



**COMMISSION TO ELIMINATE CHILD ABUSE AND NEGLECT FATALITIES  
TRANSCRIPT OF COMMISSION MEETING BY TELECONFERENCE  
SEPTEMBER 24, 2015**

**IN ATTENDANCE/SPEAKERS:**

- Chairman, Dr. David Sanders
- Commissioner Cassie Statuto Bevan
- Commissioner Bud Cramer
- Commissioner Wade Horn
- Commissioner Patricia Martin
- Commissioner Michael Petit
- Commissioner David Rubin
- Acting Executive Director, Amy Templeman

**CHAIRMAN SANDERS:** We'll go ahead and get started. The purpose today really is hopefully to address the national strategy graphic. And that's one of the documents that Amy sent and we'll start with that one. The one that says "Not One More Death From Child Abuse and Neglect: A 21st Century Strategy for Protecting Our Kids."

So that's the first agenda item and the first purpose is to address that. And then second, begin review of the details outlined that staff has put together and shared with everybody, which is that same heading, but the CECANF final report proposed outline. And it's, I believe, a ten-page document.

And there are a couple of additional things they put on the agenda and a couple of other documents that were included. The conversation about continuum of child maltreatment and fatalities and the overview of data interoperability. But those are time allowed. And I'm guessing we probably won't have time to get to them. But the documents are provided for your education.

So on the national strategy, I'm just going to provide some context and then we'll launch into conversation about it. It really is the Commission framework within which staff will write the final report. Right now, and I think you see in the actual details outlined of the final report, we have a disparate array of recommendations that really need to be woven into a compelling story that reflects our thinking as a body. And not individuals, not subcommittees, but how we think about this issue of eliminating child abuse and neglect fatalities as a full commission. The components in the document are in the graphic and should reflect the changes we're recommending that'll save children's lives. They have to be clear; they have to

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be consistent with what we've learned. They have to be comprehensive enough that people can understand why implementing these changes will be effective, but really simple enough that everybody can repeat and that it becomes clear what we're prioritizing.

So, and you can see, for example, that the components that were included in the national strategy are the headings for our report and so they're really critical that we get those right. The central theme should really help to define our headline recommendation. So if we were to say, for example, that CAPTA, we want a billion dollars for CAPTA it really should be explained in the central theme of why that's important.

We could've found a way to structure this, but ultimately we really have an obligation to give staff direction on what the final report should contain and really see the national strategy in doing that. So I think as we talk about it what I think we'd find most helpful is what's missing in terms of priorities or what did we miss with this. And it's more helpful to be -- it will be most helpful in identifying that would be to say precisely what you would say differently. But at some point this has to be close enough for us to really move forward so that we can make sure reflecting the thinking of the full position in the final report.

So we're going to launch into conversation. But I think let me just start, because to at least provide my views on where we are with the national strategy. I think the core component after the last couple of conversations that we had, I think we've gotten pretty close to these. That when I give speeches or talk about the work of the Commission these are the three components that I consistently focus on and I think that the wording is right, I think that they've been captured. I think the central theme is that there's still some more work that we have to do. I think we do know some things. I think there are other things we know and we've talked about that as a commission. I think we can save children's lives by applying what we do know, but we probably don't know enough. And so I think those are some of my initial impressions.

Finally, I do want to say that I think as we go through this we're going to have to really narrow it and talk about priorities and priorities as a commission. So, you know, I think that's where we'll end up. But really want to hear first about input about the national strategy.

It looks like Judge Martin is up or Dr. Rubin.

**COMMISSIONER RUBIN:** Hi guys, can you hear me?

**CHAIRMAN SANDERS:** Yes, we can.

**COMMISSIONER RUBIN:** All right. Well, yeah, first of all, David, I talked to you about the national drafting last week, I thought it was really good. I had very small comments to make. And then the staff, it's very hard to herd all of us. And I think the priorities were there. I think David noted my comments. But we ask about how you prioritize among those key points, I kind of just mentioned it and David mentioned it. (inaudible) with our strategy. I think that having better data and better tools at the end, but keeping the most important stuff upfront.

I wasn't part of that conversation that talked about how much to emphasize whether kids were known or not known to the system. And I will say before I let that issue go I do want to

point out that the youngest infants who die of child abuse neglect are not known to the system. Most of them are not known to the system, because they're too young to have been known. I think we can find a compromise particularly if we try to pivot on these upstream strategies that we acknowledge that, yes, as others, as Commissioner Petit has demonstrated, these families are known to the system. But the kids themselves are not. And unless we're planning to create a police state where everyone whose families are known in the system get reported, the only way we're going to address the fatalities of the youngest victims is through that approach. I think that needs to be very clear, because I'm not sure most people understand that. And so I don't want to let go of that. That's the only comment I have, otherwise the strategy looks great.

**CHAIRMAN SANDERS:** Thanks David. Judge Martin.

**COMMISSIONER MARTIN:** Good morning. Thank you very much Chairman. I want to piggyback onto the last comments that were made. I don't want to sound like I just keep repeating myself, but I think it's imperative that we make certain that we emphasize for our change of paradigm is that, as Cassie reminds me all the time, safety is paramount. But safety comes without a focus of premises. It's not that we won't bring kids into foster care, but the idea is not to make certain that we put in these protective factors to bring more kids into foster care, but to provide assistance so that kids can stay with their families, since we know that they do not raise children well. And I know that's what the law is. And the law says that bringing kids in is a last resort. But I will tell you for a fact that that is not how it's applied on the floor in the courtroom.

I have two other comments to make and then based on that. I do think that the diagrams that have been presented this time is better than the one that was done before. I have two questions about it, however. One is in the center it says, "By applying what we know we can ensure all children are safe and protected." I would like to be able to claim that we can protect all kids. I don't know if we can. And I don't know if the statement is more perspective and believable if we say by applying what we know that we can ensure children are safe and protected. I think it's unrealistic to say that we will eliminate, although I know that's our title and that's our goal to eliminate all child abuse and neglect fatalities and death. I think because the report says that we need more research, we need more work done, we need to, you know, crystalize how we counsel our children and how we identify CAPTA, I think it's imperative that we be as accurate as we can. And I'm just wondering whether or not the statements in the center should include the word "all" or not.

And my second comment about the draft is "the collective responsibility for safety," it goes back to the same thing Dr. Rubin said and I said upfront. I'm wondering if that statement has - - I would recommend that that statement somehow say "collective responsibility for safety is the new focus in this 21st Century paradigm" without the accompanying mandatory punishment somehow.

And my last question to you is, Mr. Chairman, in terms of how we proceed today when we talk about the ten-page themes and outlines, are we going to go through those today individually or are we going to request that commissioners just talk about the ones that they have in

mind? And the reason I ask that question, I have notes about just about every category and I just want to know how we're going to proceed.

**CHAIRMAN SANDERS:** Thank you. Let me answer the first thing. Because I think that particularly the language in the middle, I think that's what I was trying to allude to in saying that I think we do know some things that if we apply children would be safer. But we don't know everything and we don't know enough to prevent all child abuse and neglect fatalities. And I think we have to better balance what we've said in the middle. I think you're right in "we can ensure all children are safe and protected." I think maybe we can say "children are safer," or there's some language that we can use to better reflect the balance.

In terms of the process, what I was anticipating is that we actually would go chapter by chapter. This is really our -- we've not had an opportunity as a full body to really put forward our priorities and then to debate those priorities. And so that was the purpose is to actually go chapter by chapter. Does that answer the second question that you had? You're back on. Does that answer that last question you had, Judge Martin?

**COMMISSIONER MARTIN:** And I also would comment about the first comment about children kind of goes to what I was talking about in the graph. I would like for us, if this is intended for us, to discuss the language about safety because I think it's imperative. I think it's imperative and I think it's so important because what I see on this floor every day, although we all know what the law is, I'm not sure if we're actually following the law when we talk about not bringing kids in as a first resort. And the reason I say that, even when we look at national statistics we will see jurisdictions that will bring a kid into foster care for 30 days. And I would argue to you that no drug abuse or substance abuse problem is cured in 30 days and you can put a kid back in the home. There is no typical abuse issue that I can think of off the top of my head where you have cured it, if you will, or addressed it to the point that it substantially comes into compliance with safety that you can put a kid back in a home in 30 days. And so we always default by saying we'd rather be safe than sorry by taking the kid out. And to me that is contrary to the law that says removing your child is a last resort.

And so if we want to keep emphasizing on safety, and I tend to agree with Nancy on this and the rest of my fellow commissioners, we have to make certain that people understand that we're talking about something different than what we've been talking about the last 200 years.

**CHAIRMAN SANDERS:** So Commissioner Martin, and I don't need an answer now, at some point probably want to at least think through where specifically that might be included in here. But I think the point is well taken and it's very critical.

**COMMISSIONER MARTIN:** And so Chairman, I don't want to -- and I'll just say it this last time. I think it's so important that it has to be included on the front page on that graph too. I think it's just as--

**CHAIRMAN SANDERS:** I see.

**COMMISSIONER MARTIN:** You see what I'm saying? I think it has to be included in the body. But I also want to make certain that we raise it to a level of importance that when you first look at our report you see that this is different than safety that we've been talking about for 200 years.

