



COMMISSION TO ELIMINATE CHILD ABUSE AND NEGLECT FATALITIES

TELEPHONIC COMMISSION MEETING TRANSCRIPT

January 14, 2016

In Attendance:

- Chairman, David Sanders
- Commissioner Amy Ayoub
- Commissioner Bud Cramer
- Commissioner Susan Dreyfus
- Commissioner Patricia Martin
- Commissioner Michael Petit
- Commissioner Jennifer Rodriguez
- Commissioner Wade Horn
- Commissioner Cassie Bevan
- Commissioner David Rubin
- Amy Templeman, Acting Executive Director

CHAIRMAN SANDERS: We have Commissioner Cramer, Commissioner Dreyfus, Commissioner Petit, Commissioner Ayoub, Commissioner Martin, and me. And we will go ahead. Let me just provide the context for today and see if there are any questions and then launch into the changes and if there are other areas that we want to cover, make sure that we have time to do that.

So first really thank all the Commissioners, although this afternoon, through the last couple of days, have different comments on the draft report from almost everybody.

COMMISSIONER CRAMER: There's a lot of noise.

CHAIRMAN SANDERS: Yeah, there still is.

COMMISSIONER DREYFUS: This is Commissioner Dreyfus. I am on mute, and I'm in a cab. I'm on mute, so it may be my phone.

CHAIRMAN SANDERS: Anybody else that --

COMMISSIONER RODRIGUEZ: This is Jennifer. I'm also on mute.

CHAIRMAN SANDERS: Hello, Jennifer.

COMMISSIONER MARTIN: Pat Martin is also on mute.

COMMISSIONER PETIT: That's better.

CHAIRMAN SANDERS: Yeah. It seems to have gone away.

So, yeah, we've gotten feedback from essentially all of the Commissioners. Thank you for that. And staff are working to incorporate all of the comments for which there really is no disagreement expressed among Commissioners, and there are I think Amy said about 1,500 comments, and so it's extensive work that's being done to correct -- to make changes to the initial draft. And the areas where there appears to be some disagreement among Commissioners, although in some cases we may not -- we may be able to come to some resolution, those are what helped to shape today's agenda, because that's really what we want to focus on, are those areas where there is disagreement. And staff are hoping to have the next draft actually now by the end of next week because they want to incorporate all of the edits as well as the takeaways from deliberations today and Saturday.

So the comments received thus far that suggest that -- well, the comments received thus far suggest that we are in agreement on a large majority of the issues. The areas where there is some disagreement are the report structure, the use of the Hillsborough model, although I don't know if that's as much disagreement, but we'll walk through that, the public health approach, combining fatalities and near fatalities, and funding.

And a couple of things that are not necessarily disagreements, but Commissioner Rodriguez asked to make sure that we explained that the report only addresses the front end of the 21st century child welfare model, not permanency or foster care. Commissioner Martin I believe suggested that it's not our charge to make recommendations to states, and we may want to ask further about that, and also expressed concern about promoting any private organizations.,

And I think those were the major areas that came up as potential conflicts among Commissioners. And as we get all of the edits in, I think we'll be able to see that more clearly.

So today -- and since we didn't have a final draft, I wanted to focus on those things that we either covered before or didn't require an actual final draft, so the proposed restructuring of report chapters. And I have a proposal that really is just that, that we should -- we can walk through.

The second -- I'll change the order a little -- is the definition of the recommended case review process because we clearly agreed to that, and I think Commissioner Petit had language for that, and we incorporated that language, and so I want to make sure that since it's one of our signature recommendations, that we are all in agreement on what the language is for that.

And then third, the recommendation for joint congressional hearings.

And we may be able to get to one or two of the others, although many of the other recommendations really do require a draft of the report to put it into context, but I'll stop right there and see if there are questions.

COMMISSIONER STATUTO BEVAN: I don't remember agreeing to anything on case review.

CHAIRMAN SANDERS: Okay.

COMMISSIONER STATUTO BEVAN: I don't remember agreeing to anything.

CHAIRMAN SANDERS: You didn't agree to anything? I'm sorry, was that the comment?

COMMISSIONER CRAMER: Cassie, we can't hear you.

COMMISSIONER PETIT: Cassie, are you there on the phone?

COMMISSIONER STATUTO BEVAN: Yeah, I'm here.

COMMISSIONER PETIT: David, were you asking Cassie a question?

CHAIRMAN SANDERS: Yeah. Your comment was --

COMMISSIONER STATUTO BEVAN: (Inaudible.) I can even (inaudible).

COMMISSIONER AYOUB: We can hear you, Cassie.

COMMISSIONER STATUTO BEVAN: Well, then, I can't hear you. It's in and out. I mean, (inaudible).

COMMISSIONER CRAMER: Cassie, this is Bud. I can't get your point. I just couldn't hear enough to get your point.

COMMISSIONER AYOUB: She said that she doesn't remember agreeing to anything.

COMMISSIONER CRAMER: Okay.

COMMISSIONER AYOUB: I believe she heard David say the Commissioners had agreed to something.

CHAIRMAN SANDERS: Oh, I see. Okay. So let me explain. The comments were -- as we looked at the comments, there weren't comments that reflected conflicts or disagreements among Commissioners of the written comments that were provided. That the documents that are going to be sent out will include the written comments. A summary has begun to be developed by staff but will include the written comments, and in those written comments, there is not conflict among Commissioners, and with only a handful of sections. Now, when it comes out in the full report, it may be that there is tremendous conflict, but in terms of the written feedback, the areas of feedback, it appears that for the most part the comments have been consistent. That's the point.

Any other questions before --

(Phone interference.)

COMMISSIONER STATUTO BEVAN: Am I the only one having trouble with the phone?

CHAIRMAN SANDERS: It seems like it. Can you hear, everybody?

COMMISSIONER RODRIQUEZ: I can hear everybody clearly except for Cassie. Cassie, you're cutting in and out.

COMMISSIONER STATUTO BEVAN: It's in and out.

COMMISSIONER PETIT: David, why don't we go around the table and just confirm that everybody is on and can hear because we're not having to do the mute thing again, we're able --

CHAIRMAN SANDERS: Right.

COMMISSIONER PETIT: You're going to -- oh, but we're not required. So let's just see if all of us are (inaudible).

CHAIRMAN SANDERS: Okay. So, Commissioner Petit, we're hearing you.

Commissioner Cramer?

COMMISSIONER CRAMER: I can hear everyone, but I can only partially hear Cassie.

CHAIRMAN SANDERS: Commissioner Ayoub?

COMMISSIONER AYOUB: I can hear everyone, and I believe they heard me.

CHAIRMAN SANDERS: Commissioner Dreyfus?

COMMISSIONER DREYFUS: I can hear everyone, but I can't hear Cassie.

CHAIRMAN SANDERS: Commissioner Martin?

COMMISSIONER MARTIN: I can hear everyone. Cassie is coming in and out.

COMMISSIONER PETIT: David, is Jennifer, David Rubin, Wade Horn, and Teri are not on the phone? Is that right?

CHAIRMAN SANDERS: I don't know yet. Commissioner Rubin was to be on. Commissioner Rubin, are you on?

(No audible response.)

CHAIRMAN SANDERS: Commissioner Covington?

(No audible response.)

COMMISSIONER PETIT: And Commissioner Rodriguez is not on.

CHAIRMAN SANDERS: No, Commissioner Rodriguez is on.

COMMISSIONER PETIT: Oh, okay, Jennifer is on. Okay.

COMMISSIONER RODRIGUEZ: I'm on and I can hear everybody clearly except I cannot -- Cassie is coming in and out, like I can only hear one word of her sentences.

COMMISSIONER RUBIN: Yeah. This is Dave. I'm on. I was on mute. And I was the one who was blocking Cassie's signals today.

COMMISSIONER PETIT: Cassie, did you hear all of that? Cassie?

(Phone interference.)

CHAIRMAN SANDERS: It sounds like we are not -- I'm not getting Commissioner Bevan at all.

COMMISSIONER PETIT: Is Cassie on a land phone?

(Phone interference.)

COMMISSIONER RUBIN: Someone must be outside, guys.

CHAIRMAN SANDERS: Yeah, I wonder if that... So, Commissioner Bevan, we're not hearing you too well. We're waiting to switch to a land line, that would be great.

COMMISSIONER PETIT: Cassie, are you on a land line or a cell phone?

(No audible response.)

CHAIRMAN SANDERS: It sounds like we may have lost her.

