit model. Even the term about intervening earlier, there's something about the term "intervention," there's something about the term about protecting children.

I think what we've been doing for the last year in terms of the work of our prevention committee has really been thinking about it's really more -- more than just protecting children. It's really building family strength and capacities and community strength and capacities.

And I feel that we've just -- we're narrowing this down too narrowly and we're doing it sort of in a deficit model by using terms like "interventions."

I think of it much more than just doing interventions with kids or interventions with families. It's really building communities' strength and families that have strength, rather than -- and if we do that good prevention work, we're really not going to have to do much intervention, to be honest.

So I feel just from a theoretical framework, we're not capturing it right. Even though I know that the risk stuff, the risk identification is important and everything. But if we do some of the work we're really recommending, all of that will almost be taking care of itself because these kids won't be coming to us with a lot of risk.

So I just -- I sort of feel we need to - - there's -- we're not capturing kind of our -- our fundamental philosophical Venn that we had as we were doing some of this work.

For me, those are the -- and you wanted us to come up with recommendations, and I've really been struggling, David, and I've really been trying of another way to address this. But I haven't done that yet.

And then while I'm on the phone, I have one more comment, which is on the outline. The thing that really bothers me is that on the outline in chapter three we talk about how other industries use what they know to save lives, and then the whole rest of the chapter is how is what other industries are doing can be applied to advancing safety and apply the intervening earlier. I don't think that's what we're really doing. I don't think we're just looking at how other industries use what they know to address chapters four and five.

So that part, I really don't support that at all in terms of just using that approach to figure out what we're going to do in terms of advancing safety and the term "intervening earlier." And I still don't think intervening earlier is the right way to go. I really think it's more about creating healthy families and communities. And that's just my... So that's all I have to say.

CHAIRMAN SANDERS: Commissioner Covington, just a couple of points. I think one, from the conversation, the language that I proposed would actually eliminate the top two circles as they are. So we wouldn't make a comment about intervening earlier. It would be something along the lines of redefine and strengthen the system of safety for children or something like that.

So within that, I guess, I would -- are there ways to better capture this as not deficit based. So that would be one thing. If we didn't have the intervening earlier mentioned.

And the second is that I think just from this conversation, the structure that presented later in the document for the chapters is going to have to be rethought.

So, you know, I think that's why I really wanted to start with this as direction, because if -- some of the changes that have been made already, I think, will require rethinking of any chapters that might be included at a later point.

So those are really placeholders for right now based on this conversation.

Commissioner Martin?

COMMISSIONER MARTIN: I haven't figured out this phone systems yet. So am I still live or not?

CHAIRMAN SANDERS: You were. Now it's Commissioner Martin. Sorry about that. It takes a few seconds and then it kicks in.

Commissioner Martin?

COMMISSIONER MARTIN: Yes. So I want to go back -- because I don't want to lose what Commissioner Petit said some time ago in the beginning of our conversation. Commissioner Cramer.

I do think there's an element of emotion that is lacking here. So a lot of times when you see reports, you see a picture of a child or you see something that pulls at your heart or you read something that pulls at your heart.

This does not pull at my heart. And so I don't know what would, but that's just an element that I don't want to lose.

I want to piggyback on a couple things that Commissioner Covington --

CHAIRMAN SANDERS: Commissioner Martin, before you shift, I did want to say I do want to come back to that. So I was staying focused on this part with the -- particularly the top two circles. But I think that issue that Commissioner Petit raised earlier, I do want to come back to that. I just didn't want to have several things going on at once. So we will go back to that.

COMMISSIONER MARTIN: Okay. With respect to the first two circles, again, I do appreciate the way that Commissioner or Chairman Sanders rephrased it earlier.

I also don't want to lose the idea -- prevention is great, and I think that is what we're talking about. But there's also a very important element. We're not doing this to try to find families to bring into foster care. I mean, we're not trying to increase the roles. If, in fact, we can treat families within the community, that's best. It is not best to bring kids in foster care. Foster care is not necessarily the best place for all of our families.

And so I want to make certain that we have some kind of -- lack of a better term -- due process. Not every kid that is at risk needs to come into care. And that has to also be enunciated. Because I don't want the public and society to think that what we're saying is when we find any kid that appears to have some safety concerns, they automatically come into care and that's where they're going to get the safety.

That's not necessarily true. Kids in foster care aren't necessarily safe as we know that. And so the idea is to encourage people to seek care before they need it or before it becomes problematic. And we can't do that if we're going to be punitive and take all kids in that we see that are in danger. Or that have minimal danger and we're anticipating worsening.

And if we don't want to talk about the last two circles, that's fine, Commissioner Sanders. But I did have one idea that may not be necessarily the best, but it's one idea on the last two.

CHAIRMAN SANDERS: Oh, I wasn't meaning to suggest we didn't want to talk about it. I wanted to make sure everybody got in about this -- the top two. We can certainly talk about others. Go ahead.

COMMISSIONER MARTIN: So my last two, I'm not sure if the language is right. But I do think that the arrows also need to go away from the center. And what I mean by that, for example, when we talk about what we know about preventing fatalities, it's not only improving measurements and figuring out the data and understanding what kids are dying. But it's also utilizing that to improve the way that we use the system.

So it's gathering that data, understanding the data, getting better data, but also turning around and using that data and to improve the system and improve our ways of handling the caseloads that we have and ensuring better safety for our families.

And so to me, the arrows going to the center should also be going out for those last two. And that's just one way that it help me to think of it.

Thank you.

CHAIRMAN SANDERS: Thanks. Commissioner Zimmerman?

COMMISSIONER ZIMMERMAN: Wow, that's a long hesitation.

So I have to say -- can you all hear me?

CHAIRMAN SANDERS: Yes.

COMMISSIONER ZIMMERMAN: Okay. Good.

So I'm agreeing with almost everyone. I think that -- I think earlier the staff had given us the diagram. It was much more a Venn diagram than it is now. I agree with everyone that it has to be much more relational, much more like a Venn diagram.