**CHAIRMAN SANDERS:** Thanks. Commissioner Petit.

**COMMISSIONER PETIT:** Yeah, hello everybody, it's Michael. It's hard to disagree with what the Judge has just stated until we get into some specifics for what Commissioner Rubin talked about in the beginning. But let me just say that what doesn't come through to me in this report as it is currently presented is that the paramount consideration is the public safety issue of the child. We are talking about nothing less than children being killed in a situation. As strongly as I support the whole notion of prevention early on in all its different forms, as much as I absolutely support preventing atomic bombs from going off in a house when a child is removed from a family, which I know all of us know how -- can only imagine how difficult it would be to leave your own child in the system. The fact of the matter is there are several thousand children a year that are being killed. The public safety aspect of this is not strong enough. The current system that we have in place is overwhelmed by the sheer numbers of cases. And because of a failure to protect these children what we're actually seeing in a number of states is a significant increase in kids being brought into foster care as a last resort because people don't know what to do in order to protect those children. And any savings we're expected to see from reductions in foster care that could be channeled into child protection are evaporating as more states see an increase in the number of kids being brought into care.

So one thing that I think needs to be first consideration is that public health, as important a theme as it is, it's a secondary theme to the public safety issue. I know how related they are, but in terms of the next year, two years, we're not about to transform the public health system in this country. And we have vehicles already filled up and ready to go with regards to the protection of children.

So the other issue, and I know David this gets a little confusing for me and maybe some of the others, in terms of the short version, you know you have the chart and so forth and then we have the specific things to support that. But I think some of the language is a bit jargony. And I'm still waiting to see our what our statement of the problem is. Well, I haven't seen that spelled out yet, and I think it's going to be important, because everything else is going to flow from, "does this address the problem?". And I agree with Judge Martin what we need, and you, that we need to look at these recommendations and pose a priority status on them. But the Congress and the White House only get one thing or two things, or three things or five things, what is it that we're asking them to do? So I have comments, as I think everybody does, on the other five documents attached to this. But that's the first reaction that I've had to this national strategy is a greater emphasis on public safety.

**CHAIRMAN SANDERS:** And so Commissioner Petit, what specifically would you be referring to on the graphic itself? Is there something that you would propose changing?

**COMMISSIONER PETIT:** No, but I only got this thing yesterday. And I appreciate the importance of offering substitute language specifically, which is what I intend to do. And that's true as well with a lot of the other recommendations. So I agree that we need to offer up alternate language if we feel so moved for you and staff to be able to weave that in, assuming that it reflects a consensus or at least a majority center. So I'm planning on offering up specific suggestions, but as I said I just got this yesterday.

**CHAIRMAN SANDERS:** And I actually wasn't -- I mean that would be very helpful. But I was trying to think of the three components that are laid out, measurement and classification, leadership and accountability, collective responsibility for safety. Were you thinking that the language, for example, in collective responsibility for safety, that those words need to be changed?

**COMMISSIONER PETIT:** Well, I think that collective responsibility for safety is not the same thing as making safety the paramount consideration. So, the first statement, "We're all in this together." The second says, "And this has to be a priority for everybody." This is what the -- even if it comes at the expense of something else, protecting these children from harm, and in this case not harm. There's a certain element of risk that we always take in regards to harm. But I'm talking about being killed and all the stuff that we're seeing day in, day out, which I don't need to recount to all of you. But I don't think it comes across strongly enough right now that there is a crisis in the protection of children, that we're losing several thousand of them a year and we need to beef up our ability in all of its different forms to stop that.

And the way it's written now those words don't conjure up images. I think that they are good planning terms. I think they are, you know, what go into a paper describing something. But I don't think that they conjure up any sense of urgency or an image of what the problem is that we're trying to address and how to go about addressing it.

**CHAIRMAN SANDERS:** And a couple of things. I think the intent is that that would be reflected in the report. So when we get into the detail about the report. I think that this is kind of saying this is the way we want to use the actual language to direct staff to construct the report. And so I do think, and Dr. Rubin mentioned this, he prioritized, he proposed prioritization. And it seems like the recommendations then are along the lines of making sure it's clear that safety is a priority and that making sure that the language reflects that. And that the second piece is what Judge Martin suggested is very quickly -- and I'm not sure for the purposes of directing staff this is as credible, although it may be, that we need to make sure that we're separating placement in foster care, which is a tool, from safety, which is a goal or outcome and that they aren't the same.

**COMMISSIONER PETIT:** Right, I agree they're not the same. And the other piece associated with this, David, and I don't know where that fits in, because again, I think the terms like "measurements" and "certification" and "accountability" and "collective", those are --

**CHAIRMAN SANDERS:** I think we lost Michael. Michael, we lost you for a minute there. Looks like he's not coming back. So at this point seeing no additional comments, what we will do is work on the better reflection of the prioritization of these three components, work on better balancing the center that it's clear that we don't know everything and do not know enough to

assure that all children are free from harm. And that we do know some things and how we can better balance that. And I think that sounds like we might have captured the major components of the graphic. Commissioner Horn.

**COMMISSIONER HORN:** Thanks, Mr. Chairman. So the one thing that I want to make sure we don't lose sight of in this report, and I don't see it as clearly in this outline as I'd like it to be in the report, and that has to do with preventing death due to neglect. And we very quickly go it seems to fatalities due to abuse. But there certainly are, unfortunately, a large number of children who die due to neglect. And it seems to me we know a lot more about how to prevent death due to neglect than we know how to prevent death to abuse. And, you know, we're talking about the shaken baby syndrome, sleeping on the stomach instead of the back, preventing drownings in backyard pools. And so I think that's a piece of what I just wanted to reiterate concerning how pretty much throughout the Commission is I think that there is a lot better news about how we prevent death due to neglect and we ought to highlight that and call for more of those kinds of interventions as well.

**CHAIRMAN SANDERS:** And Commissioner Horn, I think that's a great point. That's part of what the middle was attempting to capture. And I'm not sure it came through at all clearly. But there is a lot that we do know that we aren't applying. And that that could save a large number of children's lives. And I think that by stating all of it we may have overstated it. But I think, it seems that 73 percent, or whichever the percentage is, that are at least partially if not totally neglect, we know a lot about what to do to prevent them.

**COMMISSIONER HORN:** Yes, that's good.

**CHAIRMAN SANDERS:** Commission Petit.

**COMMISSIONER PETIT:** Can you hear me now?

**CHAIRMAN SANDERS:** Yeah. You got cut off, sorry.

**COMMISSIONER PETIT:** David, can you hear me?

**CHAIRMAN SANDERS:** Yes. Can you hear me?

**COMMISSIONER PETIT:** Yeah, I can. Yeah, I'm sorry about that. Thank you. First of all, I don't disagree with Commissioner Horn. But I'd like to make an important differentiation. And I think, David, you talked about this in the past, but let me just put it out there. There is different forms of neglect in terms of willfulness, in terms of incompetency, in terms of mental illness. And just take this safe sleep thing. You've got a situation in some cases where a person just literally, a mother may just not know anything about safe sleep, doesn't know it's an issue and is absolutely receptive to instruction on this and would do it differently. You have other situations where the mother is well aware of what the problem is, she's been told to stop doing it, but she has a whole series of issues going in which she just fails to protect the child for one reason or another. Those I would classify as two different kinds of situations and the interventions would be different in those.

So just leaving that, David, and going back to the point of the globe and the three legs there. I don't know where I got lost on that. But I was saying that words like "measurement", "certification", "accountability", "collective" they don't convey the sense of urgency on this one. And one of the things that I think we need to really push is the immediacy of this problem and that the paramount consideration is the public safety issue. The public health issue is critical, but it's a longer term issue. I know there are some things that are short term about it. It's hotter in some ways. And right now I don't think that the document as presented is conveying strongly enough how many children are in harm's way and how much in crisis so many of these child protective agencies are by the sheer volume of kids coming to their attention. And that there is immediate public safety response that is necessary.

Some of the particulars of that get dealt way deep in the recommendations, recommendation 43, 87, etcetera. And you'd never know that we were proposing something in an urgent kind of way. And so I think that the projection of urgency and action are needed in the way we -- and I do like the title "Not One More Death". I mean I think that's a good lead in to what it is I'm saying.

**CHAIRMAN SANDERS:** And so I want to be clear. Are you speaking of the graphic or are you speaking of the draft outline?

**COMMISSIONER PETIT:** I'm talking about the draft outline and not the graphic. The graphic, look, the children's measurement and certification, leadership and accountability, collective responsibly for safety, I mean those are things that are not going to immediately ring a bell in people's heads. What does that mean? It's not clearly implied how that relates back to children. And I was saying to you earlier and where I lost contact, is that I only got this a day or two ago, I don't know, something like that, and have not been able to serve up specific language that is alternative for consideration, which I intend to do. So I appreciate that people are writing. And at some point if you say do it better it's helpful if you say try this instead and see if that works, you know, better for people. So I do intend and I assuming when we wrap this up today we will be given an assignment of speak now with specifics or forever hold your peace. Until December 7<sup>th</sup> and 8<sup>th</sup>.

**CHAIRMAN SANDERS:** Commissioner Rubin.

**COMMISSIONER RUBIN:** Well, I think, you know, there's a way to pull this all together. And I'm glad Commissioner Horn pointed out that the evidence is definitely a lot stronger for the interventions around neglect. And to me a lot of those interventions are public health oriented. I mean so, yeah, I don't agree that public health is sort of in the future, it's now. But I also don't think we need to choose favorites of whether it's safety. I think it's okay to say -- that's why I like your acknowledging that for those kids that we know about, our systems are in woeful shape to be able to provide for safety. And there's no doubt about that. As whether it's workforce or whether it's the information or how that information is used across systems, etcetera.