Well, why don't we then go ahead into the first agenda item about structure? And I made a proposal, although several Commissioners commented that the structure of the report was not effective in communicating what we wanted to. And I'll just give my comments on this, and then we can talk about the proposed structure changes, which aren't necessarily to be permanent but really to say should we put the work into changing the structure, or is it just a concern that I have?

So let me -- and I think in conversation with Commissioner Horn, although he didn't provide written feedback on this, I think he also has a concern, because I think that my read of the initial draft that came out on 12/23 is that it is too dense, too many recommendations, it was hard to pick out our priorities, it was too long. There was information in there, much of the information was in there, but it wasn't organized in a way that was easy to read and to understand the direction that were trying to direct them, and so those were concerns I had then. People would not read it, or even if they read it, it simply wouldn't hold the attention of the readers. And so those were comments that I had.

I also think that pending recommendations that are in there that we really - - that they need to be organized in a different way, so we need to be able to think about them differently if you can, just put things in that cost money and not say something about it.

So those are all things around the structure that I had some concerns about. And so I -- and I think people got a draft of it. It's not that critical to have read the draft, it's more just illustrative of what it could look like, but I actually am proposing that we look at having something that's cleaner, crisper, that we look at (inaudible), we focus on recommendations or actually findings that are a lot clearer and a lot more -- that are high level and that recommendations should flow from the findings in the actual report and look at your recommendations and that we make sure that the reader can identify what our priorities are and that in each of the Chapters 2, 3, and 4, that we actually start with the recommendation that we want to highlight, that we look at what we learned, what we found, and make it in three or four points versus eight or ten, and what do we recommend and really focus on three to five recommendations, and that we can include additional things in the appendices. So, for example, under the responsibility of the elevated Children's Bureau in the draft, we have, I don't know, a page and a half or two pages of responsibilities. I don't know that they need to be in the body of the report, and I think there's a way if we want to incorporate everything in an appendices if there any changes or suggestions or other kinds of things, but in the report itself is a lot more focused and shorter. So there's a draft of what Chapter 3 could look like, again, not so much the content is important, but the way it's structured.

And I'll stop there because that's a recommendation that I was making. And I don't know if others had the same concerns. Some other did express concern, and then there are other ideas (inaudible).

COMMISSIONER DREYFUS: David, this is Susan. I just had one that I think I had in my comments. I didn't hear you mention, and I apologize. But it does seem to me that when we talk about the immediate, what Congress and the President can do now, I worry a little bit about that which leads to larger systemic change. It could be read by a reader as an afterthought, as do these things now and over time let's get to the rest. And I just hope that the language wouldn't impart that to a reader or to a policymaker that would get them to not see the equal importance of driving larger systemic change in child welfare and just focusing on the immediate checking them off the list and saying, "Okay, we did that."

CHAIRMAN SANDERS: And maybe the language "immediate" is something that we need to think about.

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

CHAIRMAN SANDERS: Yes.

COMMISSIONER PETIT: Yeah. David, without getting into any of the content at this point, I think all the points that you just raised about what you've gathered from everybody being the collective sentiment about the document in terms of its length and its presentation I thought was exactly right. I think you captured exactly my sentiments as well.

I think something that does make it easier, and I think some of this is still too long, so the paragraphs are too long, we have some places in Chapter 3 done, what I'm about to suggest, and I think it ought to be done all the way through, which is a short interpretive heading for each one of them, and for each section. I'm not talking about -- I'm talking about within a chapter, so that you could almost go from the first line, second paragraph, and then pick it up, you know, four or five pages later and then (inaudible). I'm (inaudible) cutting the paragraphs, not all of them, but just whenever there is an idea that we're developing, be there, and if you look at the document, what I'm talking about is -- it was on page (inaudible) and then below that data sharing, and then below that (inaudible), we should consistently employ that device all the way through.

CHAIRMAN SANDERS: Commissioner Petit, are you still there? You're cutting out.

COMMISSIONER PETIT: (Inaudible) major (inaudible).

CHAIRMAN SANDERS: We are hearing background noise.

COMMISSIONER CRAMER: We still are.

COMMISSIONER PETIT: All right. Am I back on, David?

CHAIRMAN SANDERS: Yeah. Yes.

COMMISSIONER PETIT: What I was saying, I pointed out several places in the chapter where there's a heading leading into a paragraph. I think that's a very useful tool for the reader in terms of what they focus on, what they pick up on, and I think we should do it throughout the document, not just Chapter 3, but expanding Chapter 3, but all the subsequent chapters as

well, so you can just go basically from topic to topic and get a feel as to what is about to follow.

CHAIRMAN SANDERS: So it would be really throughout the document looking at headings that guide the reader to --

COMMISSIONER PETIT: Yes.

CHAIRMAN SANDERS: Got it.

COMMISSIONER PETIT: Yes, yes, exactly right, headings. David, I also think that some of the paragraphs still are too long, and without speaking to the content in shortening them, even if there were just more paragraphs that were smaller, even if that equaled fewer paragraphs there were bigger, it's easier to do this I think in bite-sized pieces.

COMMISSIONER RUBIN: David, I may be in the minority here, but I sort of see a strong executive summary as accomplishing what people are talking about, but I just worry about losing some of the richness. I mean, we heard a lot here. If we try to distill this out in six or seven points, you know, I just worry that we're going to lose a lot of the richness, you know. So I saw the executive summary as being the function of what people are talking about.

COMMISSIONER MARTIN: So this is Pat Martin. I don't disagree with what you've said, David. The problem is we have to remember who the audience is of this report. Not everyone reading this report is going to be as steeped in child welfare issues as you are and other Commissioners, and it's going to be -- I think that the report, the way it currently reads and the way it's currently drafted and structured, makes it even more difficult, unnecessarily difficult, for a person who is not particularly knowledgeable about the things that we've heard through the last 2-1/2 years or has done work in this area. I think although an executive summary's purpose is to do just that, I think we also have to make the report readable to a non-child welfare person.

COMMISSIONER CRAMER: And that could be most policymakers.

COMMISSIONER RUBIN: Yeah, that's a fair point. You know, I just wanted to put that out there, that it's a little bit my worry. I think if you use appendices. I mean, some of you guys have been in the place where you had to push these reports out to policy. So, you know, I'm convincible there.

COMMISSIONER RODRIGUEZ: And this is Jennifer. I want to support what other people are saying and also just make the note that even in reading the current draft of the report, there are some topics that are covered fairly extensively and with a lot of detail. And then there are other recommendations or pieces of them that don't have a lot of -- they don't have equal space kind of, they might have one line versus three paragraphs to them. And I think that there can be the impression in reading them that they have a lesser significance, which I don't think is true when I read them, but like, for example, there's a lot of detail given to all of the ways that the Commission is recommending increased surveillance but not as much detail given to, for example, how protective sort of factors are getting built up for families, where I believe that everybody on the Commission agrees, sort of increased surveillance is useful, and so unless you actually have something to offer families, it doesn't necessarily come across that way, just in terms of the amount of attention that it was given in the report.

So I wanted to support what Commissioner Dreyfus was saying about thinking carefully about what gets put into the appendix and also thinking about the folks that will be reading the report and the fact that they weren't there through all of the testimony and the deliberations and making sure that it's really written for that.

CHAIRMAN SANDERS: So is there any -- it doesn't sound -- well, Commissioner Rubin, perhaps, but it seems like if we include the recommendation in appendices or in a way that keeps the information there for those who want to read that level of detail, but for the report, that we at least look at the kind of structure that's shorter, more focused, and give that as an option for Commissioners to review and decide on. Is that -- so it sounds like it's worth the work to try and do that right now.

COMMISSIONER AYOUB: This is Amy Ayoub, and I just want to say that I obviously agree that it was not readable, the first drafts were not readable for someone who doesn't live their life in that space. And like Judge Martin brought up, most of the Congress people do not. So, I mean, I like the structure of Chapter 3 the way it's written more. I agree with Commissioner Petit that it could even be shorter paragraphs, just easier to read.

And I wanted to make sure that everybody saw or anybody saw Commissioner Horn's e-mail, he wrote it on the plane, and he had comments on the three parts of the agenda. And number one, he says, "The new chapter structure seems fine to me."