I think the language of the circles could be changed to be less...for example, the intervening early would be changed into something a bit more of an idea of what we're hoping for, which is to create healthy families or support health families and do much earlier prevention and early intervention in order to do that.

I also agree that we have to have a much more punchy -- lack of a better word -- a much more emotionally based way of presenting the material, but I would like to caution us that we don't want to be provocative. There is a difference between being impactful than -- and provocative because I think that sometimes -- I think that we can send a message to families in the United States, not just child welfare workers and other system workers. If we're too provocative, that somehow the work that they've been doing for decades isn't enough and that somehow they are wrong. And that's not what we're saying.

But it also can say something to families about, you know, how I think that they may -- could possibly interpret what we say as that they don't know how to parent, they are poor families and that we are somehow judging their parenting styles.

And in essence, when a child is in a need or in danger, we do have to make those judgments. But I'm thinking much more of families that are just struggling, not the ones that are actually doing pathological maltreatment, if that makes sense.

And then I think that, I agree with Commissioner Covington, if I understood her correctly, I think that the chapters three and four, while we did hear about how other industries are

saving lives, I'm not sure that I'm agreeing -- if I'm understanding it correctly -- agreeing that the way that we are thinking to address that is to sort of implement those other industry's methods. I think we heard them, I think many of us thought that they were interesting and that they -- you know, that for that industry, they were absolutely life changing for the industry and protected many, many people. I just sometimes -- I've got to be the Commission that really wonders -- I don't know that we can translate saving, you know, the airplane industry to child safety and wellbeing.

So that's just my two cents. So I'm done.

CHAIRMAN SANDERS: Thank you. Commissioner Petit. And again, it will take a second before you get on. You're on.

COMMISSIONER PETIT: Can you hear me now, David?

CHAIRMAN SANDERS: Yes.

COMMISSIONER PETIT: Several things I'll react to and a couple things that I'll just assert.

One is I agree with Judge Martin that foster care is not the default position in dealing with struggling families. But I think at this point -- I might be misreading the Commission -- but my guess right now is that there's a 12/0 sentiment on the Commission that more foster care is not the answer and that we should be tossing all children into foster care.

On the other hand, there were several thousand children killed last year in their own homes for whom foster care would have been a lifesaver. And Commissioner Zimmerman mentioned that, you know, we want to help struggling families. I think that helping struggling families is that upstream prevention kind of thing.

And if you look at how other countries do it, they do have universal health for all children, universal preschool for all children, much lower pregnancy teen rates, much higher income support. That's not where our government is at this point. Those kinds of things that I've just rattled off are, in large measure, under attack. So child wellbeing is different than child protection.

And Commissioner Zimmerman, when you mentioned, you know, it's help struggling families and, you know, then there's this group of pathological situations, those pathological situations is just what I think we're talking about. Those other situations where children -- where families are struggling, they're not going to kill a child. I mean, that's not where this is happening. It's happening in other kinds of situations.

I think we need to keep returning back to this business of the child protection agency. And I couldn't agree more with Commissioner Dreyfus, that, you know, there's a much broader network of child safety and child protection.

But the reality is, right now, as we look at those communications that comes across our desk every day, the press all across the country, governors all across the country, legislatures all across the country are struggling and feel that they're losing ground in the protection of children. That's the formal system that we have up. And we need to comment on whether or not we think that they're accurately resourced by just doing a poor job, they have a much better idea of what needs to be done and they're just not sufficiently resourced.

You saw this week -- I think it was distributed to all of us -- the social worker who was killed in Vermont and her three friends who were killed. I mean, there is, I think, a worsening problem in child protection at this point, and I think we need to speak directly to that.

CHAIRMAN SANDERS: Commissioner Dreyfus. And it will be just a second. You're on now.

COMMISSIONER DREYFUS: Hello?

CHAIRMAN SANDERS: Yes. We can hear you.

COMMISSIONER DREYFUS: Okay. Great.

Just two quick things. First of all, with Judge Martin's point, and I think Michael was talking about a little bit, you know, I just want to remind us all that child protective services, in the majority of states, they are doing more in-home than they are removing kids into out-of-home care. They're serving far more kids in-home than in out-of-home care.

So I just don't want us to think that this child protective service agency is just about the removal of kids. But if you really look at the data, more kids are being served in their homes by child protective services than are in out-of-home care. So I just wanted to make that point that we keep in the broader goal of CPS, which includes diversion, differential response and all the different terms that, you know, states are using for getting into families where there are safety concerns, but building upon strength and putting resources in there using good solid wraparound community-based methods to keep children safely at home.

The second thing that I just wanted to add to Commissioner Zimmerman's point is I'm one of those commissioners that I do believe there is -- and I'm speaking from my former child protection days -- I think there is real adaptability of the prophecies that are being done in the airline and healthcare delivery systems over to child protection. I can absolutely see it every time I'm being presented with it.

So I'm not saying that it is a quick just do exactly as they do. I think it has to go through a process of adaptation. But I really do see some best practices and prophecies and methods that are absolutely adaptable over to CPS. And I'll tell you, it would make me want to go back to being a commissioner again to implement that kind of rigor and scientific methodology into the work of our agency.

So I do think -- I am a very strong supporter of it. I just wanted to go on record saying that.

CHAIRMAN SANDERS: Commissioner Rodriguez, you're on now.

COMMISSIONER RODRIGUEZ: So I like the general idea of using what we know, and I think it - - but I think that maybe the words are wrong because it's not just using what we know. I feel like it sort of -- that statement has to be to tell the story that we believe that there are -- there is data, there are processes, there is research that either could be done or has been done that would fix the problem. Because I think that is the compelling kind of hopeful framing stories so that the problem doesn't feel like problem with a big "P". It feels -- it feels like it's actually a problem that is fixable.