But we're not going to CPS our way out of this issue, because we also acknowledge that there is this intergenerational issue and that a lot of these kids that even if we have the perfect CPS system we're not going to know about. And there are other ethical reasons why a CPS-only

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approach is never going to be able to get us down to those hard to reach cases. So for those kids I think it demands a (inaudible) approach.

And I'll finish with one example. Like when we get to the section on leadership and accountability. In light of Commissioner Horn's comments about where the Children's Bureau has been in the federal government, where it originally started, I had an opportunity—I met with the recent Commissioner, Bryan Samuels when I was in Chicago and if you remember, he had to bow out of testifying in New York. And I asked him about what we've been talking about in terms of leadership and accountability. And he actually thought that the best way to do this was on the executive side and it's an opportunity for us with the White House to actually elevate a position for women and children services on the Domestic Policy Council or in OMB. Somewhere between that intersection because he feels that that's where a lot of the decisions are made. But that would have to come out with an executive order. Now if we went in that direction I know our inclination is to say, well, let's put a czar on the Domestic Policy Council for child abuse or child safety. I just don't see that as being very practical, because to me it's not about a health (inaudible) policy strategy, it's about children of which are one of the primary outcomes if the country were to choose two or three outcomes that we were to hold our states accountable to one would clearly be early childhood mortality, right, which is largely represented by child neglect and child abuse deaths that can be difficult to categorize.

And then another might be adolescent suicide or high school graduation, right, in which case interagency efforts that would coordinate with the Domestic Policy Council to address outcomes would be used. And so that's much more of collective approach. But I just want us to be mindful that even as we write about things that we want to think that our issue is the issue. But in a very complicated government we need to kind of insert ourselves in a dialog that fits the framework for how people are delivering services for many other important issues and not just, you know, child death. And so I think we can do that and elevate this issue both by a position, you know, in the White House and also by elevating some of the safety folks and child welfare folks at HHS so that we can actually accomplish something that's stable and meaningful over time.

**CHAIRMAN SANDERS:** Thanks Commissioner Rubin. So I want to go back to the purpose today, too, of the call. So I think we've heard some comments about the graphic. The graphic is critical for providing direction to staff. It's not a standalone document. We wouldn't use it as a communication tool, but more this is what we want to have in our final report and how it's contributing to the structure of that final report.

What I've heard is that we need to be clearer about prioritizing these components with safety being the first priority. That we need to make sure that it's clear that safety doesn't equal foster care. That safety is an outcome, is a goal. That foster care is the tool. And that the center part we need to better balance so that it's clear that we do know things that can be applied and can save children's lives right now. But we also don't know everything that we need to know about this.

So I want to -- it seems like I'm not hearing any other changes. The changes that I'm hearing are focused on the final report, which is where we want to get to next in the agenda. But I want to make sure we've captured those components. If there's anything different there please say it now. Otherwise we'll move to the final report and begin walking through chapter by chapter. Commissioner Petit.

**COMMISSIONER PETIT:** Can you hear me?

**CHAIRMAN SANDERS:** Yeah, we can hear you now.

**COMMISSIONER PETIT:** Yes, I understand, and I think we came to an agreement. This is Michael. But I guess the question is where do we frame the problem...

**CHAIRMAN SANDERS:** In the introduction of the final report. So that'll actually be the first thing that we would talk about.

**COMMISSIONER PETIT:** And then let me just say with regards to David's point, when you say you can CPS your way out of this, I understand that that's true overall. But we keep talking about CPS, all of us as if its shorthand, as if it is one thing, as if it's one CPS model. It's 50 states, some are doing a much better job than others, there's hundreds of counties-- thousands of counties, some of them do much better than others. And there's something to be learned from some of them. And as I recall, David with all the meetings we've had over the last couple of years, the only piece of evidence that I've heard that seems to show a causal relationship between an intervention like CPS and a reduction in child fatalities is Hillsborough County, nothing else. And that is the very tight CPS model, per se, that they were employing there. So I'm not talking about neglect as much as I'm talking about the abuse stuff. I don't know whatever place where we put (inaudible)—something as direct as that. So anyway, that's all.

**CHAIRMAN SANDERS:** Okay. So I don't see any more comments, so we're going to move -- I'm going to assume that we are getting closer and closer with the graphic and we'll propose some additional changes and also look to see if there are any language changes, particularly related to these three areas that people want to propose.

But let's move to the final report. And I think that the direction for the final report, and I think it will - - what I'd like to do is kind of get past this. And Amy mentioned it in the memo that she sent out. It's really to include everything, rather than have it filtered before we see the document and all of the recommendations that are included. That's why there are so many recommendations included. There's an acknowledgement that there are way too many recommendations at this point. There's simply, to me, a jumbled set of statements that don't tell a story. We have to get to a point where it's clear what the priorities are, how these would be sequenced, who's responsible for carrying these out. Is it state level, is it federal level, is it legislative, is it executive branch, is it juridical branch? And so we need to be much more specific. But that's really our task in terms of directing the staff. So they've really laid out a proposal using the graphic, which includes the headlines, as well as the recommendations that either we've made as part of subcommittees, we've heard as part of the hearings, we've read about in some of the research.

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And so really now it's our task to go through this and to provide some direction for staff so that we can get this, what's right now in outline form, into something that we can begin to have more specific conversations about. So really want to get to a point now of are the headings the right headings and then within those how would we prioritize the full set of recommendations that's laid out here in a way that begins to tell the story versus just having a disparate way of recommendations?

So I think what I'd like to do is first get an overall sense of the headings, and particularly the chapter headings. And is this the right kind of structure for what we want the final report to look like? And then go into each of the chapters and talk about the priorities and structure. So Commissioner Martin.

**COMMISSIONER MARTIN:** Thank you, Commissioner, Chairman David Sanders. So, and then I believe I'm probably in the minority before I even say this. Your request of me to tell you if I believe that the headings of the final -- the outlines of the final draft, I'm not sure that I can really do that until I have a sense of what we've agreed to is going to be under those headings. And so for instance, just as an example, when we get to section one about core components of a national strategy and we start talking about collective responsibility for safety. Until I understand that a couple things are within that or a bullet point under that heading, I'm not sure if the heading is sufficient. And let me be specific. So I asked Amy to send out an article about a Cook County case. And as we've been talking over the years about this collective responsibility I never really thought of how it would work practically in my courtroom. And the reason I asked her to send out that Cook County case is I wanted to have an underlying understanding of what I'm talking about to remind the rest of the commissioners and myself when that case came into court we heard all kinds of problems about getting prior evidence with other things that happened in the first case where the kids were killed into court in this case. And so I wanted to make certain that I reminded all of us that we need to talk about federal law that requires that evidence to come into court irrespective of whether the respondent takes the stand and I have an actual legal instruction to inconsistent statements under state law.

And so until I know that that component is underneath core components in Chapter Two, Collective Responsibility, I can't tell you that just saying "collective responsibility for safety" is sufficient for me. And I'm not sure if other commissioners feel that same way or not.

**CHAIRMAN SANDERS:** Okay. Well, let me -- it looks like Commissioner Bevan has some comments and let's go to her. But I'm certainly willing to go, to just jump in and go chapter by chapter too if that would be more helpful. So I'll see what Commissioner Bevan has to say and then we can certainly start with the introduction and beginning parts. Commissioner Bevan.

**COMMISSIONER BEVAN:** Yeah, I'm fine, you know, going ahead on that. But I do think that this report misses the mark. The takeaways are not clear. I mean we have to be very clear that we don't know what works to prevent fatalities. We don't have that many promising strategies and when we do, we're not making the strategies to specific states. And then we don't know if those states have higher or low death rates, which we'd like to know. And the

focus of this report has to be on targeting children under the age of three, it's not five, at serious risk of death. And we are supposed to be eliminating fatalities, not you know, child abuse but fatalities. And so therefore a public health approach, sorry David, Dr. Rubin, but a public health approach isn't going to work here, because the public health approach focuses on the entire population. And that's not what our doing here, that's not what our charge is. Our charge is not to focus on all children, or even all abused children, it's to focus on those children who are at risk of death.

And so I have a lot more to say. I'm sending it to you, David Sanders. And I don't know what else to do. I don't want to spend a lot of time on the phone, because I think other people have a lot more things to say. But the direction is wrong. It's not going to work.

**CHAIRMAN SANDERS:** So I'm assuming, Commissioner Bevan, that when you say the direction is wrong it's not the headings, it's the detail set of recommendations and the key points that are --

**COMMISSIONER BEVAN:** Yes, it's the key points and it's also the direction of the recommendations. I mean there is no direction, because there's no strategy there, they're just all thrown in. There's no set of priorities, you know, there's no guidelines that we can, you know, we're not putting benchmarks in. We're not even directing the recommendations to a federal, state or local level. We're not clarifying the policy and what seems to be, you know, just a mistake. You know, it's really not clear. A lot of what's in this report is stuff I've never seen before. I can honestly say I've gone back over things and, okay, maybe I don't remember everything, but I don't -- but I've seen things in here I've never seen before. So it seems to me there's a lot more that we have to take a look at here.