COMMISSIONER RUBIN: Well, I'm going to defer to my colleagues here. I think that it sounds like everyone is pretty -- there's a consensus here in terms of direction, so --

COMMISSIONER CRAMER: This is Bud Cramer. Can I pile onto this? I think Chapter 3 reads -- I was reading Chapter 3 thinking of the point of view of individual Members, like the Members we've met with, a few of the Members we met with, the other weekend in Washington. It is well staffed. Staff seemed to be a little more immersed in the weeds and details. But whenever we use abbreviations, particularly about HHS sub-agencies, we do a pretty good job in this report of identifying what those stand for, but I think we need to be very careful and make this as user-friendly a read as we can and spell out -- there was one page I think, page 6 or 7, where we mentioned in one line four or five sub-agencies of HHS, and it's just a string of initials there. I think we need to just make that plain and clear.

CHAIRMAN SANDERS: Okay. So we will incorporate these recommendations and have a draft that includes the new structure. We'll also continue with the draft in the old structure, not because it's what we would necessarily want to do, but to make sure that everything is kind of captured. But it sounds like the new structure makes sense as something to try.

And I assume we want to try and still capture the details in some of the recommendations in an appendices, or do we want to eliminate some of the recommendations?

COMMISSIONER RUBIN: I believe the other way you can do this is sometimes people will offer like in the appendix are the technical reports of other recommendations that were considered within certain -- some of the major categories and so make them more of a venue so like in some way that distilled that document that was created for us, and so therefore there's sort of a -- they kind of operate a little bit looser that way. So it might be kind of good and just call it a technical report.

COMMISSIONER PETIT: David, I don't think we should get into a discussion right now generally about what recommendations we should eliminate.

CHAIRMAN SANDERS: Yes, I agree. This is more conceptually. We're just trying to sort out how important a section like an appendices or like what Commissioner Rubin just mentioned is, or how important that will be. And it sounds like at least for right now we want to make sure things are captured in case we want to have further -- we will almost certainly want to have further conversation about it. So we'll go ahead and put together a shorter, more concise version, and that will be for Commissioner consideration for the next draft.

COMMISSIONER PETIT: That sounds right to me, and I go back to Bud's point, and everyone is essentially saying the same thing, which is the principal audience from where I stand are decision makers within all levels of government and the press, and the field and the public, you know, this needs to be really targeted at lawmakers, decision makers, and the press. So I think simple is stronger. So if we park more things in an appendix saying for full discussion see Appendix B or Appendix D, I think that works all right.

CHAIRMAN SANDERS: Okay. Great. Okay. Maybe we can move to agenda item number 3 and then come back to the joint congressional hearings.

For agenda item 3, we had agreed at the last -- at our face-to-face meeting on this is really one of our signature recommendations, and it's been termed now the look-back, multidisciplinary look-back, that would be the case review process that we talked about looking at open CPS cases. In the draft, the recommendation talks about replicating Hillsborough County, and I think there is consistent feedback that that's not what we want to do. So in the documents that Amy sent out, there is a definition of the recommended case review process that's fairly extensive. Since this is one of our signature recommendations, I really wanted to make sure that this captured for people what we were talking about. And I actually have a concern that I want to make sure we talk through, but I wanted to open that up for conversation because this is one that we're all going to have to be able to talk about in detail as the report is put together.

And actually, Commissioner Ayoub, you read Commissioner Horn's e-mail, and he raises a question about, is this a one-time review or is this an ongoing review that is a requirement tied to CAPTA, title IV-B and IV-E funding?

And I believe, Commissioner Petit, that you contributed quite a bit to this definition. Do you have comments?

COMMISSIONER PETIT: I do. I do. I think, David, that this is very well done. It captures my (inaudible) this thing, and I think it's reflective of that whole introduction of a multidisciplinary team looking at cases in a more thorough and comprehensive kind of a way and making midstream adjustments if necessary regarding the safety of the child, being able to stay at home, leaving the home, the conditions that may or may not have changed in the household.

So I read this and felt it was exactly on target, including the substitution of look-back for a surge, which I was fond of, but I yield to the group if they think that look-back is stronger, but I like the way it was written, and I could live with it exactly as it's spelled out.

COMMISSIONER MARTIN: This is Pat Martin. One of my concerns is the purpose of this look-back. So if the purpose is to look at the services and the service array or the service plan or whatever it's called in a particular jurisdiction, to make certain that the assessments that are necessary have been completed and make certain that the referrals to the appropriate services have been done and that no other outstanding or no other assessments are needed for the family or there are not additional assessments, so if this look-back committee looks at a case and says this worker did an outstanding job, but based on earlier DV comments and references, we do feel that an assessment for DV is necessary, then the process that would be developed or the idea behind the purpose of look-back is for them to let the worker know that it's not that you made a mistake or skipped something, but based on a further in-depth review, we are recommending that an assessment for DV be done. Is that kind of the purpose of this look-back?

COMMISSIONER PETIT: To me, Pat, you've just captured exactly. It's to go in and confirm that the circumstances that produced a particular action by the government stay the same or that they're different requiring a different response by the government. And we know that from this pool of children that are already in safe surveillance and are part of an open and protected case, we know that in any given year hundreds of children from that population, that cohort, of children die. So this is meant to go back and confirm that in cases where there is substantiated abuse, where there is a plan to keep the family intact with visitations and whatever else is necessary, this confirms that it's working or it says adjustments are necessary. This is what it involves; it gives more eyes from different disciplines weighing in on it as well.

COMMISSIONER MARTIN: So that's my question, Mike. So are we only doing this look-back on cases where kids are placed in kinship care or in traditional foster care, too? Because --

COMMISSIONER PETIT: Children are -- first and foremost, children that are at home and then --

COMMISSIONER MARTIN: I mean, so that's my issue, because if we're going to cover this and allow this look-back to happen for all of our children who are in foster care, I don't have a problem with that. Because, I mean, I can talk about my day-to-day, but no one is interested in sympathizing with me today. But, you know, every case -- not every case, that's too strong -- the majority of cases that are out of compliance with ASFA, particularly on the timeframe, the majority of those cases are cases where someone said that the (inaudible) that we (inaudible) and I'm (inaudible) for the case and (inaudible) hasn't even gotten an assessment yet or got an assessment and never got a referral or went to one DV therapy but they required and recommended intensive DV therapy, and these are not cases necessarily where the kid is at home or with Grandma. The kids are in traditional foster care, and they've still got a goal of return home.

So I would prefer if this look-back is going to be for every case where there's a kid and the goal or the current goal is to return home, and we're still working for return home or something. But it would be difficult for me to agree to this look at -- we can call it look-back, we can call it whatever we want to, but if we are only going to limit it to kids who are placed at home, I have an objection to it.

COMMISSIONER PETIT: Let me say -- and others I'm sure will weigh in on this -- but I would say, Pat, first of all, there is a process now that does exist for reviewing kids in foster care and ensuring that they're getting what it is (phone interference).

UNIDENTIFIED MALE SPEAKER: Wow.

COMMISSIONER MARTIN: I can't hear anything right now, just static.

COMMISSIONER PETIT: I would just say that this -- when we got the numbers the last time we met, (noise interference) there are four or five children a year that are killed in foster homes, that was the official number that HHS or NCANDS had published, and these are kids who, you're right, for all the reasons that you say that they should be looked at. But I think that the foster care system and foster care law does provide for that. What --

COMMISSIONER MARTIN: What specifically are you referring to, Mike?

COMMISSIONER PETIT: What we haven't been doing with a look-back --

COMMISSIONER MARTIN: No, before you go further, what specifically are you referring to who are in traditional foster care? What process?

COMMISSIONER PETIT: There's a whole process that says that in terms of length of time that they're in care and the steps that need to be taken. There's a whole field that is aimed at looking at these kids that are in foster care on an ongoing basis. Whether it's done right or not is a different matter, whatever we state it is, whether or not --

COMMISSIONER MARTIN: Because, Mike, the process is a permanency hearing; right? And their internal DCFS are stated in due process, so the court process is the same for both, which is a permanency hearing, and what I'm telling you is today, today, I have five kids, two of them at home and three of them in traditional foster. The three kids in traditional foster care are my problem because those services aren't in place.