And so I'm terrible at messaging and so I'm just sort of listening and trying to learn. But somehow I feel like whatever the messaging is has to be something about, like, what if you knew that we have all of the answers somewhere. We don't have -- child protection doesn't

have them right now, but somewhere in different fields, in the way we can use data to predict which families need the most support, you know, in interventions that are sort of being done and piloted that we haven't been able to scale up. What if we told you that we could fix it so in the next year children who were going to die aren't going to die.

To me, that's a really powerful story. And I feel like that more than anything has been what I've gotten from being on this Commission is just that there is an incredible amount of resources and thinking and research that child protection has been completely insulated from for one reason or another, but that we could actually fix it if we intentionally set off to do so.

So I don't know that this was helpful at all. But just as I'm listening to people's comments and thinking about my own reaction to sort of the story, I like the general idea because I think I understand what it means. I mean, I'm pretty sure that that's probably what it was intended to mean, but I think it would have to be framed differently. Like, you know, deploying the resources to the most at-risk kids. Or, you know, something.

So anyway, I don't know that that was helpful at all.

CHAIRMAN SANDERS: Commissioner Rodriguez, what about -- as you were talking, I was just jotting something like this down and I'm not wordsmithing, but more -- I'm about trying to capture your sentiment. So rather than what's stated -- and I also think Commissioner Covington and others referenced this in a different way.

If we stated it something like we know what to do, we can save lives, we must use what we know, or something along those lines, that really emphasize we do know what to do in a lot of cases. We just -- we haven't been doing it.

COMMISSIONER RODRIGUEZ: So I think that would be good, but I think that it's also -- the other -- to me, the other idea is for the cases where we don't know what to do and there's a number of those we could know what to do.

If we -- if we intentionally set up a system that was safety oriented, that was really looking at how to prevent future crises, as well as how to manage half crises, that I personally believe and I think my hope comes from actually seeing what's happening in other industries, that even in those situations where people say we never saw this coming, we have no idea how to help these families, that in fact that's because we're not actually using all of the resources we have at our disposal in this day and age with technology and with, you know, sort of being able to analyze and research.

So I think it's, like, it's a dual message. It's the many things that we know that we could be using more effectively, but on all the questions that we don't have answers to we could know the answers to.

CHAIRMAN SANDERS: Thanks. Commissioner Bevan. Wait just a second. It should be on now. Go ahead, Commissioner Bevan.

COMMISSIONER BEVAN: Okay. Great.

I've been listening. I have several points to make. One, let me just start with Jennifer. I agree totally that we know what to do. We know who's the greatest risk of child fatalities. We know how to do it.

And so, you know, what we need is some...

CHAIRMAN SANDERS: Commissioner, you are cutting out. Can you repeat what you just said? It cut off for a couple of seconds there.

COMMISSIONER BEVAN: Wait a minute. I'm in the car.

CHAIRMAN SANDERS: Collective will.

COMMISSIONER BEVAN: Yeah, we need a collective will to get it done. I mean, that's what we need. You know, we have -- to the extent we know anything -- we do know.

My concern is that we need to keep an eye on child fatalities because that's the purpose of this. Yes, I don't think we have the evidence to show that there are services for supporting healthy families and communities and that we can eliminate child fatalities if we just support healthy families. I wish it was true, but I don't think it is. Nor is it true about families struggling. I don't think we know -- we don't want to mix up poor families with children -- with families who kill their kids. I mean, obviously, they're not the same population.

So we need to keep an eye on...I think it's...

CHAIRMAN SANDERS: Commissioner, you're cutting out again.

We'll go to Commissioner Martin. And we can come back to you, Commissioner Bevan.

Commissioner Martin? You're on now.

COMMISSIONER MARTIN: Yes. So a couple of comments. One, I think -- I agree that -- let me be frank. When we first started talking about predictive analytics, I was very concerned about where that was going to lead us or where we were trying to go with that. And I don't know if I really understood what I understand today.

And if I am remotely correct about that, what we're trying to do is see whether or not we can use other industries and how they use predictive analytics to get a better handle on what we anticipate the families and the children we find at high risk, what we anticipate could happen so that we can prevent that.

And so I agree that's something that we should look into; that's something we should try; that's something that we should spend some effort into really developing. I will tell you that right now what I tell judges who are newly assigned here is that no matter how well you do your job, if everyone in your courtroom does their job perfectly well, which is obviously impossible to do, that doesn't preclude a bad result.

And so I want us to be a little bit careful about assuring society that we know exactly what to do in every instance.

I think we get a better handle of what to do when we include or enlarge the circle beyond just CPS and that we start talking about all the other spokes within the child welfare wheel that take responsibility for the safety of our children.

But I don't want us to go out here saying that we know exactly what to do in every instance because I'm not really sure that's true. I think we have to be somewhat cautious about making that ultimate statement, although I think we can do a lot better.

And the way I look at it more is what Dr. Rubin said some time ago, and that is more so plugging the gaps in between the systems that our children reside in or touch. If, in fact, we can connect our systems, we're providing a safety net for our children that then they are -- we minimize them falling through our system, falling through WIC and pediatricians, falling through hospitals and courts. We start figuring out ways in which the eyes of one system helps guide the eyes of another system about the safety of our children.

And so I would look at it more from that perspective than us being able to say what we know what to do in each instance.

And I also want us to not forget that we've also talked about really listening to the families about what they need as well. We cannot afford to put something out today that does not include a voice of the family.

That doesn't mean that the family is always right, but we do have to listen to what the families tell us they need as well. Thank you.

CHAIRMAN SANDERS: Yeah. And I think that language that suggests we know what to do -- I think it clearly needs to be tempered that that's not in all circumstances. I do think we want to and should and I think have the evidence to give a strong message that if we applied what we know, fewer children would die.

And I think that we don't capture that right now in the center circle, and I think we can. I think we can capture language that says we aren't using what we know. And I think Commissioner Bevan's comment about public will, I think we need to incorporate that in there someplace, too.

But I think you're right, Commissioner Martin. Obviously, we could not prevent every child fatality today based on what we know.

But with the right public will, I think we could prevent many more than we have been.