**CHAIRMAN SANDERS:** So it would be best for us just to dive in chapter by chapter and begin to highlight where that's missing, what we're prioritizing, etcetera. Because, again, that won't happen until we provide that direction to staff. So --

**COMMISSIONER BEVAN:** Right, and that's why I'm not going to talk anymore.

**CHAIRMAN SANDERS:** Yeah, got it.

**COMMISSIONER BEVAN:** Thank you.

**CHAIRMAN SANDERS:** Okay. So why don't we go to what Commissioner Martin suggested and we'll start with the first three headings, the Letter from the Chairman, the story of One Community Taking a Promising Approach and the Introduction. And Commissioner Petit has raised several questions about where would we state the problem, and that would be in the Introduction. And you can see some of the components that have been recommended. So why don't we start with that and see where people specifically would prioritize. What would go different with this, how we might restate this or is this capturing everything? And particularly what are your priorities? Commissioner Rubin.

**COMMISSIONER RUBIN:** I understand where you want to pivot to, Commissioner Sanders. But I just want to respond to Commissioner Bevan as well, because I respect her. (inaudible) Commissioner Bevan and I haven't, you know, of what I think I've heard where there is through

the coordinated care organizations in Oregon or it's through the response the way they pivot from that sort of alternative response to provide people actual services up in Milwaukee. I feel we've heard a bevy of testimony. I think the strongest evidence that's emerging about public health intervention with respect to reducing early childhood mortality is infant home visitation, it's reducing child neglect cases.

We have the Olds article, we have other evidence that's emerging elsewhere about the reduction of fatalities there. We can't ignore those data. I think I don't want Commission Bevan or others to misinterpret when I say a public health response that we're strictly going to provide everything for everyone. What is happening at the local level, because I see this is in my practice every day and I think it is reflected in the nature of the intervention, is that people are not connecting the dots. And so we're providing home visiting services, but we're not prioritizing intergenerational child abuse. So to reach those families that have history of child abuse and neglect and actually ensure that they're receiving good treatment services and that they're receiving the home visiting services. If that mother who's been raised in residential treatment has a baby that's not a do everything for everyone approach. That's using information, using predictive analytics to actually target types of interventions that are voluntarily, but can really help make a difference in terms of trying to improve safety for children who have not yet touched the system for us to be able to protect on the child protective services side. If that's more -- I hope that's more specific, but that's what I mean by the public health approach. It's not a let's do everything for everyone

**CHAIRMAN SANDERS:** Thank you, Commissioner Rubin. Do you have any comments on the introduction? Does that capture what you just said?

**COMMISSIONER RUBIN:** I'm sorry, but can you repeat that?

**CHAIRMAN SANDERS:** Yeah. So in the actual draft outline of the report does the introduction capture what you just said?

**COMMISSIONER RUBIN:** Oh, yeah, I think it captures. But I do think that obviously I'm always trying like - whether it is, is Commissioner Petit and Commissioner Bevan. If we can't convince ourselves of that strategy I think it's important that we understand the nature of how far we're willing to go as a group. And so I want to be respectful that, you know, that in Commissioner Bevan's comments, is that we can drill down to what we do feel comfortable with there and make sure we're not miscommunicating. Because I do think those strategies in terms of how we intentionally try to in the families that are at highest risk are identified early enough that we can actually make a difference and prevent some deaths in those families. And that's where the safety issue comes up for those kids who are not known to the system, but their family are. We're doing a good job collectively in developing our plans at a city and a state level to really respond to that. That's why our DHS commissioners are asking for flexibility in IV-E so that they can do that more effectively. So they can target those families before they come through their system.

The same reason why we're trying to hold Medicaid accountable and why we're trying to hold Maternal Child Health Block Grant accountable in that public health department. To actually more meaningfully surround CPS with a much more robust child welfare system. It is not

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obviate the need for the fact that we have a true under investment in child protective services, whether it's that flexibility or given the numbers. If you would believe the data right now, and this is where I think this sort one billion dollar appropriation in CAPTA comes up is that we have been downsizing our child welfare system, yet the number of the deaths keep going up. And we're basically, it's like literally not responding to the ultimate metric, which is children dying. That we cannot continue to gut these child welfare systems in the face data that's demonstrating a trend that's going in the opposite direction.

**CHAIRMAN SANDERS:** Okay, I want to come back and make a comment. Commissioner Petit.

**COMMISSIONER PETIT:** Can you hear me?

**CHAIRMAN SANDERS:** Yes, I can hear you.

**COMMISSIONER PETIT:** Just sticking with a task for a minute and that doesn't speak to anyone else comments, just sticking with narrowly what we have in front of us. I don't believe it is useful it elevates it to too high a status, trying to convey the story of one community taking a promising approach. I think the evidence is so weak on all this stuff that anything that we put up there is not going to be in my mind persuasive. And I would deal with that later on in the report and not right in the beginning with a very strong letter from the Chairman with what we've been charged to do and so on.

But now we're getting to the introduction. And right now I think there's a little bit too much in that introduction. I think that the lessons from the past is weak where we say "building on success for our safety problems have been solved." I can't say that I was -- I am truly grateful for what the airline industry has done in terms of safety. But I didn't draw a lot of parallels between that and what's going on in the child welfare field. I'm not sure whatever safety problems have been solved, but I don't know that I'd put that in the introduction.

And the Commission's solution, a strategy 21st Century, I think it still remains to be defined what that strategy is for the 21st Century. So I think we need to see that written out and whether or not it deserves a place in the introduction.

**CHAIRMAN SANDERS:** Thanks. Commissioner Horn.

**COMMISSIONER HORN:** Yeah. I want to agree with Michael on both his points. I think that by, you know, it's certainly interesting what we saw in some counties, but I'm not sure that they are so -- that the evidence is so strong that we would say here are the three places you should look to see what's happening. I know that what the attempt is here is to start the report with something hopeful. I just I think by starting with that it suggests, that here's the magic, look to these three places. I just don't think that we have that evidence.

And to Michael's second point, if this is an introduction I think we can leave the last bullet out. If it's a summary, and executive summary it has to be in. So it's labeled introduction, so I would agree with Michael you should stop probably I would lop the last two bullets out. Because, again, this is an introduction on what's the charge of the Commission and it frames what it is that we set out to do, as opposed to an executive summary that summarizes what our findings were.

**CHAIRMAN SANDERS:** So the first heading, the letter from Chairman, that can be stated any different way, but that should probably be more the high level executive summary and this an introduction to the report. So then taking those last two bullets out, keeping the first four as part of the introduction that would be consistent I think with what you're saying.

**COMMISSIONER HORN:** Yes, that would be my recommendation.

**CHAIRMAN SANDERS:** Let me just make a couple of comments and specific to the story of the promising approach. And I think, Commissioner Horn, you're exactly right. I think if we don't have research evidence other than Nurse-Family Partnership, we have anecdotal evidence on very small scales, we have a number of hopeful things that people are doing, but we do have what these communities have done. Whether that's scientific or not is not even debatable and it's clearly not. I think the closest in terms of taking action that resulted in at least the correlation of a reduction in abuse and neglect fatalities is Hillsboro County. It seems we do need to present something that identifies success. Otherwise it's hard for us I think to come up with a set of recommendations. And I that's also the point of the building success for other safety problems, that there is at least a hypothesis behind what we're recommending, that we're not just making things up, because we simply don't have any further evidence of what's working. So I'm curious about that. Commissioner Rubin.

**COMMISSIONER RUBIN:** I'm glad you brought that -- I want to talk about that, because I think that's a good conversation to have. Because I think we're holding a report to an evidentiary standard that is both unethical at the public level and impossible. These systems are not going to, you know, a state is not going to conduct a randomized trial as to whether they should deliver services more upstream to their families. And so really, you know, you have to look, in that environment, you have certain programs where you can task Nurse-Family Partnership. Although I do think this is going to be more generalizable to infant home visiting as a rule based on the data that I'm seeing now from several different sources, not just in this country. But you do have like a single program or a type of an approach that has been demonstrated, but it's not clear that it's just simply that program or the fact that all the services that were wrapped around that program that were all collectively part of the response that reduced deaths in those situations.

We intentionally as a commission chose places where we knew the fatality rate was low. We can't say exactly, for example, in Oregon what it was that keeps their fatality rate lower than we think other places in the country. And yet the overwhelming testimony we got there was a collective approach. And so there is going to be no -- there's no -- we're holding these states and these communities to an evidentiary standard that's impossible. So we have to make the most, the presumed best judgement about the types of approaches we believe align with success. And then I think we have to create that innovation fund that we talked about that allows other systems as they start to create their own state plans to actually invest in evaluations over time to see if they can actually reduce their fatality rate.

So that's the part that embraces the uncertainty of this all, is that if we ask states to create plans that more correctively respond and strengthen their child welfare systems but also emphasize a more collective approach, then we're also going to provide some additional

funding from these states to evaluate the impact of those situations. It's akin to what they've done in healthcare reform with the Centers for Medicare and Medicaid Innovation acknowledging as we set up these accountable care organizations for which there was not very good evidence that we were, you know, that they were going to be successful. But as we moved in that direction that we actually started testing these pioneering ideas. And so I think we should take a similar kind of approach here acknowledging the limitations that we need absolute evidence at the door to actually inform a national strategy moving forward.

**CHAIRMAN SANDERS:** Commissioner Horn.

**COMMISSIONER HORN:** I just want to clarify what I was saying. I wasn't saying that we should never highlight something that we saw or heard, except if there was a randomized controlled trial, that wasn't my point. My point was you put it up front at the very beginning of the report, which would tend to suggest to the reader that, you know, we went all around the country, spent two years and these are the three things we found and then here's the magic. So it's a matter of emphasis, not an absolute rejection of anything that didn't use a randomized trial.