COMMISSIONER PETIT: Okay. So, Pat, let's just agree that that group of children is not getting all that they need. From the perspective of children dying, the fatalities issue, we know that very few kids die when they're in foster care. For the moment, just leave it at that in terms of just the protection of those children. What we do know is that there are hundreds and hundreds of children who are killed that are in the protective custody of the state because they are at home and we have misread or misdiagnosed or misprescribed what it is that needs to be done there. So if in fact we want to look at every kid in CPS that meets certain criteria and somebody wants to add the cost of doing even more on the foster care side, so be it, but I think that there is a distinction here, and --

COMMISSIONER RUBIN: Can I just raise something? This is Dave. My concern with the look-back, Mike, thinking about it from the perspective in my own city. If I suddenly got a -- like it's very -- and I'm trying to understand, I mean, it's very prescriptive from a national end in terms of coming from the federal government, and I said it -- my understanding, we're (inaudible) a little bit, so (inaudible) mobilize to make every system in America look back on all their kids and certainly there's a surge there, but it takes them away from doing direct field work because they now have to be looked -- you know, going back through the files and doing the work again, and I'm just wondering like if, you know, is that a one-time thing, do you do it multiple times, or is there a better mechanism by which to achieve what you're

trying to do, which is somewhat of an interdisciplinary evaluation of kids periodically moving forward, and I'm wondering -- and this is a question for Commissioner Martin -- would it be better to embed that kind of requirement if some expectation about what the Court expects to hear on every case that comes before them as a matter of the federal requirements? They need to hear about what's going on educationally, what's going on in terms of these other factors, and defining a core set of criteria for the court that will systematically involve all cases.

COMMISSIONER RODRIGUEZ: You know, I have concern about just the goal that's stated with the look-backs, which is it sounds, as drafted, as if it is -- if it reads like we are making sure that the parents are in compliance with their case plans and that they are doing what they need to do to keep kids adequately safe. My sense is that what we would end up finding is a lot of what Judge Martin said, which is that the parents may be out of compliance, but it's because the services are unavailable for a variety of reasons. Some of that has to do with resources or wait times or just unavailability of that specific intervention or service in that community, and that to me seems as big -- as important or more important a finding than whether or not the parent is actually doing what they're supposed to be doing. And so I wonder if part of this is ensuring not only, you know, parental compliance but also sort of agency-community compliance with ensuring the work, getting family services, and then some report back that goes back to Congress to let them know what are actually the barriers to really getting families the supports and resources necessary to be able to keep kids safe. That would then drive resources. So it would have an individual focus to it, but it would also have a focus of sort of reporting back up, "Here's what is actually happening. Here is where there are gaps and barriers in the safety net."

COMMISSIONER PETIT: Jennifer, you're 100 percent right. That's exactly right. And in doing it, it wouldn't just -- it would also mean -- and that's why we're saying allocate a significant sum of money. It's not just the process of looking at these cases in a multidisciplinary team, it's also introducing services. And one of the things we know --

COMMISSIONER RODRIGUEZ: But as drafted right now, it's not written that way. As drafted right now, it doesn't -- it sounds like what we are really doing is we're scrutinizing families. It doesn't sound like we are scrutinizing our system to see what there is --

COMMISSIONER CRAMER: I agree with that. And as a policymaker, you read this, and I think you would say, "What the hell was I asking for? What do we mean ourselves when we should support an accelerated multidisciplinary look-back?" I don't like the word "look-back." That is all families with open CPS cases? That is a massive ask.

COMMISSIONER MARTIN: So in my humble opinion, as a judge in this area for the last 20 years, a supervising judge, in one of the largest jurisdictions, to get to the goal you really want, in my opinion, what you have to do is have as a service for these families parenting coaches, people that go into the home and help parents learn how to parent by giving the parents an opportunity to emulate actually the task. Actually showing what parents -- actually showing and demonstrating to parents what interactive play is with my kids. Showing parents what appropriate child development play and responsibilities is. In addition to that, in addition to parenting coaches going into the home, when a worker assigns or when visitations are given to a parent for kids who are not placed in the home, the thing to do is to make certain that the worker still does periodic checks at the visitations so that the workers

can actually identify the things that the parent is doing inappropriately or what can be more appropriate for that child on a visitation. It's all about teaching the parent what is child-appropriate for that particular child, and you don't do that, you do not do that, I promise you, by just giving and recommending services. The way you do that is actually offering the parents an opportunity to emulate and to imitate what is appropriate.

COMMISSIONER DREYFUS: All right. So let's back up just a little bit -- this is Commissioner Dreyfus -- and go to the conversation we had in D.C. I can't support (inaudible), as a former state commissioner, I can't support this recommendation as it's written now, I just can't. I think it's an absolute overreach of the federal government, and when I think back to what we wrote up on that screen, on a piece of paper, the way I took that is that this was a tool for states, if they wished to do it -- right? -- who wanted to become part of a larger learning community, to look at wanting to go back and look at -- you know, take another look at these cases, and through it, not only make sure these kids are safe today -- right? -- but to use it as a learning tool.

Commissioner Martin, I couldn't agree with you more, but I'm just reminding my fellow colleagues, what Commissioner Martin just talked about is part of a public health approach to the larger child welfare system. The idea of what parents need are coaches. Sometimes those coaches are peer coaches. And not everything people need is in service -- right? -- it's the natural supports we build around families, but I don't think, Commissioner Martin, with all respect, that's what this is. This look-back to me has gone to what almost is feeling like an oversight of the federal government by the states, and which really is, to be very candid, having been in these jobs before, it almost feels like the game of "Gotcha."

COMMISSIONER MARTIN: And I don't disagree with you.

COMMISSIONER DREYFUS: And I don't think that was ever the intent in D.C. when I think back at what we agreed to that got me to agree to this thing. I had never been supportive of it until we got to this point that it was going to be part of a CQI piece of continued knowledge development of, why aren't kids safe? What does it take for kids to be safe? And not -- when I heard that this was going to be something required, it's just in every single state it's required, and then it's required on an ongoing basis? At some point you're going to create a child welfare system that's purely reactionary --

COMMISSIONER MARTIN: And also -- and also --

COMMISSIONER DREYFUS: -- and that's (inaudible) the system would work, but I can't support this as written. I just can't.

COMMISSIONER MARTIN: I don't disagree with anything you said. That's kind of my point and my objections. So I don't disagree with anything you said, Susan.

COMMISSIONER CRAMER: And that was part of my point, too.

COMMISSIONER RUBIN: So one of the things I would say, guys, I mean, I sort of concede that even in the (inaudible) interdisciplinary (inaudible), what we want to do is provide -- we want to be able, from my perspective, to provide the ability in terms of financially for states, if they choose to invest in these best practices, to go for it. But we don't want to be so prescriptive that we require them to do that. We still want to grant the states the flexibility

to do this. That's what I was sort of thinking, are there other ways to incentivize more interdisciplinary involvement in a case, whether it's through court expectations about what they're going to hear about at court adjudication for kids, that there is going to be more of an expectation, so they're going to ask about kids, so therefore -- a lot of communities will respond by hiring medical directors or hiring -- or doing more -- better DV assessments. And so, you know, I was looking for other ways to do it that wouldn't be so draconian from the perspective of the feds looking down on the states.

COMMISSIONER MARTIN: Why don't we start from determining what our purpose -- what is our main purpose for the whole look-back project?

COMMISSIONER PETIT: The main purpose, from my perspective, is stopping the deaths of children who we know are in high-risk situations and that we have frequently inadequate numbers of workers lacking in experience, lacking in resources to serve the families, lacking correct supervision.

We're introducing new people to take different sets of eyes, a deeper look at these kids are in dangerous situations, many of them, they require a deeper look, and this is based on the presumption that in many, many states, the level of case work is simply not adequate for this task and we see day in and day out workers and systems stressed out and not the resources necessary to do this puts a dent in that. It brings the community together to look at these cases and whether or not the child remains safe in the household. And we know that hundreds of them will die, and there are states that no matter what you put up to incentivize it, they're not going to take the resource and do it. They're going to have to be prescribed to do it.

And that's one of the issues from the very start we've had a conversation about, is, is this strictly voluntary by the state or is there a national strategy on this thing? And I would argue that whether it's environmental protection or auto emissions from cars or safety issues with airplanes, there is a stronger role for the federal government needed in this area.

COMMISSIONER STATUTO BEVAN: Can I ask one question? This is Cassie. Are these open CPS cases or they're the cases that -- in other words, there is already a plan, like a case plan, like reunification or -- is that what you -- are you talking about something that's already been looked at that has a case plan?

COMMISSIONER PETIT: Yes, I am, and the assumption is that in many cases we witness the fact that hundreds of children a year die who are in those circumstances. The work was either not thorough enough or complete enough or comprehensive enough or they weren't able to sufficiently investigate it, deal with collaterals, et cetera. Yes, these are open CPS cases.

COMMISSIONER STATUTO BEVAN: So do you want all of the kids? So is it just -- I didn't hear the answer to Pat. Is it just the kids with reunification or is it kids with other case goals?

COMMISSIONER PETIT: It's --

COMMISSIONER MARTIN: I don't know. I'm trying to follow.