And I also think what Commissioner Rodriguez said about we could know more, too, is also possible.

COMMISSIONER MARTIN: Yes, I would agree.

CHAIRMAN SANDERS: Commissioner Petit. Taking a second. You're not on yet. You're on now.

COMMISSIONER PETIT: I guess I'm on now.

Well, to rephrase or give it a different term than Commissioner Martin just gave it, which I agree with that point is that there is an irreducible number of children and families for whom we really don't know what to do. We don't know how to deal with episodic mental illness, we don't know how to deal with certain substance abuse issues, we don't know how to deal with certain tendencies that are prone to violence. And for that group of children, they need to be someplace else. We don't know what to do with the families for whatever reason.

I think coming back, though, to this question about, you know, predictive analytics and everything else, all of which are, you know, at an emergent state, there's hardly anything definitive or authoritative at this time. I would just not that again, in looking at the states, you have states that are comparable size populations, and yet one state may have triple or

quadruple or quintuple the number of child abuse fatalities than the other state that's of the same size.

And I do think it is deserving of attention to note that there are differences in these outcomes. And is it a function of the inputs are different? Is it a function of the resources are different? What is it a function of that some states do so much better in protecting children than other children?

And so I want to keep returning to this notion of child safety, child protection, and that there are standards in this area, whether they're developed by the government or someplace else. But we know more about how to protect children in certain circumstances than otherwise.

And before we say that all of the states need to do something different, we need to see, I think, which ones are doing a better job than others in terms of protecting kids.

And in terms of the public, I don't think the predictive analytics is a winning slogan in dealing with the public. I think there is this notion that we need to convey that children are in trouble and that the rest of the society needs to work its way into, be more supportive of those children. And to the extent that we can be supportive of their families, yes. But kids are the first priority.

CHAIRMAN SANDERS: And it says Commissioner Dreyfus. And you're on now. Commissioner Dreyfus, we can --

COMMISSIONER DREYFUS: Can you hear me?

CHAIRMAN SANDERS: Yes, we can.

COMMISSIONER DREYFUS: I just want to respond to Michael. Michael, I actually believe that predictive analytics described in ways that, like, working with a group like Frameworks would really help us understand how to describe it. I think it's a question of public confidence; that there really are some tools, there are -- that can be used. Not that they're the panacea. This is not still a human business with all the frailties of, you know humanity all around it. I get that.

But I do think that predictive analytics worded correctly in a way that's understandable increases public confidence. And that's why I do feel pretty strongly that there is a place for predictive analytics as we talk about how our country needs to move forward. And I do think that we leave to individuals decisions that could be much better guided with much better data analytics sitting underneath them. And I think it would elevate public confidence and media confidence as well.

CHAIRMAN SANDERS: So let me -- Commissioner Bevan, you were finishing a thought and cut out. I don't know if you're in a better place, but we will try and put you back on and see if -- so you'll be on in just a second.

COMMISSIONER BEVAN: Okay.

CHAIRMAN SANDERS: Yep. We can hear you. Go ahead.

COMMISSIONER BEVAN: Well, I agree that we don't know -- we don't know what to do with every kid. But we do know the factors. And, you know, we have to lay out the factors and it's uncomfortable. It's uncomfortable. But these kids are uncomfortable. They're going to die.

So, I mean, we've got to be straight and honest about what we know, what we don't know, and who's the greatest risk and keep it on child fatalities. It's not about revamping system. It's about a child. These kids have fallen through the hands of somebody.

And so, you know, yes, we need system reform and I love the idea of redefining this child welfare system and other systems.

But I don't -- I think we have to keep an eye on both creating a sense of urgency, which is already there, or just bringing it to light, and then, you know, recognizing that we don't know everything, but that we do need to mobilize what we do know and that we are going to have to, you know, recognize that there was duplication. There's money all over the government, you know what I mean. But then there's stuff that we need research.

CHAIRMAN SANDERS: Commissioner Bevan, let me ask this question because there's something you said that I don't think was captured in here. Because it seems that the point of redefining or strengthening the system of safety is towards exactly what you said. And that I wonder if we need to emphasize -- because part of what I read, when we read these articles in the paper and so forth, is that children end up falling between the cracks. And nobody is watching out for them in systems that could assure that they are safe. And not just the child protection system, but kind of broadening it, that a physician calls in the child protection report, then doesn't see the child again because they miss five appointments. Then you have a dead child.

Or law enforcement goes out, doesn't go out again for three weeks and the child is dead. I mean, it happens over and over that children are lost in this. And I wonder if there's a better way of capturing that in the top circle. That the redefining and strengthening of the system is to really assure that somebody has eyes on the child and that they know what to do.

COMMISSIONER BEVAN: Yeah. I agree with you. I mean, we're going to talk about system reform, you know, talk about eyes glazing over, talk about, you know, having been there, done that. Yes, but we need to create or bring attention to the fact that there are kids dying and that there are mistakes being made, parents that are more than struggling, you know, they are incapable of taking care of these children.

And, you know, really, I'm...they're incapable. It doesn't matter. These kids are dying. So I think we need to make it straight what we know.

CHAIRMAN SANDERS: Commissioner Martin. It will take a second here. Okay. Commissioner Martin, you're on now.

COMMISSIONER MARTIN: So Commissioner Sanders, the last comment you made, if we think about some of the communities and jurisdictions that we visited, where that works, let's think about Pima-Maricopa, although it's an Indian reservation. But what they had was, if you want to call it public will, but they had someone in a leadership ability, a leadership position, which were the tribal leaders, that said this is what we're going to do. We're going to take all these systems and integrate them so our kids don't slip through the system. And that's when

they started talking with the school system and law enforcement and getting them involved and seeing kids who are on the street talking about truancy and bringing them in and trying to find out what the issues were. Without bringing them into the system, but bringing them in for what I call, like, an inter- field or a multidisciplinary staffing to determine what the needs are of the family and put them in place without necessarily bringing the kids into foster care.