I do, however, want to point out, given that Commissioner Rubin wondered whether my comment was even an ethical one. But we do randomized control trials with all sorts of things all the time. Certainly in medicine we do that with drugs that we have every hope that will cure or combat cancer. We do that in social science with social programs all the time. And we particularly do it when we have too little funding and in order to provide a service to everybody who we think is in need of that service. In fact, an excellent argument can be made that the best way to determine who gets a limited supplied program or service is through some kind of a lottery. And there certainly is a lot of social science research and program evaluation has used that approach. I don't think there's anything unethical about suggesting that we should encourage where it's appropriate to do so, use randomized trials as a way of determining the effectiveness of social intervention.

**CHAIRMAN SANDERS:** Commissioner Horn, before we move you off I have a question. Because I agree, I think what you said about we don't want to leave an impression that there's some magic bullet that's going to work to solve every problem. And by stating it upfront we may risk doing that.

I would suggest and I don't believe it's magic, but I think it is a huge step forward, that the elements of predictive analytics and to me just simplifying it using data to determine who's at risk and targeting resources better to do that, I think if as a system we did that and did that both for abuse and neglect I think we would be better off. I think fewer children would die. And that's in part what I would hope we can convey up front. There are things at least hypothetically, we may not have strong evidence, but hypothetically, we can say that if we were able to use data to first of all share data in real time, to use data to determine who's at risk and actually target our resources towards those children who have highest risk that we would save some lives. Do you see this as contrary to that or is there a better way to capture that?

**COMMISSIONER HORN:** Again, David, don't misunderstand me. Again, I think there are promising practices and we should highlight what we think are promising practices throughout the report. The only question I have is whether we lead with these three examples.

I mean an alternative would be to lead with imagine a community that does this. And then when we lift -- and then what we do is provide the vision that we think if communities did these things would actually lead to if not the elimination, a greatly significantly reduced likelihood that a child would die because of abuse and neglect. And if you started with sort of and this is the vision at the beginning, if you started imagine a community that looks like this and responds to things this way you can have a hopeful note. And also actually sort of start to communicate what it is that we think, you know, where we should move as a nation by presenting it as a more hypothetical as opposed to here are the three things that we serve. Again, I'm not going to fall on my sword on this one. I don't really -- it's not a huge deal for me whether you want to do that or not. If we lead with these three examples or however many examples there are at the very beginning of the report. And before you dig in don't misunderstand me, I'm not saying don't use the examples at all, I just probably wouldn't use them in the front. But if you do would I like, you know, go around the room screaming? No, of course not.

**CHAIRMAN SANDERS:** But I think the idea that you propose is including something imaginary. And maybe saying that in our travels we didn't come across any community that was doing all of these things, but that these are the elements that we think are critical to reducing or eliminating child abuse and neglect fatalities. That, to do that in replacing the story of one community and then weaving in the communities at later points is what I'm hearing.

**COMMISSIONER HORN:** Yeah, again, just a suggestion.

**CHAIRMAN SANDERS:** Any other comments on the introduction? I'm not hearing and seeing any questions or comments. So if not I think we'll -- oh, Commissioner Martin.

**COMMISSIONER MARTIN:** David, I would just like to add that I actually like the idea, I had not thought of this earlier, but I like the idea that was just submitted by Commissioner Horn. I like the idea of putting forward what we are projecting will be the answer as opposed to taking things that we know don't quite make the cut, but have elements of things that we think will work. Why don't we take those elements and put them in, you know, an imaginary jurisdiction where if you followed our recommendation and when you follow our recommendations this is what it would like. And this is why these supporting practices would keep our children safe. So I just wanted to chime in that I concur with Commissioner Horn's recommendation. And I actually feel a little stronger than him. I think I would like that a lot better than starting with what we know doesn't necessarily work completely.

**CHAIRMAN SANDERS:** Commissioner Cramer. Thanks Commissioner Martin. Commissioner Cramer.

**COMMISSIONER RUBIN [NOT CRAMER]:** Yeah, I think we're getting close here. I was skeptical on the phone that we could kind of bridge—First of all I'll say to Commissioner Horn, I did mean to suggest that your comment was unethical and it certainly wasn't, and duly noted

about your comments about lotteries and some of the innovative ways that people are testing the delivery of services. But I do think at a system level, you know, I'm not sure many at the personal level many communities have the resources to invest at scale for the kind of system level coordination that we're talking about here. Nor would many IRBs submit to randomizing folks to not receive coordinated services, all right, would be ethical. So I do think that the obstacles are numerous, but duly noted that you are right that there are other interventions that could do this.

But I want to just reinforce now what Commissioner Martin said, which is I could see now why—move the evidence in the cities (inaudible) what I always envisioned would really be compelling in this report was a first chapter which described just how horrific and some of these cases were that we have seen and heard about throughout the year, both those for kids who were known to the system and those who were not known to the system, but their families were, right. And then to illustrate that after we elaborate the national strategy how in our new world, I think this is where Commissioner Martin, what we believe the elements that we're emphasizing might have changed the narrative for that child if it had been delivered effectively.

And so I think talking about the individual children in the report would be extremely compelling. And in that case you can -- the testimony from the individuals states could move back in that context. And so I kind of like that in terms of a nice compromise for trying to do that.

And also I think we should embrace the uncertainty. I think we can say that, you know, for a variety of reasons it's very difficult to make a compelling evidentiary case both on safety side on the, you know, in terms of the upstream investment of resources. And for that reason what may actually lead to not only help states move along in the direction that more adequately protects children and strengthens their families, but it also starts to provide funding to test that innovation. And I think that would be worthwhile in an environment where can see that the strength of the evidence is not there.

**CHAIRMAN SANDERS:** Thanks. Commissioner Cramer.

**COMMISSIONER CRAMER:** Yes. I'm in a place where I can't talk very well. But I particularly agree with what Judge Martin and Commissioner Horn have said about, particularly about coming up with our own statement of what we think would work better. Also, maybe commenting about the positive things we've heard from the communities that are spelled out there or footnoting those, that's a much better way for us to take control for what we've been through and to what we heard from all the different communities. I've been struggling to try to figure a way to make this report be, I don't know, I hate to use the word punchier, but just to have more of a concern, an outrage and emotion in it. And I think that would be a better way to start.

**CHAIRMAN SANDERS:** Thanks Commissioner Cramer. So it sounds like, I mean it sounds like there's agreement. I think it's a great suggestion that we actually lay out our vision here and acknowledge that we've not seen this in any community. And we've seen elements of it that seem promising, but nobody that we're aware of has put this together. And as I think

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Commission Rubin has mentioned and how do we incentivize that happening? I think that could be very powerful as a start. And using an individual case or individual cases as part of the impetus for that to really show the urgency. I see no further comments on this, on the introduction, so I'll see if there's anything else that anybody wants to add. If not we're going to move to Chapter One then. So seeing none.

So Chapter One the same question about how would you prioritize this? This really is laying out, expanding on the why of what we're proposing that should be captured in part of the introduction. But this is to expand on what we need to do to see this very differently. Commissioner Martin.

**COMMISSIONER MARTIN:** Thank you. In Chapter One under the intro I think it's imperative that we talk about the reason that the focus on CPS agencies alone isn't sufficient isn't necessarily because of their fault. And this would be news to a lot of people in Cook County, because they think I hate the agency, but I don't think it's all the agency's fault. I think it's because of the system and the way and the expectations we have of the agency. We expect a social worker whose 23 years old that majored in art history could be an expert in psychology, child orthopedics, pediatric orthopedic support, legal system and everything. And so I think it may be helpful to be clear that it's not that the agency itself is at fault because they do poor job or they lack the will to do it. It's because we as a system have expected that the agency would be an expert at everything. And that support, without saying, but that supports are needed in our further recommendations, following recommendations to have a more interdenominational approval for child welfare and safety. I mean the reason we think it's imperative to have different disciplines investigate and deal with these cases is because no one entity has all the expertise. And so I would start by making that more clear in the intro.

And while I have the floor, if you don't mind, I'd like to go down to the key points. Particularly the third one when we talk about the agency doesn't always see the children before they die. And again, what I'm trying to do is take what I think are going to be recommendations, specific recommendations further in the report and try to start laying the foundation for those throughout our report. And so I would bring that element, but I would also make it more clear that the reason we don't see those kids necessarily before they die is largely due to the fact that we don't have a system that is a national institutionalized way of really identifying the most at risk kids before the agency gets involved. I mean we can say, you know, in school through the teachers are mandated reporters. But because we have not supported that system with resources in terms of training and monies and stuff we don't, we can't rely on that system. And so that, we need to support and beef up in terms of training and making certain that these other systems, other components of this larger child welfare system understands their responsibility towards the safety of our children.

And lastly under that same bullet point or the last bullet point where it says "access to control of effective services." Again, it really goes to my point that Mike, Commissioner Petit and I have had some discussion about. I don't -- I'm not opposed in general to more social workers. I know that -- and I'm generalizing very grossly Commissioner Pettit's point. And so, Mike, I apologize in the beginning. But I don't disagree that we need more caseworkers. What I'm trying to say is that rather than just putting more caseworkers on at every agency level,

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county and state level, what I think is more needed based on the information that I've heard across this nation is that I need to have more providers with the expertise to provide the services that are effective for our families.

So if in fact I understand the substance abuse treatment community well and they tell me that drug coaches work better to put in mom's home for the first month every day and then start reducing the intensity and start branching her out and letting her start developing her responses to her triggers while there's great oversight, then that's what I want to start using as other elements. If they tell me that sending one of my adolescents to a therapist and having them go into a state office doesn't work, but having recreational therapy where they're playing basketball and the coaches are the therapeutic providers, then that's what I want. I want more of that. That's just services that work better for my family. Thank you.