I'm sorry. Go ahead.

COMMISSIONER PETIT: It would be cases with other goals as well, but the question that we're really --

COMMISSIONER MARTIN: That doesn't make sense, Mike. Why would you do that on a case where the goals for the kid is independence or the goal for the kid is adoption? Because you're not even putting the kid back in the parents' home then.

COMMISSIONER PETIT: I'm not sure, Pat, that I get your point.

COMMISSIONER DREYFUS: I thought you were talking about kids that are in the home.

COMMISSIONER PETIT: That's what I'm talking about, kids that are in the home. And so - -

COMMISSIONER MARTIN: Are you talking about all children? But I disagreed with that, so, I mean, okay. I'm sorry. I apologize.

COMMISSIONER PETIT: In response to Cassie's point, I think part of what goes into the definition of all this is no one has really done this yet, is you would establish a set of priorities as to which would be the first cohort of which children you would go to. I mean, it would depend on each -- you know, the circumstances, but it would be similar in many states saying, okay, we'll look at the 1-year-olds first, the 2-year-olds, the 3-year-olds, the 5-year-olds, but you would have some kind of a process and structure, and the recommendation, as it's written, says that it's to be developed by the states by the federal government in concert with the states.

COMMISSIONER MARTIN: Okay, Mike, do this for me. Let's say this is a case where a kid comes into court for "phys" abuse, not "phys" abuse, let's say, you know, neglect, and at the temporary custody hearing, the court issues a 222 -- a 220 order, which basically is an order of supervision telling the judge -- telling the worker that she is going to put the kid back in the home with Mom, and that Mom has to do certain things, here are the conditions for mom to do.

So then we have this look-back committee, and they determine based on their information and their expertise that this kid should not be in the home with Mom, that it's a dangerous situation. So you already have a court order requiring that kid to stay in the home as long as the order is complied with. What is your look-back committee going to do then?

COMMISSIONER PETIT: They go back to the judge and say, "Judge, we have a different set of circumstances from when you first made your informed decision. We have now expanded the information base. We think this is a dangerous situation." And if the judge says, "I still want the kid to stay at home," the agency would have to determine whether or not the judge's order stood or whether they appeal the judge's decision. But the point is that the judge would now have more information than at the time that the child was originally returned or left in the family. So the plan needs to change or the plan is okay, no problem.

COMMISSIONER DREYFUS: Are you talking about this, Mike, like are you talking about this one time, are you talking about this being a constant feature of child protection in this country every year?

COMMISSIONER PETIT: So, I think, Susan, the answer would be we have to wait and see how this evolves, but one of the things that we (phone interference) multidisciplinary team

approach, so initially they might take a look at more cases and they would downstream 2, 3, 4 years later because the process would have improved over a course of time. I think we've all agreed that there is value to a multidisciplinary team approach. So initially, they might do more of that than later on. I mean, I think it would evolve and we would learn lessons from doing this thing.

COMMISSIONER MARTIN: I'm more in favor of a multidisciplinary assessment as soon as the case comes to the attention. So if in fact the case is a hotline call is made, the DCT or investigatory arm of the agency goes out and investigates the case, they determine that they're making a finding, and they're going to come to court and file a petition. I think that for the way I originally envisioned this multidisciplinary team, that there is a building, that they have a social worker, kind of like -- I mean, I keep saying it, but it's kind of built on this whole model of a CAC. That it's a building that's set aside where you have the social worker there, you have mental health there, you have physical health there, you have a representative from education, you have a representative from DV, you guys interview the family.

Now, ideally, I would love it where we could go into the family's home, but that's become very impractical. So let's just talk about a CAC model where it's all housed in one place, everyone has an opportunity to do their assessments on the family and determine what needs are met -- what the family's needs are to keep the family as a unit, and then basically make an integrative assessment of the family's needs, and then proceed. That's what I thought a multidisciplinary public health approach looked more like.

COMMISSIONER PETIT: Yeah, I don't know what the public health (inaudible), but I was with you until that.

COMMISSIONER DREYFUS: Yeah, there is a big difference, Commissioner Martin, between what we're talking about here and what we're talking about in terms of larger public health approach in the 21st century child welfare system that would normalize, and the new normal would be multidisciplinary approaches. This is an approach to say there are kids today that are not safe --

COMMISSIONER PETIT: Right.

COMMISSIONER DREYFUS: -- and all these cases should be reviewed --

COMMISSIONER PETIT: Right.

COMMISSIONER DREYFUS: -- and action should be taken. I was fine with that as long as I thought it was truly part of it, but it wasn't forced upon states, it's something states wanted to do, and, two, it was something that was part of a continuous quality improvement and knowledge formation at the national level.

COMMISSIONER MARTIN: But that's not what this purpose is, based on what they're (phone interference).

(Music playing.)

COMMISSIONER MARTIN: Does someone have music playing?

COMMISSIONER PETIT: I'm not sure if that was music, but it was something.

CHAIRMAN SANDERS: So let me -- there are a couple things that I want to add to this. It seems that the one that I am concerned about, the in-home piece of it, and I'll come back to that in a second. But I think that we heard the work in Hillsborough County, a process that seems to have merit to it. And I wonder why we wouldn't at least structure a process saying here's a way to approach this.

So, for example, the first step seems to be to consider where in your state or in your county that children are dying. Are they dying on in-home cases? Are they dying on guardianship cases? Are they dying during investigation? But to really use the data to drive how this should be structured and the way the reviews should occur, and then to look at again the same thing in the process they did in Hillsborough, starting with, what are the characteristics of those families and children where a fatality is occurring versus where it's not? And beginning to use the data to drive how they would approach the reviews.

And then finally -- and I think Jennifer touched on this -- that it's not just for the purpose of the review of the family, but to actually change what the agency does. And we've heard a lot about some of the challenges with workforce. It seems that what I heard in Hillsborough was a completely different CQI process and offer a support to supervision -- to supervisors.

Now, I think the concerns about picking one model, I agree entirely, but I think there's a way to talk about what we learned in the process that was used to actually begin to design this versus that it's just a case review because I'm not sure that a case review without using the components that we heard about as being effective in Hillsborough would produce what we want to see.

COMMISSIONER DREYFUS: So, Chairman Sanders -- this is Susan -- I would just say there's a big difference in my mind between Hillsborough as an approach and Hillsborough as it relates to rapid safety feedback and us prescribing that there is one technology model that should be used --

CHAIRMAN SANDERS: Agreed. I agree.

COMMISSIONER DREYFUS: -- but what you're talking about is the Hillsborough approach, I would absolutely agree, and it starts getting me closer to supporting this.

CHAIRMAN SANDERS: And I don't even know we have to call it a Hillsborough approach, but the components, it seems, and particularly that first one of looking at where your fatalities are occurring, that I'm not sure that we want to say based on the national numbers that we have already discredited that that's where you start. I think we say you have to come up with a plan that's going to reduce fatalities, and probably the most effective way to get to that, to decide where your fatalities are occurring.

COMMISSIONER DREYFUS: I think that's going to create knowledge for the whole field.

COMMISSIONER HORN: This is Wade, if I could jump in. I'm in between planes.

CHAIRMAN SANDERS: Oh, please.

COMMISSIONER HORN: So let me tell you why I'm in favor of some form of this recommendation. When I read on a daily basis stories in the newspapers about kids who are killed, in particular, one thing that struck me is that when they were killed and they were

known to CPS. It appeared to be that there was a lack of any ongoing monitoring or service provisions in the family. I didn't read a whole lot of stories that said this kid was killed, CPS called him in and they took 3 days to get there and the kid was killed between the call and 3 days. Nor did I see a lot of newspaper articles that said, hey, you know, CPS went out, they didn't go out with a big multidisciplinary team, and the kid was killed. But what I read consistently was that CPS investigated, CPS -- and then 6 months later, 5 months later, whatever, the kid shows up dead, and there was an inadequate monitoring and ongoing service provision in the family.

So it seems to me that given that -- and we could go back through the stories and come up with data if we wanted to, but it is -- it would still be somewhat anecdotal -- the idea that as a first step we would do something that would look at the current cases and answer this question: Is there adequate monitoring of what's going on in the family, and are sufficient steps being taken to provide the kind of services that that family needs in order to make sure that that child is safe?

So the recommendation as it currently is worded may not be perfect, but that's the issue that I would like to see us address, and I think it's -- and why in some form I'm in favor of this recommendation.