And so why are we -- I mean, that was the model I thought that we were talking about. So it seems to me that these top circles or ovals should be something about the federal government taking the tribal leadership position and making these systems -- and yes, you know, I'm being very general and very glossy and there are ways -- you know, we have to find the vehicles, but of making these systems connect and provide the safety link underneath these systems so our kids don't fall through.

And doctors are not, you know, letting a child that doesn't come back for follow-up appointments three times just slipping through. And schools are not letting kids just not come for months on months on end without finding out what's going on with the family.

I mean, I think the statement you made is absolutely correct. And when we think about the places that we've seen something like that going on and we've talked about it, there has been -- one of us referred to it as public will. I don't really think it's public will. I think it's the federal government has to tell us and tell these systems they have to connect.

CHAIRMAN SANDERS: Commissioner Petit, I want to comment on what you said, but let me go to Commissioner Petit and then come back.

Commissioner Petit, you should be on now.

COMMISSIONER PETIT: Yes. If I can just revisit the Indian reservation. There was some great work going on there just as Commissioner Martin has described. But I feel the need to remind us all that they had only 5,000 children on the reservation; 400 of them were in care; eight percent of children basically were in foster care, which is by far the highest rate I've ever heard of in the country.

And if it was true in the US as a whole, it would be about 5 million children in care instead of four or 500,000 children in care.

I think that, you know, right now the public is angry at the parents. They're less sympathetic and they are more angry with the parent because I don't think they understand a lot of what the context is.

They're also angry at the agencies that they think are supposed to be protecting these kids. But I do think, putting forward a strength- based family improvement model, which I think is of paramount importance, doesn't by itself begin to carry the ball over the goal line.

There have been discussion on that exact point and initiatives and experiments and money for decades and it's not producing the outcomes that we want. And I think that this issue from a policy point of view, from a political point of view, from a political will point of view, it's going to have to heavily emphasize the public safety aspects of this, that these children are being killed and there's more that needs to be done. Some of that is traditional, some of it's going to be new, but I don't think that the model, if I -- Judge Martin, I don't know if you recall, but I remember her saying that each kid was 25,000 a year times 400 kids is 10 million

in a community of 10,000 people. That is a very significant expenditure that the vast majority of places couldn't do.

So I think if we're going to do anything with that particular reservation's activities, we need to go back and confirm whether these numbers I'm talking about are accurate or not.

CHAIRMAN SANDERS: Commissioner Zimmerman, it'll take just a second, but you'll be on next. You're on now.

COMMISSIONER ZIMMERMAN: So I'm agreeing -- I'm agreeing with Cassie, I'm agreeing with Michael and I'm agreeing with Judge Martin. I do think that back to a previous comment that you made, Commissioner Petit, I think that one of the reasons that Pima-Maricopa was so successful is because they did engage foster care. And you're right. It was very expensive.

But I don't know that we can do this any other way. I mean, seriously. I'm hearing everybody cringe about how what's going to be acceptable and what's not going to be acceptable.

But if you're not -- there are parents who cannot parent; there are parents who should not parent. What's the alternative? It's got to be foster care. But it's got to be foster care that's supported financially and through research and through training and professional development of foster care parents because the kids are coming to those situations with very special needs around maltreatment and trauma and mental health issues and potentially even -- some of them, depending on their age -- substance abuse issues.

Okay. So I've said that. So the other piece is, though, that if we're -- so that's the point that, I guess, that I want to say is that I agree. If the bottom line, let's keep the kids safe, then let's keep the kids safe. But we've got to land on one sort of way of doing this. Or are we going to do...

And I know, I know, I know everyone's going to jump on and tell me that it's the same thing. And I intellectually agree with you. I can even write it in a Venn diagram for you, I can discuss it in a classroom setting. But I'm just going to be pretty frank on this phone call. We've got -- I don't know that we can do it in reality.

We have the public will at Pima Maricopa, the people -- that the leadership said no more children are going to die. They have the public will of the community and the leadership. Then they had the funding because they're a casino tribe. And they were able to put a lot of dollars behind what it is that they did.

Well, if they're going to be a best model, maybe the United States government and states need to take a long look at those models and say, where are we going to put our resources? Where are we going to put our funding? Are we going to put it towards other sorts of industries and agencies, or are we going to protect our children?

But our -- I believe that my role as commissioner is to say my recommendation is that, yeah, we do that, that we really ask the federal government, the president and state agencies or state governments to say, we are going to support our children and save our children. So that's my two cents for Pima Maricopa.

CHAIRMAN SANDERS: So let me, just for a second, move to the earlier comments by Commissioner Petit and I may ask Jill and Amy to weigh on this. And that is about kind of the

-- that we haven't laid out the problem and been specific about what it is that we are charged with accomplishing.

And I think that this was really seen as a diagram that captures our findings and recommendations and not intended to restate the problem or to speak specifically about what our charge is. That those pieces are critical and they aren't captured in this at all, and nor does this have the emotion, although if we strengthen the center circle and really focus on the fact that we could be saving children's lives today may be able to capture it better.

But I think this was really seen as just capturing essentially what we want to put in our report related to findings and recommendations.

But let me see if Jill and Amy want to weigh in on this.

Actually, we'll go to Amy. You're on, Amy.

AMY TEMPLEMAN: Can you hear me?

CHAIRMAN SANDERS: Yes, we can.

AMY TEMPLEMAN: Okay. You're correct. The new version that staff produced was in response to the commissioners' feedback at the New York City meeting and the feedback we received after that. It represents the fact that thinking about how the Commission's most important findings interacts with each other, and also what the Commission has found to be necessary but often lacking in order to eliminate fatalities.

Can you still hear me?

CHAIRMAN SANDERS: Let's see. Jill -- is Jill on? Do you want to add anything to that? You'll be on in a second. Yeah. Go ahead, Jill.

JILL GREENE: I'm on. Can you hear me?

CHAIRMAN SANDERS: Yes, we can now.