**CHAIRMAN SANDERS:** Thank you. Any other comments on Chapter One? Commissioner Rubin.

**COMMISSIONER RUBIN:** Yeah, I guess I'm going to have to sign off. But I think it's been a very productive conversation. I just want to make sure, you know, I was skeptical we would arrive at levels we did. But we also did it without half the commissioners. And so I think my question is as I sign off here is one of the process to ensure that our other, our fellow commissioners have a chance to weigh in. And I don't see any other way that we do that without a public face-to-face meeting. I know we're doing that in December, but I just don't know what the process is to ensure that Commissioners Dreyfus, Rodriguez, Zimmerman and so on and so forth, that everyone has a chance to really weigh in to ensure that we at least get the high level approach agreed upon. I think we got pretty close on this call. But I want to make sure that they agree with us.

**CHAIRMAN SANDERS:** Yeah, Commissioner Rubin, I think what we'll try and do after each one of these calls is the same thing as we did between the last two and that's contact anybody who wasn't part of the call and to try and make sure we walk through things. It's not the same as being part of the conversation, but at least having had some conversation about what it is that we're producing at this point.

The other piece of that is that this is an outline. So we will end up with a document that we begin to talk about in the next few meetings. And so there will be plenty of chances to come back at this. This is just providing enough direction to get something more detailed on paper.

**COMMISSIONER RUBIN:** Sounds good.

**CHAIRMAN SANDERS:** Looks like there are no further comments on Chapter One at this point. So moving into the core components, the collective responsibility for safety. And I would say that we probably need to highlight more. And it sounds like there's agreement on this that in some ways these need to be in priority order with the collective responsibility for safety, leadership and accountability and measurement in that order. And making sure that it's clear who is at risk in this discussion of safety and what collective responsibility means. Commissioner Dreyfus.

**COMMISSIONER PETIT:** David, this is Michael. I think that because I was having trouble getting on I was assigned Commissioner Dreyfus' number. So I don't think she's on or accessible.

**CHAIRMAN SANDERS:** Yeah, she's not on.

**COMMISSIONER PETIT:** So, David, I have been trying to get on with the star pound to be in the que and it hasn't worked. So I've actually been listening to the last few speakers on several topics. And I want to comment on -- let me just do it very succinctly. One is can I suggest that the headings in to each of the sections speak in declarative sentences as opposed to just a standalone piece. So for example, you could start with something like "thousands of American children die each year at the hands of family members. They will need, you know, broad politi - - broad political support is needed to make the changes necessary to protect those children." That's one thing.

Secondly, is on the CPS staff. I think that Judge Martin, I don't want to raise the flag of surrender too early on this. I don't think that more social workers and additional treatment services are mutually exclusive. We are seeing day in, day out, day in, day out young workers, inexperienced worker, inaccurate supervision, inappropriate training. That can be changed. What makes us think that if we can't adequately fund the system that is immediately charged with protecting children that we're going be able to fund all the things that are in orbit around that system that also need assistance. I think the bottom line is we have a significantly underfunded system.

The other thing that I would note in the introduction or surely up front, David, is that there are wide, wide disparities among the states and it speaks to the need for a national strategy. So there's some alignment among the states and we got to keep returning the theme of, are they American kids first or are they Texas children first and so on. So I think that's what I --

**CHAIRMAN SANDERS:** Oh, so put that in the introduction, add another bullet in the introduction?

**COMMISSIONER PETIT:** No, I think that is an overarching issue at this point. Is that, look, we all appreciate that everybody likes to do whatever they do as little encumbered by anybody else as possible. That's the American way, it's probably the human way. But the reality is there need to be standards and there need to be specific plans and there needs to be accountability and so forth. And this is an American problem, not just a state problem. And I think this business of a leveling influence in terms of distributing research, what works, you know, the latest trends, we have thousands and thousands of child protective offices around the country. And some of them are up to date and pioneering and others are doing a terrible job.

But I think and, you know, I hope Commissioner Martin agrees with me on this, that if we went around the state here and the top leadership and veteran social workers from the CPS system who are testifying before us, I think we all felt very strongly that these people knew what they were doing. They largely were not being supported in what it is that they needed to do. And there's a lot of reasons for that. But I think we have a field that actually knows a

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lot, they're just overwhelmed by the magnitude of families in crisis. And child protection is in crisis because families are in crisis. So I think that's the theme that we need to keep raising. It isn't the agency's doing on this thing. And I'm not exonerating them. I mean I'm just saying that they're merely creatures of what our government and our citizens say are priorities.

**CHAIRMAN SANDERS:** And so I want to be clear, Commissioner Petit, are you suggesting that that's a separate chapter or are you saying it falls within one of these sections?

**COMMISSIONER PETIT:** Well, it would fall someplace and I'm not sure where. I mean I'll look at it again. But, you know, one of the things, David, on this one so we're not just viewed as opining on this thing, because we're not just opining. If you actually take a look at the indicators in child protection, whether it's children dying, whether it's per capita spending, whether it's kids removed, whether it's follow ups to, you know, investigations, whether it's reporting rate or whatever it is, huge, huge disparities.

**CHAIRMAN SANDERS:** No, no, that's clear.

**COMMISSIONER PETIT:** Yeah.

**CHAIRMAN SANDERS:** I'm just trying to figure out where we put it in here. I mean how --

**COMMISSIONER PETIT:** I think we say, you know, in the introduction, you know, among our major findings, you know, is bang, bang, bang. We think this underfunded, we think it's, you know, there's too much inconsistency among the states. And then we develop it later on, you know, in the text of the report. But I think it's got to be one of the things that comes up with.

The other thing, and we'll see it some place, but I think also one of the specifics, so when people say are these guys serious, it's not -- I don't see and hear and this isn't the place to discuss it, but just it just stuck out when I look at it. I thought, you know, where did this disappear? Because I thought we were doing a lot on a confidentiality piece. And I don't mean confidentiality in terms of social workers giving cops, giving judges, giving lawyer's information. I'm talking about confidentiality when there's breaking stories, kids are being killed and the public wants to know what happened. Where that is I'm not sure.

But anyways, there's some things that are really quite forceful, quite dramatic, quite specific about what we would propose to do differently. And some of them have been mentioned and others have not. And I think we to just compile what those are. And I would mention whatever key ones are in the introduction. Or summary, however that's going to be organized upfront that shows that we're just not lost in research. Am I still on?

**CHAIRMAN SANDERS:** Yeah. I was looking.

**COMMISSIONER PETIT:** Yeah.

**CHAIRMAN SANDERS:** So in just yeah, okay, got it. I think I got it.

**COMMISSIONER PETIT:** And David, just an overall comment. I appreciate the staff had to dump everything into this to see, you know, so we could what the totality of it is. But at some point it can't be, you know, an academic exercise. It's a political document in the best of

sense of what a political document means in terms of how, you know, harnessing attention and all of that kind of stuff. But, you know, and I know there's going to be tight edit of this. But there's a lot of language in there that's either redundant or the recommendations are redundant. There's a lot of overlap that just needs to be tightened. And I think the more narrow we can be in terms of what needs to be done the easier it's going to be for people to say, yes, we can do that, you know, we can make this happen. I don't want to overwhelm them with things that are really subsets of subsets.

**CHAIRMAN SANDERS:** So I think that what -- and this conversation, just seeing the comments to this point have gotten us more focused. We're going to Section One in a second and we will end up with an actual draft of language for each of the headings that's identified here. And that will happen eminently. So in our next couple of calls we'll actually be walking through something that is prioritized, sequenced and so forth. That's part of what we're trying to get in as much as possible in this call.

So seeing no other comments on Chapter One, Chapter Two, The Collective Responsibility for Safety. And some of what we talked about in the beginning, which is that we actually lay out our vision early on will force some changes in what's been laid out in the next few chapters. Because we'll have identified what we think the ideal elements of this looks like. And so some of the things right now will be necessary, will by necessity change. But Commissioner Horn.

**COMMISSIONER HORN:** So I just want to provide one cautionary note in this chapter. And I'm not sure how this gets framed differently or whether it even should be framed differently. But I think we have to be careful if we say this is a collective responsibility for safety. Because if everybody is responsible, nobody's responsible. If I say to, you know, if five brothers growing up, if my parents said everybody is collectively responsible for cleaning up the kitchen, the kitchen would never get cleaned up. So what they would do is they would say, okay, this is your night, that's your night, that's your night. And I'm not sure how to weave this in, but I think that, and maybe this goes back to a point of disagreement between persons on the commission, but it seems to me that there is a focal point for safety and that's CPS. And the danger in this collective responsibly frame is that in some ways it lets CPS off the hook and it lets people who don't want to give CPS more money off the hook. And I'm just a little bit worried about that.

So I get it that it's bigger than CPS, I completely agree with that. It's more than just hiring more social workers, as much as the need for more CPS worker is critical in getting this right. But if you diffuse responsibility so much then then question becomes how do you really hold anybody accountable?

**CHAIRMAN SANDERS:** So, Commissioner Horn, I think a great point. And let me just say something, then I see Commissioner Martin, a couple of other people want to weigh in. But it does seem -- so we can be much more specific about what the responsibility is even right now. And so while the safety, freedom from abuse and neglect within a family falls primarily to child protection, there's a legal responsibility that the judiciary has, a legal responsibility that law enforcement has. And so I think that's different that the moral responsibility a

neighbor might have. And we can I think maybe be a lot clearer in laying out what those responsibilities are and what the implications are.