CHAIRMAN SANDERS: If maybe I could just raise a question because I don't disagree with any piece of what you said. I think that the question I have is, if in X jurisdiction what they actually have seen is cases that are open for investigation and been closed, and that's where the fatalities are occurring. I'm just suggesting that we need some flexibility for the jurisdiction and say, identify, where you're having the problem and look at creating a process that addresses the cases where that, where the problem, is occurring. That we not identify it specifically as only on the open in-home cases, and that the starting point is to look at where are fatalities occurring.

COMMISSIONER HORN: (Crosstalk) and I don't disagree with that. I think that -- I don't know where the term "look-back" came from because I hadn't seen that before. I saw it -- they described for most (inaudible) was to make a surge and a surge just to make sure kids are safe. A look-back does have the sort of quality of "gotcha," the phrase, you know, like we're going to look over your shoulder to make sure you did everything right. As opposed to what I'm talking about is let's make sure the kids are safe, and there should be some flexibility for states, I have no problem with that, which is why I'm saying that in some form I would like to see this recommendation go forward in order to get at the question, which I think Michael has been talking about, and he has convinced me that he is correct, which is that there are children today who are going to die because there is either inadequate monitoring or inadequate services that are being provided, and those families are not unknown to CPS. They are known to CPS, and it seems to me we need to come up with a recommendation that will address that immediate need.

I don't know if you saw my e-mail that I sent from the plane. I was a little confused as to whether this is an ongoing requirement as opposed to a surge, and I like the idea of a surge. And I heard you say, Michael, that whether it's something that is ongoing, frankly, I think that if the surge uncovers some issues and if -- I think the state will want to continue to do it. I don't think that we have to have a federal mandate that every single year every single state

do exactly the same process again. But at least an immediate need right now, it seems to me, some form of this recommendation that should go forward to address that particular question.

COMMISSIONER MARTIN: The only other thing I would add to that is that simply based on what you said, that it should be any case that's in foster care is eligible for this. And it would go based on what David has been saying, based on the data from that jurisdiction as to where they're finding the deaths as to where the focus would be.

COMMISSIONER DREYFUS: And the other case, I hope you've added into this, and this is a one-time thing, this isn't funded year after year, and that it is part of a continuous quality improvement mechanism. It's almost a corollary to ASFA in many ways. There is a CQI; there is a knowledge formation here that the entire field benefits from.

COMMISSIONER MARTIN: And I think that I can agree with that.

COMMISSIONER HORN: And I totally agree with that.

COMMISSIONER PETIT: And that's exactly right, and, you know, in looking at the language that we've used, we talk about a national uniform process but allowing for purposeful departure by the states. So it just needs to be purposeful. We don't want to do it with these standards because in our particular case it won't work -- fine -- as long as that is not just a freelancing kind of situation.

But I would remind us all, when we look at the totality of our recommendations, which if they all get implemented over the next decade, no question that we're going to have a happier situation for children. But when you look at the specifics that we've got in there, there is very, very little that could be put in place as quickly as what it is that we're talking about that would be directly associated with not only child safety but what the family needs, the education of the field as a whole, the CQI thing, all of that as well. But in terms of a hands-on let's take a look at these kids, this is one of the few things, along with that mandatory investigation of virtually all cases, there is very little that is of immediate application here. This is --

COMMISSIONER MARTIN: So I tend to disagree with that, Mike. I mean, I think one of the main recommendations in the disproportionality area is a hands-on can do Monday morning with very little money. So I think there are recommendations that are hands-on action work that can be done right away. But the point of the matter, getting back to this issue, I think rather than an arbitrary place to start focusing the idea of a jurisdiction looking at their statistics and looking at their data to ascertain where their deaths are occurring is probably the best way to advise a jurisdiction to start this process.

COMMISSIONER PETIT: Yeah. I think you go with what you know in your jurisdiction, you plug the gaps with knowledge if you can draw from what others have been doing, which is one of the roles that the federal government plays, is able to say to everybody, "Here is how we're doing it now, here's what the field looks like," and is able to transfer information.

COMMISSIONER RODRIGUEZ: And I don't want to be repetitive, but, you know, I just suspect that with any look-back that was done, if you only focus on sort of the state of the case that you're finding the deaths and the actions of CPS, you're going to miss a huge part of the puzzle, which is that in most of those cases, the reasons that the services weren't adequate, I

mean, there is nothing that CPS can offer other than just the removal. So I think what you're going to find is there wasn't mental health services that were available or the substance abuse program had a long wait list. I mean, that's what's going to make all of this work, is if there is some sort of change in the way that we're actually able to engage all of those other services for families. Although I completely agree with Commissioner Martin's piece about the parenting coaches. To me, there are some other like fundamental things that also have to be provided as supports with the parenting coach.

COMMISSIONER PETIT: That's one of the things that I would expect that every worker and every MDT would identify, that if this family had these services, things would be a lot better. The coaching is very -- and so is the home visiting programs by public health nurses, so is child care, so is mental health, so is domestic violence, that would be documented as part of this, that the situation has deteriorated because these services aren't in place. Right now --

COMMISSIONER MARTIN: Michael, we didn't identify a lot of services that we thought worked, and now we're talking that this -- as if -- we can identify those services.

COMMISSIONER DREYFUS: Well, the other thing, too, is that please remember in the past meetings we talked about what services worked, but don't assume that they exist in the capacities that are needed, and that's why I liked that this was going to be part of a larger CQI to start to get the federal government and states thinking about where capacity building is needed. I don't doubt that parent coaches are a wonderful thing, but I'll tell you from my experience, we don't (inaudible) the capacity to (inaudible), not to the level that they're needed. That again goes back to the larger public health approach that were talked about.

So I just think that this notion that we just need these services and get them in there as if those services all exist, I also think it's a fallacy. There is a capacity issue here that I was hoping the surge (inaudible) I support this if it's in a way in which between the Chairman and Commissioner Horn that was described. (Inaudible) if you add this CQI piece and this knowledge formation piece that starts to get people's attention to, "Why aren't these kids safe?" And it isn't just because people aren't doing their job. Part of it is these services don't exist in the way in which we think they do or where we think they do.

COMMISSIONER HORN: That's exactly correct. So I'm just going to make up some numbers. Let's assume you do the surge and there are 10,000 open CPS cases and 5,000 of them there was a recommendation for parenting education, and then you discovered of the 5,000 where there was a recommendation, 12 actually got it. That would be important information to know. Wouldn't it? Or of the 10,000, 3,000 were recommended for substance abuse intervention, and of the 3,000 for the recommendation was there, 25 got it, that would be important to know.

COMMISSIONER DREYFUS: Yes.

COMMISSIONER HORN: And so this is not a -- I don't think this is a gotcha, gotcha of these people, but also I also think if there were 10,000 cases and you find out that of the 10,000 cases, 9,000 never had a single follow-up visit from CPS, that's important information to know.

COMMISSIONER DREYFUS: Exactly.

COMMISSIONER HORN: So I totally agree with you, Commissioner Dreyfus, that this is something that generates information that then is useful to feed back into the broader body politic as well as the system to determine what -- where are we falling short and how can we do a better job?

COMMISSIONER STATUTO BEVAN: Wade, we didn't get information that said that the reason that kids are dying is because they didn't have a Safe Sleep campaign that was given to them. We didn't get the dying that was tied to any kind of intervention. So, I mean, to pick the scenario, which I would agree with, I mean, I would love to have all these services there and I would love to have them to be in the quality and quantity that works, but that's not what we found.

COMMISSIONER MARTIN: So this is Pat Martin. I have another --

COMMISSIONER HORN: I didn't say -- but when you look at the stories, what we did find, you know, you look at the stories, just go back for the last year and a half and read the stories of kids who died, one of the things that has convinced me about the importance of this recommendation is the number of times it was mentioned, there was never a single follow-up visit by CPS.

So I'm not saying that when you find out only 27 out of 3,000 people get substance abuse treatment that it creates a new entitlement (inaudible) treatment. It's information that gets fed back to the body politic and that says this is information, it's important information.

Right now we don't know. I have no idea. Is there a single CPS system in this country that can say of all the recommendations we made based on the investigation, X percentage actually got those services? I don't think so. Is there a single CPS system in this country that can tell us that of the 5,000 kids we saw last year, X number actually had a 6-month follow-up visit just to see how things were going? My guess is they probably -- we don't have that information. What we --

COMMISSIONER STATUTO BEVAN: But we have a requirement that parents are now visited twice a month.

COMMISSIONER HORN: And that's fine if the requirement is, but do we have the data that says how often does that actually occur? Do we have it? I didn't see it. If you have it, share it.