JILL GREENE: Yeah, I would agree with that, that the focus of the graphic was to capture more of the Commission's solution, and that that would give some structure to the bulk of the report where we're talking about the findings and your recommendations.

So there are other strategies that we will use to convey some of the other concerns that commissioners are expressing about making sure that we're being clear about the problem and that we're tapping into those emotions that we agree are really critical to make sure that this is getting the attention that it deserves.

And I can talk about those now or we can talk about them later.

CHAIRMAN SANDERS: I think we have a comment or two, but let me just say we will all have the opportunity to weigh in on everything from this point forward that ends up in the final report. So we can talk about it today or we can - - we will certainly structure time to talk about it.

Commissioner Zimmerman, I believe?

Amy, did you have something -- Amy Templeman, did you have something additional?

AMY TEMPLEMAN: I just wanted to add one thing. I think you mentioned it earlier, Chairman Sanders, and that is that this graphic was an attempt to outline the national strategy as we were asked to do in our legislation. It was not an attempt to lay out the problem, but it was very much an attempt to lay out the solution, in terms of what the Commission has heard so far would work in terms of the strategy to eliminate fatalities.

CHAIRMAN SANDERS: Commissioner Covington, go ahead. Just a second to get on. Commissioner Covington, go ahead.

COMMISSIONER COVINGTON: I got it. I appreciate that, but to me, that's, you know, the heart of what I think our concerns are, that it's still not capturing what it is -- you know, it's not about the problem. It's about the way forward, which I think is what we're all basically trying to say.

I think we have a really good idea of what the problem is. And I suppose we probably have to find a way to really emotionally capture that as well. But I think we still have to put emotion in a broader perspective into the solutions that we have that aren't so child protection only focused.

CHAIRMAN SANDERS: So do you have a suggestion about -- and for this document -- how that might be included? Is there some -- other than kind of the things that we've talked about to this point?

COMMISSIONER COVINGTON: Am I still on? I haven't figured --

CHAIRMAN SANDERS: Yes, you are.

COMMISSIONER COVINGTON: No. And that's kind of, you know, what I've been thinking about. I think we caught a lot of that on the call today. I think I really have agreed with pretty much most of what I've heard on the call. But I think we have to just go back and really do some really deep thinking about how to capture that more creatively and compellingly.

CHAIRMAN SANDERS: So let me -- I don't see other comments right at this point. So let me suggest that -- at least what I've captured on here. And let me know if this is generally the right direction. Because it's clear -- well, let me know if this is generally the right direction.

So we would really rethink about half of this, of the diagram that's been put in place right now. And the pieces that I have that are absolute musts for changes are we would no longer have the two circles at the top that distinguish between two -- that distinguish two populations and two separate strategies. That rather than having the advancing safety and intervening earlier headings and circles, it would be something along the lines of redefine and strengthen the system of safety with the goal of assuring that children don't fall between the cracks.

Something obviously much more elegantly stated than that. But that we would really identify this as essentially a single system and a much broader system than we've talked about historically with child protection. And we would really focus on the redefining and strengthening of the system toward the end of assuring that children are safe by not falling between the cracks.

That the center circle, we would also change to really focus on that we do know what to do in more circumstances than way we are applying it today. We can actually save lives through using what we know and that we really have to -- we have to begin to do that.

And we think that public will is part of that. But to kind of capture it more assertively around the ability to save children's lives.

And in both those last two circles -- and this is an earlier comment by Commissioner Martin -- we would make sure that this is not -- that the mobilizing leadership, improving measurement data and research is not just the traditional child protection system either.

And the final piece is that we would make sure that this is much more relational in terms of how each of the circles influences the other.

So those are kind of -- high level the kinds of things that I've captured that I think we can translate into a very different document that better reflects our thinking.

So let me stop there and see if there are comments.

Commissioner Petit? You're on now. Go ahead.

COMMISSIONER PETIT: Yeah. A couple things. One is Commissioner Covington said we know what the problem is. We may, but the public doesn't. And there is still a large amount of mischaracterization of what the issues are in the local reporting that's going on, and there is still virtually no national press that has picked up on this particular theme, which I know we're all hoping is going to change.

But I don't think it's reasonable to expect that people are going to embrace strategies for addressing this issue unless they know what the issue is. So I'm going to argue that the definition of the problem, which is where the emotion comes into this thing because what we're talking about are dead children, the problem and the strategies are inseparable. And I think that they need to be linked together.

In terms of how to frame this, you know, I sent something to people a week ago in response to Commissioner Horn's comment, but I'm going to return to the same idea. And I understand what's missing in what I'm saying. But what I'm going to state is a framework. But it opens the question and begs the question to all the other stuff that we're talking about. And that for me, in terms of conveying to the public immediately is that child protection is in. Immediate federal aid to states and -- I'm going to say and families -- immediate aid to states and families is needed to stop fatalities.

I think that summarizes in a short framework what the basic problem is. We're saying it's a national Commission. And I don't think we should sugarcoat this issue of just how much trouble the states are having in dealing with this issue. And Exhibit A is the nearly 2,500 to 3,000 or so kids a year that are killed, which we still haven't, by the way, as a Commission, agreed as to what we're going to represent as a number. And I do think it's important to represent what that range would look like.

So at the risk of -- well, I'll just leave it at that. I think that we need to say this system is one that is under stress. And because the families are under stress and the response by the community is under stress, we're calling for immediate federal intervention in this situation.

Which then gets into all the accountability issues and leadership issues, what the tools are that we have, what the specific tactics would be employed, who would be responsible for this at a local level, at a state level, et cetera.

By the way, I notice -- I got a call from a reporter yesterday. I noticed that in Montana, apparently the federal government is bringing some kind of sanction against the state of Montana as early as next week for failing to meet certain federal standards. I don't know how accurate that is, but I was called about that yesterday. Just one more example --

CHAIRMAN SANDERS: Commissioner Petit, the one area that I would -- I don't believe that the headline that you described is sufficient in that I don't see how we can, having heard all of the things that we've heard, say do more of the same thing. And so it seems that that's part of what this is trying to capture is that we need to actually -- that any investment that's made needs to be towards different strategies than the ones that we've been employing.