**COMMISSIONER HORN:** Yeah, it's just, again, I preface this by saying it's just a cautionary note. I just think that at the end of the day somebody's got to be responsible, or the limited number of actors understand what their responsibility is within their broader mosaic. And this is just an outline. I know there's a lot of details to be flushed and so I guess what I'm just suggesting is that as the staff starts to write this chapter that this time maybe they have in the back of their mind is the notion that this is not about diffusing responsibility. And there certainly is a shared responsibility that we all have, everybody does in protecting children. But at the end of the day, you know, somebody's got to be responsible. And/or at least responsible for their piece of the mosaic and we've just got to make that clear.

**CHAIRMAN SANDERS:** Thanks. Commissioner Martin.

**COMMISSIONER MARTIN:** Thank you. To go directly to Commissioner Horn's last comment. I agree with you. I think that that's absolutely true. When I hear the word responsibility, I put it in my context, the legal context, which, you know, automatically equates to liability. I'm talking about responsibly in the terms of what I think you just said. I don't think there's a way to make the court necessarily liable as the agency is liable in terms of, you know, direct services and all that stuff. What I am trying to do is make certain that everybody feels that responsibility. And feel is a really subjective word and I know that's not the right word. But I want -- I think it's important for me as a judge when I sit on the bench to have as much concern about the death of a child as the worker that's assigned to that family.

And so what I'm thinking about, again, in my courtroom it is not unusual for a child to die and the court not know about the death of that child until the next court date. And so, trust me, there are a great deal of workers who will call the GAL up and tell them that a child died and then the GAL, as an officer of the court, will come and spread it of record and they'll let the judge know prior to the next court date.

But it is not unusual for the agency not to feel that I'm part of the system sufficiently that I wouldn't want to know that one of my kids died when the death occurred, as opposed to waiting until the next court date, 30, 45 days later to come in and say that the child has died and then to argue whether or not the case should be closed. And so I'm trying to make every agency or every part of the spokes, every agency that touches this child's life and is responsible in helping to provide safety feel enough responsibility to need to know as soon as that death occurs. So that's kind of how I'm looking at responsibility, as opposed to diffusing the liability for the death of the child, if that makes sense.

My other comment before I give the floor is I just want to remind people when we get down to components of the national strategy and the collective responsibility for safety to remember, again, that there is probably what's not included and what I don't see here is demanding that there be federal legislation that makes it easier to present these cases in court. And I would just draw your attention back to that Cook County case that I asked Amy to send out. Again, we're having trouble in Cook County because of the state law on how we get in statements, inconsistent statements. And in this case the respondent's statement when her

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three kids died was an egregious five years before these kids were coming in the system. How we get that in legally without trying to go through all these legal gymnastics. And so I just want to say that I don't see demanding or requiring the federal government to look at proposed legislation that would make this legally easier to provide in court.

**CHAIRMAN SANDERS:** Commissioner Petit.

**COMMISSIONER PETIT:** Yeah. Listen, if two years ago someone would've said I agree with Wade Horn 100 percent, most of the time I wouldn't have believed it but I do believe it. I think he is absolutely 100 percent right that CPS or a new CPS, which I don't think there's any support for, but CPS is the focal point of the legal responsibility for the protection of these children as prescribed by law.

And with regards to this accountability and the agencies to comply with what they're supposed to be doing, as the Judge was pointing, as we're all concerned about, in my mind it's called democracy. 100 percent of the executive branch activities are overseen by the legislature or should be overseen by the legislature, whether it's Congress or whether it's the State House. And when I used to go into large counties and states on this issue about how do you address some of these issues, we had a police chief in the room, a county sheriff in the room, a social services director, we'd have the education people and so forth. But the single most important person in the room was the chairman of the elected body of legislators, whether it was at a state level or whether it was at a local level. And give me either the chairman of a committee or give me any member or chairman of the finance committee for a county or state and you will see the hardest bureaucrats being responsive to that process once their budget's in play.

And it's one of the reasons why in the opening introduction the comments I made, I said broad public support. We know there's broad public support. Broad political support is what's necessary to move this thing forward. If our elected officials say we're going to move on this, we're going to commit the resources necessary, we're going to hold people accountable, it happens. It happens all the time, they do these things well in many areas all the time. And so I think we need to elevate it to that level.

And CPS, you know, they have their responsibility, they need to be given the authority and the resources. But if you go beyond that, as in general we all need to be responsible, it will be just as David, as Wade said, you will have dishpans unattended to.

**CHAIRMAN SANDERS:** Thanks. So I think we have some clear direction around this issue of collective responsibility and making sure that it does not absolve CPS of its responsibility, because it clearly has a lead role and defines the roles for others, versus leads to enough ambiguity that everybody walks away from the responsibility that they have. I think that's clear direction for staff as this chapter is actually put together. Anything else then on that? Move to leadership and accountability. And this is an area that we've had a lot of discussion about and obviously included quite a bit. Commissioner Petit.

**COMMISSIONER PETIT:** Well, yeah, I was going to say, David, we have throughout this whole process seen numerous examples of people taking a multidisciplinary team approach in this

thing. All the work that Congressman Cramer, Commissioner Cramer has done on this, all the presentations that were made locally. I think that what we're saying is it really needs to be opened up. It can't be secretive. It can't be done quietly in a back room. We need principal players of government and non-government at the table to take this on. But I don't think that means that you give them additional legal responsibility, nor do you withdraw legal responsibility from CPS. I think that the course of action that we've been on with this MDT process, whether it's secondary reviews, whether it's post-mortems, pre-mortems, whether it's conducting investigations, I think we're making it crystal clear that it takes a community, it takes a state, it takes a country to protect these kids. So I think we're covered on that basis without diluting the responsibility that the other direction of the child protection agency will hold you accountable for improving these numbers.

**CHAIRMAN SANDERS:** Thanks. Commissioner Martin.

**COMMISSIONER MARTIN:** So I when I looked through the section on the recommendations that were listed one of the things I didn't see, and maybe it's in there and I'm not reading it carefully enough, but one of the things that I really kind of had in the back of my mind and in my notes was this whole idea of elevating child safety to the cabinet level. And I'm not sure that I see it in here. So in other words, whether -- does the Surgeon General report directly to the President? I don't think so. Would the Surgeon General be the one that gives an annual report to Congress or an annual report to the President? I wouldn't think so. So I guess what I'm asking is did we lose that? Is it still something that we're interested in doing, and if so is this the place to make certain that that's clear?

**CHAIRMAN SANDERS:** It should not have been lost. And so Amy or Joanne or Jill any comments? Amy.

**AMY TEMPLEMAN:** Hello?

**CHAIRMAN SANDERS:** Yes, you're on.

**AMY TEMPLEMAN:** Thank you, Judge Martin for that reminder. That recommendation around the elevation of child safety to the cabinet level did show up in previous versions, but it's not in here. At least it's not in the document in the same wording. So we will make sure that it gets into a version when it comes to you next. Thank you for pointing that out.

**CHAIRMAN SANDERS:** Commissioner Martin, was that your comment or did you have anything in addition to that?

**COMMISSIONER MARTIN:** No, I think that addresses my concern. It was a personal note and I had a particular note on the side. And I guess Amy has addressed my concerns officially. Thank you.

**CHAIRMAN SANDERS:** And I see no other comments on this section. So it sounds like that might've captured that. And then finally I think we should cover -- oh, Commissioner Horn, go ahead.

**COMMISSIONER HORN:** It's just a clarification because I have the same reaction that Judge Martin did, which is so when we say elevating child safety to a cabinet level position what do we -- do we mean elevating the Children's Bureau, do we mean creating a new position? Is there a consensus on that?

**CHAIRMAN SANDERS:** I don't think we've reached consensus on it. But the idea of elevating the Children's Bureau was what I recall the conversation was. There was some I know discussion earlier, because Commissioner Rubin just mentioned it, are there other cases that should be elevated or highlighted? But, yeah, I think that was specifically what we were talking about.

**COMMISSIONER HORN:** Okay.

**CHAIRMAN SANDERS:** And so what would happen would be that would be part of the draft report that's actually developed. And then we can determine whether we've reached consensus on that or not.

**COMMISSIONER HORN:** Yeah, and just a suggestion maybe to the writers on the staff. Something that might be interesting to the reader would be a call out box that talked about the history of the Children's Bureau and where it started out organizationally and where it is today. And maybe, you know, to mention the fact that when Jimmy Carter wanted to elevate education as an important national focus he took it out of health, education, and welfare and made it into its own department. And if this, you know, an issue that is as children's issues and it's as important as education, then maybe it should be its own cabinet agency or at the very least a direct report to the Secretary of HHS. But that's just a suggestion for the writers. No need to comment, David.

**CHAIRMAN SANDERS:** Thanks. So let's move to the last chapter then we'll have the more comprehensive discussion on measurement and classification. And I would just make a comment. I actually think that we should revisit recommendation number 20 completely, because the approach suggested that -- the approach defined or described by MITRE in how they have looked at submission of data from the airlines is one that I think we should take to heart. That the approach did not require mandatory submission, but really provided value those doing the submission and what they got in return. And I think there may be other ways to look at this. So I would suggest that we at least consider some other alternatives versus making it so specific.