COMMISSIONER DREYFUS: What I liked about it is Commissioner Horn described that, that to me fits beautifully into doing it and it fits beautifully into child welfare for the 21st century and the kind of knowledge that goes into that formation. So the connectedness of this matters and the way he just described it, starting connecting it to these immediate things, kids are dying today, let's keep them safe today, to how it connects to the large vision of a different system approach, and the knowledge gained from this is going to add to that. Then I can start seeing it. It is how it's described now is just -- it's just not getting there.

COMMISSIONER PETIT: Well, why don't we just change the language so that it satisfies the discussion that we just had right now? I think it's all consistent and we just need to make the language clearer.

CHAIRMAN SANDERS: Let me just add one piece, that it seems that, you know, we don't have the evidence around services, but I think we do have reason to believe that children are dying oftentimes when somebody isn't seeing them. And I think Wade described it well. They've had an investigation, but they aren't seen again, and that's when they die. And that if -- that's one of the things that I think a process like this can help to address. That if you're -- if we are relying on thousands of workers across the country who all are supposed to see 30 families within the month, and they're having to make decisions about who to prioritize, but right now it's based on their feeling, their schedule, the geography of the community, that this kind of review could actually say with the 30 families that you're supposed to see in the next week, you need to see this set of families four times or whatever. And I think -- I actually think that can have an immediate impact on safety for children.

COMMISSIONER STATUTO BEVAN: Okay, but we all (inaudible) measure that is supposed to measure the number of visits. I just don't want to pile on another requirement if they're not going to work. Then, you know, let's get rid of the ones we have and back to the requirement, once a month, but we just changed it because the states said they could meet once-a-month requirements on visits, so we changed it to 90 percent of the time in a year.

So, I mean, there has been work done on this, and it obviously hasn't worked, but I think we need to be able to say that. We need to be able to show a pattern. This isn't something we just dreamed up because, you know, we're a new commission and we need to come up with something. There is a history of failed policy, and this --

COMMISSIONER MARTIN: Sorry, Cassie, I keep interrupting, I apologize.

CHAIRMAN SANDERS: Well, I agree, and actually two things. One, I wonder -- and it goes back to Commissioner Cramer's comments -- I wonder to what extent we should say that this process for a year replaces the CFSR for a state or something along those lines, that we not add things on when we have other processes in place that are intended to achieve something similar.

I think the second thing is that this to me -- that the purpose of this and the value of it is to have it as essentially a prospective review, not a retrospective review like with CFSRs, which are intended to change policy in a state versus on a case. What do you do tomorrow on this case?

And I think -- but I think we shouldn't just add this on as another review process if there are current review processes that we show are not impacting fatalities in the way that they should.

COMMISSIONER MARTIN: This is Pat Martin. I don't know what jurisdictions you guys are in, but my statute nor does my agency's rules and regs require that the worker go out to the home but one time a month. And when I get testimony, I will ask, "What day did you go out?" and the day before the court date is the day they went out to the house. So that's why I keep saying that the focus should be on making certain there are more eyes on my kids.

And the second thing I'll say is that, you know, if we're thinking this through and if in fact this jurisdiction looked at their data and determined that they get more deaths of kids who are in kinship care and we go in and we look -- this committee goes in and looks at Case A, and they determine that the services that are necessary, that Dad and Mom both need intensive DV

services and there are no intensive DV services offered in Kaho, you know, Illinois, then we need to take the kid out of care -- out of the home, I think that is the wrong purpose of this program, I don't think that that would be a good thing for us to do, and if that's kind of what we're working for, then I still have a problem with it. But if we're talking about trying to educate our child welfare society about what we need to do better globally for our kids and families, I don't have a problem with it.

COMMISSIONER STATUTO BEVAN: I thought these multidisciplinary teams were actually supposed to be multidisciplinary agencies. I mean, I thought we were going to stress collaboration and cooperation across agencies, not that we were going to take four different disciplines and put them on a panel and that they go around and review. I don't understand -- I thought it was (inaudible).

COMMISSIONER DREYFUS: I think it's both, Commissioner. I think it's both, Commissioner Bevan. I think when we talked about it, it was that there are some cases that need a multidisciplinary team and that there is some way of assessing risk --

COMMISSIONER STATUTO BEVAN: Yeah, no, I want the team, but I want the team to be represented from an agency. I want them to have some clout. I don't want them to just be -- you know, I want them to be able to represent their agency.

COMMISSIONER PETIT: So much of this actually does have to do with resources. The system, both CPS and the child welfare system in general, all that's around CPS, are seeing many more families and children than they are able with the resources available. That's one of the reasons why we're saying start with a good number, a billion, maybe some percentage of that would go into CPS and the rest of it would go into some kind of purchase of services kind of situation. We've seen numbers that suggest that the true number is closer to four billion than one billion, but right now, that's what those headlines give us day in, day out, is inadequate response capability by both the government and those that are working with the government with these families.

COMMISSIONER DREYFUS: All right, but I thought what we were going to do, though, is that in -- back to Commissioner Horn -- in the process of making sure that kids today are safe -- and I put myself in as a child welfare director, I would think this would be -- if I were sitting in Washington, I would think this is pretty cool. We're going to be able to go out and really look at these cases today, but it's going to feed a larger knowledge base for the state as well as for us as a nation.

COMMISSIONER PETIT: Right.

COMMISSIONER DREYFUS: And that intrigues me. And then I would have the ability, but the way it's worded right now, HHS, it just sounds like it's an overreach of the federal government in the states, you know, and I like the way our Chairman described this in terms of they could be able to be able to look at their data and where they're going to focus so this becomes more of a learning laboratory, and in the process of it, the states are able to look at, "Are my kids safe today?" and the rapidness of what they're going to learn about if kids aren't and as that spreads quickly across the country, that's what's making a big difference in the system, but the idea that this is going to be a continued feature of the federal-state relationship, nah, I can't along with that. So --

COMMISSIONER PETIT: I don't know whether it's a relationship. The question is going to be at what point, what are the resources that are necessary to deal with the problems that we're talking about? So whether it's ongoing or not, I mean, if the problems can be -- you know, if we shrink the number of children that are abused and neglected that are being brought to the attention of the system by A, B, and C, that's fine, but if not, and the federal government continues to reimburse the costs, what's wrong with that?

And in addition to the learning, which you're emphasizing the system change, there is this question, the immediacy of looking at cases that we know from the cohorts that we're talking about, kids in state custody, in the physical custody of their families, but open CPS cases, we know there will be hundreds of those children that are going to be killed this year. And I don't think there is a better cohort to look at that is more likely to produce those deaths than that one. I don't know what it would be than that one. So this puts money on the table to actually help the kids, but actually to also help the families and to inform the system as to what the needs are, both at a federal level and at a state level.

COMMISSIONER DREYFUS: Are you saying that the federal government is going to be putting out money not only for this quote/unquote surge, but also for additional services?

COMMISSIONER PETIT: Yeah. Yes. I mean, that's part of what goes into child protection. It's not just the workers looking at the families. There are also --

COMMISSIONER DREYFUS: On this one-time basis.

COMMISSIONER PETIT: Well, I wouldn't say on a one-time basis. Until we reduce the number of children that are being brought to the attention of government because of abuse and neglect in the first place, yeah, there is going to be a need for services, and some states do much more than others, and the federal government also pays for some of these services right now. The question is, is it adequate? And I think there is evidence to say it's not adequate.

But any way you look at it, it's a labor-intensive response. Any way you look at it, whether it's direct services or investigation or whatever it is, and it costs money, and there is no getting around it.

COMMISSIONER MARTIN: Maybe for the money purposes it doesn't matter, but for, you know, whether Pat can agree to this, it matters substantially. And I fear that, you know, we keep slipping back into identifying only kids that are placed with the families and only kids -- and that's problematic for me because in Cook County what that looks like is all my black kids. And basically you're second-guessing putting kids in home, black kids at home, and that's not something I'm willing to focus only on. If you're going to spread it to all my kids in foster care, because all of my kids in foster care have a problem with workers coming in and having eyes on them. All of my kids in foster care have a problem with services, services delivery and adequate service representation in the jurisdiction where they live.

COMMISSIONER HORN: So Judge Martin -- this is Wade -- so I think you -- I don't think we're talking about kids in foster care, I think we're talking about kids who are left in the home that are known to CPS, where there was a CPS investigation, they were left in the home, in the hope that their home -- with the parents, not placed in foster care. Is that correct, David?