COMMISSIONER PETIT: Well, I'm not saying do the same thing that we've been doing because that is clearly not enough. But that doesn't mean that what we're doing isn't what should be done in many cases if it was adequately staffed.

When you have caseworkers that are trained, experienced, properly supervised and have a range of services that go with, we say gee, that's exactly what it is that ought to be happening. If the worker -- and we just saw something yesterday, I got something where the caseloads in some states had tripled, quadrupled, quintupled per worker. The caseloads are vastly different. Which workers do we think are being -- doing a better job? They're both doing the same thing. One does it with a manageable caseload; the other does it without a manageable caseload.

So I don't think we can just dismiss what's being done. The issue is, is what's being done, is it adequately resourced and is it being competently administered.

I mean, the issue of intervening because somebody reports a call, doing a diagnostic by doing a home visit, developing a plan of intervention. I mean, I don't think we're going to ever be turning away from that.

And I just heard Commissioner Zimmerman talk about, you know, the importance of foster care. Eight percent of the population. I mean, that's a huge percent of the population in which there are parents that are apparently unable or incapable of managing their children's lives safely.

I mean, it's great the model that they've taken in terms of opening it all up, that is the upstream piece. But simultaneously, they are taking the most severe form of intervention, which is removing the child from the family, which I'm not criticizing. I think it may be exactly what it is that they need. But that's an existing model that we have is putting children in foster care when they can't be adequately cared for at home. So I don't think we should throw the bath out with the baby here. We just need to say does the field have -- and I just don't mean child CPS, but does the field have the resources that it needs to do the job. I don't think it does.

CHAIRMAN SANDERS: And I don't necessarily disagree with that. I don't think resources is a sole responsibility -- is a sole answer for solving the problems. And I think that --

COMMISSIONER PETIT: Absolutely. I mean, whether it's resources, whether it's foster care, I think we all know at this point that there isn't any one thing that's going to make a difference on all this. It's just not going to. It's a question of how we frame it in an incredible way with the public that says this is a series of logical steps to bring this issue under control. And I think it's going to be a blend of the old with the new.

And we do have something to learn from the states that have much lower child fatality rates in other states.

CHAIRMAN SANDERS: Commissioner Ayoub, it will be just a second before you get on.

Okay. You should be on now, Commissioner Ayoub.

COMMISSIONER AYOUB: Okay. Just a quick point. The \$1 billion that I think Wade sent an e-mail making it very clear that he didn't mean that to be included in our messaging and that theme, but more as a suggested solution. So I just wanted to stress that because I don't think that that amount should be in the theme or for a heading.

And the other thing is, in that messaging, that heading, we definitely need to have something positive. So we state the urgency, the importance, the crisis, but also something showing that there's a solution. I know on an earlier draft of the strategy, there was just a suggestion of within our grasp. There were some - - that might not be it, and I think there was some feedback that that wasn't it and that's fine, but something like that to show that there is hope. That's very important in messaging.

And then, you know, we can get into the specifics that everybody else has been talking about. This has been a great conversation by the way and with so many great suggestions. I just wanted to put that out there for the messaging.

CHAIRMAN SANDERS: Commissioner Ayoub, are you suggesting that we capture that as part of this document either in the heading or one of the circles?

COMMISSIONER AYOUB: Yes.

CHAIRMAN SANDERS: And do we have -- so we would have a heading beyond the national strategy to prevent child abuse and neglect fatalities.

COMMISSIONER AYOUB: Yes. Something above or below that.

CHAIRMAN SANDERS: Got it.

And let me -- Commissioner Petit, is that what you're also suggesting is a heading that beyond a national strategy to prevent child abuse and neglect fatalities, that that's where we capture some of the emotion? Is that -- it'll take a second to get you back on. You're on now.

COMMISSIONER PETIT: David, the voiceover for the person who said your microphone is back on spoke just as you were posing the end of the question.

What was the question again?

CHAIRMAN SANDERS: Are you thinking of a heading that would be the introduction to this document that would replace the national strategy to prevent child abuse and neglect fatalities?

COMMISSIONER PETIT: Yeah. I think that there's something that is both provocative and evocative in an opening statement that is not hyperbole, that is not, you know, political, but it does grab people's attention. And then the national commission strategic plan, et cetera, that's like a lower casing someplace else on the document.

But I think it's something that we need to be very assertive with and a very strong statement. Because this is it. I mean, what comes out initially in terms of magnitude of this issue and what's required is -- you know, we're not going to get two introductions to this issue. We're going to get one. So I'm not saying I know what that answer is right now. And we'll talk with our communications people and all that.

But I think how we posit this crisis/hope, how we put that forward, children, families, emotion, is going to be critical in terms of attracting the national press.

And I don't think that a positive message by itself is enough to engage. It won't engage. There's got to be a dark piece to this as well.

CHAIRMAN SANDERS: So we --

COMMISSIONER AYOUB: I just wanted to say I agree with that.

CHAIRMAN SANDERS: We have focused this as much on direction that -- internal direction for staff. But I'm hearing that this should -- we should not lose the opportunity to think about this as it relates to our external communication more directly and capture a heading that balances the current crisis with the solutions that we've identified and then with the changes in the circles that I described earlier.

Does that -- are there pieces that are missing, if we make those changes? Because what - - let me -- let me step back.

What I would hope we can do between now and the end of the week is make changes in this document that capture what's been talked about. It will, by necessity, then change what follows, including the examples that are laid out, as well as even the chapters that might be included for a report.

But we really have to get this piece right so that staff have the direction for the next steps in terms of putting together the outline for the report and then ultimately content.

So I will send it around -- we'll send it around and make sure that everybody has an opportunity for input. And eventually between now and the next call, we will hopefully seek consensus from everybody on the revised document. And if we can't get consensus, then ultimately we'll vote on it because we do need that direction.