The other piece of this that I think we might want to expand on is something that you talked about earlier, Michael, and that's that measurement classification is important, but it's important in the decisions that it allows us to make. And I'm not sure that we capture that as strongly in this. And that measurement for measurement's sake is not going to get us anything. But measurement and using that to actually decide how to allocate resources, what those resources should be is what the goal is here. And I think there's more that we can do to capture that. Any other comments on the measurements section? Commissioner Martin.

**COMMISSIONER MARTIN:** One of the things that I was concerned about in the measurements, I agree with everything you just said, David, that the measurement's not just to measure, but

it's to utilize that information to improve our system and improve the way we keep our kids safe. But I do think that one of the things that I find very troubling in my jurisdiction, and I don't think it was better around nation, is that it's not -- well, let me just lay it out there. I'm not sure that the agency should be the one solely responsible or primarily responsible for counting the deaths of our children. And it's not that I think they intentionally decrease numbers or anything like that. In fact, in Cook County it appears that we double our numbers sometimes. But I think it's almost difficult to ask the hen to guard the henhouse or something, whatever that saying is.

And so I wonder whether or not we have really come to some consensus about what this might look like in a jurisdiction that we would propose if in fact the agency were not the primary source of the numbers. And I think that that was a good suggestion that we were talking about and I think it's important for us to really flush that out.

**CHAIRMAN SANDERS:** Thanks Commissioner Martin. I think that's exactly right. And actually it's, given what I just said, we will need to make sure that that's not lost. Because recommendation 20 includes the idea that the counting would be to through the health or public health agency. But that if we revisit that we really want to make sure that that part isn't lost. That it's not the child protection agency. And really worker in some cases making a decision about who has died due to abuse or neglect. Any other comments on this section?

So we'll have additional time I think to look at kind of the next section in our next call. But what the plan is at this point, and unless there is an alternative or opposition to this, is that this should give enough direction for staff to put together actual chapters. And we can then in our next call have had a chance to review the chapters up to chapter four and have our conversation based on what's actually some more detail actually in front of us. So that's the plan for the process. So a couple of comments from Commission Horn.

**COMMISSIONER HORN:** I'm a little slow on the trigger here. On the measurement classification, I know we have chapters later on special populations. But I remember testimony that said that the Native American community is not being captured in any of these datasets. And I don't see it here in this chapter. I think it's even if we say it in a special chapter later on around special populations, I think it's worth including that in this chapter as well.

**CHAIRMAN SANDERS:** Great point. And actually that had been our agreement that we would make sure that it was highlighted in this chapter. So thank you, that's great.

**COMMISSIONER HORN:** And I'd also like to say to Michael Petit that I'm as surprised as he is about how much agreement he and I seem to be having these days.

**CHAIRMAN SANDERS:** That's a good thing.

**COMMISSIONER HORN:** That's a very good thing.

**CHAIRMAN SANDERS:** Commissioner Martin.

**COMMISSIONER MARTIN:** Commissioner Horn, thank you very much. That was one of my points that I got back on for that I forgot to mention the first time. The second point that I failed to mention the first time, on page five, particularly down to 20. I think it's important that we -- I think we have decided that our children's safety is paramount and we want the federal government to realize how important and how critical their safety is. And so when we get to 20 my suggestion would be some language and make the language in the final report more solid. So rather than "Congress should," for instance I would say "Congress shall make submissions to make NCANDS mandatory." And "ACF shall expand data collection to include more." I think we should tell them that it's a necessity. It's not just an option. It's something that will in fact protect our children, because if we have better numbers and better counting we'll assess better what to do in the future. Thank you.

**CHAIRMAN SANDERS:** Commissioner Martin, before you go off I want to, actually, I want to comment on that, because that was what I was referring to in my comments. That I'm not sure that mandating submission of data to NCANDS is where we want to end up. Because what we want is for data to be used to improve decision-making. So it's not the mandating the data, it's actually using the data. And if the federal government, ACF in particular, were producing reports back to the states and providing guidance to the states about what the implications of the information that they submitted are, then I think that's great. But we don't really speak to that, how the information in NCANDS is used to feedback to states about what they want. So I think it actually needs to be broader than just mandating it, because I don't think that accomplishes what we ultimately want to see.

**COMMISSIONER MARTIN:** Well, so I hear what you're saying and I agree with you. And I guess my question to my fellow commissioners is do we need data from every state? So if we don't need data from every state to do better what you just said, David, then I guess you're right. But, you know, if I understand correctly right now the way the status is NCANDS is voluntary. So if I represented or had the responsibility in the State of Illinois I can decide for whatever reasons I won't report anything, or I'll report part of what NCANDS is asking me to report. And so my question is, and I actually don't know this, so I'm really throwing this out as I need information, is it more -- is it necessary to have consistent information from all states? So is it necessary for us to have information about how many kids under the age three drown? Or is it necessary to focus -- ideally you want everything. But is it better to focus on getting information from as many states as we can and utilizing that better?

And secondly, this whole idea and concept of getting the information and trying to utilize it to improve our ability to keep my kids safe that also leads on a local level too. So when we get to the research information, and I think that's in a later chapter, really we have to start getting more like medical labs where they have the lab right next to or they turn to conclusions of the mice lab into policy about public health. Because what happens is researchers do a lot of research on the numbers on my kids and on my families, but by the time it gets diluted to me or distributed to me and then translated into language on how I can use it years have passed. So I agree that that's important. But I guess my question really is on this level is it necessary to get the same information from all states or do we get enough information and it's just that we're not utilizing it well?

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**CHAIRMAN SANDERS:** Yeah, and I think we need to expand on this to be a lot clearer about what we're trying to accomplish. I think we ultimately need information from all states. But I think we just -- I don't think this captures what I'm hoping we actually want that information to produce, which are changes that in policy and practice.

**COMMISSIONER MARTIN:** Yeah. I guess what I'm really concerned about too, David, is that if in fact we get to a point where it's so voluntary in reporting, are we getting to a point where we don't have the real representation of what's going in our states? And I think that's where we are now.

**CHAIRMAN SANDERS:** Right.

**COMMISSIONER MARTIN:** And so we have the opportunity to really hone into the federal government about how important it is to get information from all states and I think we should take the opportunity while we're here.

**CHAIRMAN SANDERS:** Yeah. And I think I would just say we need to add the responsibility for the federal government to use the data in a way that helps to save children's lives.

**COMMISSIONER MARTIN:** I agree with you.

**CHAIRMAN SANDERS:** I don't think we captured that here. That's really what I'm suggesting is that the two need to be blended together, versus just reporting data without consideration of how it's being used.

**COMMISSIONER MARTIN:** Thank you. Thank you.

**CHAIRMAN SANDERS:** Looks like we have -- we'll take one last comment I think from Commissioner Petit. And then the process would be that we will -- staff will begin to actually draft the chapters. And we will have chapters to review between now and the next call. Commissioner Petit.

**COMMISSIONER PETIT:** David, for sure all states, absolutely completely positively all states if they get five cents in federal spending they need to be delivering the information. However, there's a floor below which some of them should go and some of them want to do more because of their unique circumstances. Florida has a lot of drownings, for instance. They might collect data where Alaska wouldn't on that particular topic. But let me say that the measurement and classification is merely a tool. It's a tool that informs goals and standards. And the question of federal goals and federal standards need to be spelled out more clearly. They already exist in many areas, but they need to be spelled out more clearly. That is how ultimately people can see how they're doing against the rest of the country on this thing. And that's really what leads to the accountability is the adoption of goals and standards allows us to hold people, you know, accountable and because it lets us see firsthand on this thing.

And by the way, this is the area where under this chapter instead of measuring classification, forget the title for the moment, this is where we say children being protected shouldn't be an accident of geography. And this is where we make note of that vast differences that exist among the states. Not for the good on this, to the negative on this thing, that the states are

different, but they can actually play off the same page when it comes to what national goals and objections are. So you had raised a question earlier about where might that go.

**CHAIRMAN SANDERS:** Yeah.

**COMMISSIONER PETIT:** This is where we might develop that. But we need to see which states, you know, are doing well, which states are not and who needs help.

**CHAIRMAN SANDERS:** Thanks, that's really clear. And I think that would -- we could use child fatalities, recurrence of maltreatment, there are just a number of things that I think reflect the fact of what you're saying.

**COMMISSIONER PETIT:** Yeah, right, exactly.

**CHAIRMAN SANDERS:** All right. So, Amy, anything else? We will have in the next few weeks should have chapters written out for these first four chapters and can share them with the full commission and begin to get written feedback and then obviously have the feedback during the call. Amy, anything else that you would add to that or anything else that we need to cover?

**AMY TEMPLEMAN:** The only thing that I would add is just to say thank you to the commissioners for taking the time to look at this material. I know we only gave it to you a few days ago, so we really appreciate that you spent time looking at it so closely. And then to say that next time when we do give you the draft of the introduction and the first four chapters we are going to give it to you a week in advance. So hopefully that will give you enough time to provide some written feedback ahead of the meeting if you'd like. And then we'll look forward to your comments about the meeting as well. So thank you.

**CHAIRMAN SANDERS:** All right, thank you, Amy. And staff really did a great job in collecting all of this. And I think the fact that we have more direction going out of this meeting is a goal and then as we have something in more detail we can provide even more direction. And hopefully within the not too distant future we'll have a report that we're thinking is 50, 60, 70 percent there. And we'll spend plenty more time debating the language in that report, but I think this gives good guidance to staff. So thanks everybody. So we'll talk to you the next call. Thanks.

**(Whereupon, at 2:01 p.m. the commission meeting was concluded.)**