But is kind of changing the top two circles, changing the middle circle, and putting a headline that better balances the hope and crisis situation, does that seem to be capturing most of what we're talking about?

Commissioner Petit, you're on now.

COMMISSIONER PETIT: David, I think it does, and I think we'll probably go through several iterations of all of this so that we can all weigh in on it.

Just to again note, as this document now stands -- and I know that we're moving away from it -- but as it now stands, it's an intellectual, cerebral policy political -- not political. Definitely not political -- kind of thing. I don't think it captures anybody's imagination.

And the notion of the right graphics, pictures of children, combined with the right language, will cause people to open it and look at it and then decide whether they agree with what it is that we're proposing. But it has to come out and deliver some kind of a jolt that -- we all see what the daily headlines are in the country. I mean, to penetrate and get our leading public officials who reflect public will, popular will, at some point. And they're the ones that do it in our democracy. I mean, they have -- their attention has to be on this for a few brief moments, even if it's -- and if I'm elected, I'm going to something about this. Fine, that would be good for what it is that we're talking about.

But this document needs a stronger introduction. This is about saving the lives of children. It may not be a crisis for the country, but it's a crisis for these kids.

CHAIRMAN SANDERS: It looks like at this point there are no other comments.

Jill or Amy -- let's go to Amy. Amy Templeman, anything that you would say at this point that you would need for additional direction?

AMY TEMPLEMAN: No. I think the direction is really clear. And I thank you, Chairman, for going back and confirming some of the feedback and going line by line through the graphics on what changes we might be able to make.

Some of the writing of the chapters have already begun, but I don't think there's any problems there because it's just a matter of shifting some of the content to different places. So I don't have any concerns at all, but I will turn it over to Jill in case there's anything she wants to highlight or any questions she wants to ask.

CHAIRMAN SANDERS: You're on, Jill.

JILL GREENE: No, I would agree with that, thank you. I just wanted to assure the commissioners that we hear you and are in agreement about what is necessary to capture the public attention. And those things are very much in the forefront of our minds as we move forward in creating the report beyond just the bones that we're trying to get down so that we know what we want to say. We're very much also intending to how that will need to be said in order to be effective and create an impact.

CHAIRMAN SANDERS: So let me go back -- let me just see if there are any other comments. At this point, nobody is looking to make a comment. So I was going to just close on a couple of things about the process and next step.

So we will then, between now and the next call, continue to work on this. We'll seek ongoing feedback. And eventually do we have the consensus necessary to provide the clear direction to staff about this document and the content of the circles, as well as how the circles relate to each other.

That we -- by the end of next meeting, I would hope we have this document and have a discussion of the chapter headings and perhaps some outline of content of those chapters as the discussion item for the next phone call. And that we will go through the same process;

hopefully achieving consensus. If not, we'll ultimately need to vote on the chapter structure and the general outline of those chapters.

The staff will develop drafts of each chapter and we'll go chapter by chapter again with the same process. And the draft recommendations and chapter content by staff will be based on the subcommittee recommendations, the subcommittee reports, public or written testimony, that it will -- and as well as the content of the national strategy.

So everything that we see in the report should tie back to either subcommittee recommendations, public or written testimony, or the content of this national strategy.

And we will all have the opportunity every step of the way to have debate about what staff have put together, but also make our own editions as -- individual commissioners may decide that they have knowledge and expertise that they want to assure is part of the report, and we will have an opportunity to debate that and again eventually seek consensus and will use the same process chapter by chapter. If we get consensus, great. If not, then we'll vote.

And we also are in the process of scheduling most likely a two-day meeting, probably in late fall. And that will culminate all of the work so that hopefully we'll have the final report completed after that two-day session. And so that's basically where we're going from this point forward.

Any questions, concerns, any different direction that people need?

Commissioner Martin. Just a second to get on. You should be on now.

COMMISSIONER MARTIN: So David, I appreciate the fact that you have heard a couple of us who have really strongly recommended that we have a couple in-person meetings. For me, it's very difficult for me to do these kind of over-the-phone without seeing people, and so I appreciate the willingness to bring us together for in-person meetings. And I'm asking this knowing that there's probably not an answer. But when you say late fall for this two-day meeting, do you have a sense whether that's the end of September, end of October yet?

CHAIRMAN SANDERS: Actually, it may be later than that.

COMMISSIONER MARTIN: Oh, okay.

CHAIRMAN SANDERS: Because of vacations, because of just the difficulty in getting people together.

So I will send out some dates in the next week or so, and we'll try and schedule around what I know of some of the schedules of some of the commissioners, my own schedule and so forth.

The other piece of that is -- and if people have some thoughts one way or the other. We could do a two-day meeting -- we could do a one-day meeting, partly depends on how far we get with much of this. And I don't know if you have any thoughts one way or the other, Judge Martin. Because we could do two one-day meetings or likely one two-day meeting. I think I have that right. And we may still have an ability to do a two-day and a one-day.

So there are some different combinations that we may do. I don't know if you have any thoughts about is it better to sit down for two days and try and get this done or to try and do one earlier and later.

COMMISSIONER MARTIN: So off the top of my head, I would kind of lean towards a two-day meeting sooner rather than later. Once we get more of the draft of the outline, the chapters done, so that we can kind of give guidance, if need be, to staff and the authors. And then one one-day meeting towards the end where we can kind of make certain that it says what we've asked it to say.

CHAIRMAN SANDERS: All right. I see no other questions at this point. I believe, unless there's any late arising questions that we can adjourn for the day then. And we will make the changes, capture what has been discussed today and get it out to everybody for input and ultimately look to get consensus on a document that can direct staff to really put the meat to the bones for the actual report.

All right. Thanks to everybody. And we have a call in about four weeks, I believe. And so by then, we should have this document finalized, we should have some of this initial thinking on the actual outline for the report, the chapters, and the outline for those chapters, and that will be our conversation next month.

Thanks to everybody. We're adjourned.

(Whereupon, at 2:50 p.m., the proceedings were adjourned.)