COMMISSIONER STATUTO BEVAN: Are these cases (inaudible)?

COMMISSIONER MARTIN: But you're wrong, because David is talking about kids that are -- that guardian -- that the state is the guardian of the child and the child is just placed in the home, that means that's kinship foster care.

COMMISSIONER HORN: That's not my understanding of what he's talking about.

COMMISSIONER MARTIN: Okay, then maybe I'm wrong.

COMMISSIONER RODRIGUEZ: Put in foster care at the moment, you give a look-back, that they are likely to be going home. It doesn't mean that the day after they're not going home, and the availability of services and resources for the families is just as important. The majority, especially the young kids are going to be reunified.

COMMISSIONER HORN: Yeah, I understand that. It's just a matter of -- this is a question of -- for Michael.

Michael, are you talking about with this surge for kids in foster care or for kids who are known to CPS and are still living in their family of origin?

COMMISSIONER PETIT: The latter. I mean, again, if we look at where the deaths are going to come from this year, so let's do a data analysis. The last numbers that NCANDS put out, there were five kids nationwide in foster care who were killed. There are hundreds of children, thousands over a short period of time, killed who are -- the state has opened the cases, they deemed that it's appropriate for the child to remain at home, hundreds of those children are going to be killed this year.

So I'm saying when you look at -- for better or for worse, whatever is happening with the kids in foster care, almost none are being killed. For better or worse, whatever else is happening, hundreds of them are being killed in the custody of their parents if they're remaining at home.

COMMISSIONER STATUTO BEVAN: Okay. Can you explain something? The case is open. So are these the cases that Emily was talking about? Are these the kids that have multiple reports on them?

CHAIRMAN SANDERS: Yeah, I actually --

COMMISSIONER STATUTO BEVAN: I mean, they're not there. I guess I'm not clear what the population is.

CHAIRMAN SANDERS: Yeah, I actually -- I think we start with saying State of Texas or City of Houston, look at the last 10 years, and identify children who died and tell us where they have died on your caseload. That we've already said that these numbers vary from community to community, and we've already discredited the numbers. I would do something much more localized and identify in that state where children are dying, and that's what (inaudible).

COMMISSIONER DREYFUS: I like that.

COMMISSIONER PETIT: That would be part of what they do, and that's spelled out in there. That's part of what they would do in order to qualify for federal money, that they would do that kind of data assessment, that analysis of what those deaths look like.

COMMISSIONER HORN: I think that we can describe a process that the first step is for the state to do an analysis of where these kids are dying, some of them are known CPS, some are not known to CPS, some are kids who are left in the home, a smattering of kids that reside in foster care, to determine. So actually conduct the surge to make sure children are safe. I think that's a perfectly (inaudible) about (inaudible) it, and it certainly can be written, I assume, Michael, to take that into consideration. Right?

COMMISSIONER PETIT: Absolutely. Yes. And I do think that, Wade, in hearing you spell this out and going back to comments from other staff as well, I do think that this surge thing does speak to the tone of an immediate need and not a gotcha kind of situation, which I'm (inaudible) and not far off in saying a look-back suggests a gotcha, and we're not talking about that at all, we're talking about the sort of federal-state role in protecting these children by taking a close-up look as to what's happening, and right now it's not a question of money.

COMMISSIONER DREYFUS: And also building a body of knowledge.

COMMISSIONER PETIT: Yeah, absolutely, building a body of knowledge in this thing and being able to ascertain the circumstances that are causing this stuff. So building a knowledge, protecting children, joint federal-state partnerships, introduction of more local groups, and the MDTs for the money (inaudible) what I think is the formula that would result in fewer being killed.

COMMISSIONER HORN: And, Michael, what if we were to say the result is a plan that the state has to develop in order to direct the findings? So rather than an ongoing surge every single year, there would be the surge, and then based upon the knowledge and the findings of the surge, the state has to develop a plan that they then submit to the federal government for how they are going to use that information to ensure that in the future more children are safe?

COMMISSIONER PETIT: I think that's right, and what that allows -- it's a transition, it's a segue. It seems to me, Susan and David Rubin, it seems to me that at some point as we graduate from this, it would really inform that public health model and --

COMMISSIONER DREYFUS: Exactly. Exactly.

COMMISSIONER PETIT: -- that would keep that more embedded in each community and --

COMMISSIONER DREYFUS: Exactly.

COMMISSIONER PETIT: -- and the MDT process wouldn't be some strange thing, it would be the way that we do all of our business. We would say that there is a group of disciplines that take a look at these children, they work with CPS, they determine what the recommendations are that should be going into the courts and what the plans are and so forth. But, I mean, that's -- the short-term need to really be on top of it because we are losing so many children every day. So it's got all of these elements, but we have to come out of the chute with something strong that says where they are right now, and I think it's just one of the things that helps do that.

CHAIRMAN SANDERS: So let me ask two questions. One is the population then is not -- what's written in here is in-home population, the starting points of the population is for the state or jurisdiction to look at who is dying and identify that as a starting point versus that we would

have a single starting point. Is that -- I want to make sure that -- because that's my understanding of what we've just been talking about.

COMMISSIONER PETIT: David, I would say on that that the information is so sketchy in terms of what we've been collecting from information -- I wish Teri was on the phone -- I do think that the immediate attention should be children who are at home right now in open CPS cases.

CHAIRMAN SANDERS: I can't support that.

COMMISSIONER MARTIN: I can't support that either.

COMMISSIONER PETIT: Which children would you look at?

CHAIRMAN SANDERS: I would say look at the state or jurisdiction and use the information that they have over the last 10 years as agreed to by the federal government and identify where the population is, but it would be saying to the state, "We want you to use your data to help to make the determination."

COMMISSIONER MARTIN: I can agree with that.

COMMISSIONER PETIT: Where else are these kids coming from?

COMMISSIONER DREYFUS: I can, too.

COMMISSIONER HORN: Michael, I think it's perfectly reasonable you stated the drive where they focus their attention. I mean, if I had to bet five bucks, I would say in most cases it's going to be kids who are known in CPS who are left in the home. In which case then they're going to have to address that, but I think it's perfectly reasonable to say let's be data-driven, and the first step is best done on the part of the state, and then they utilize that information and develop a plan to how they're going to conduct the surge.

COMMISSIONER PETIT: I think you're right, if you had to bet five dollars (inaudible) those kids for sure.

COMMISSIONER DREYFUS: And let's get away from this look-back language. I would like to suggest that we not use the term "look-back," and I don't even think we were all very comfortable with "surge," but the idea of this prospective look, making sure both kids are safe today and we're building a larger body of knowledge as we're building to a more integrated child welfare system through the public health approach. It just all starts connecting for me then.

COMMISSIONER PETIT: I think we need to communicate it -- yeah, I agree, and that we need to communicate it as an emergency situation. It is an emergency situation. It's a plane filled with passengers that's out of control and they've got to come to a safe landing someplace. It's an emergency situation.

CHAIRMAN SANDERS: The second piece that I want to raise and get a sense of is I heard Commissioner Cramer express concern about this being an overreach. I don't know that we've agreed to the -- that this should, to the extent possible, replace current reviews if we feel that those current reviews are ineffective. I don't think, if we're saying this is an emergency, that it should now be for the states that choose to do it on top of other reviews that they're

already doing. I think we should look at the potential of resources coming from other avenues versus that this is something on top of everything that's being done. But I want to follow up on that to see where we are.

COMMISSIONER DREYFUS: I also think we have to get clear on the funding that the federal government would be providing for these, what those funds are for. I have to tell you, I do have a problem with thinking that the funds could be used for the provision of services. I can't imagine Congress going along with that, and I try to balance that with the rest of our recommendations that we're talking about regarding CAPTA, and I just think that is -- I mean, it sounds nice, but I just -- I have a hard time thinking that that's really a reasonable thing. I looked at these as the ability for states to get dollars that would allow them to do the kind of staffing and the kind of cross-partnerships that are necessary to do the data, go out and look at these cases, create the data, share the knowledge, but I didn't look at it as the funding would include the provision of services in those homes.

COMMISSIONER PETIT: I think you're right, it could all be consumed by just the staffing issues, the whole one billion, we know that, if they would start investigating virtually all the cases. The --

COMMISSIONER DREYFUS: Well, I saw these as separate. Now you're teaching me something I didn't know. I didn't realize that when we were talking about the additional funding in CAPTA we were talking about the funding of this. I thought this was a different pot of money we were talking about. I didn't realize we were talking about the investment in CAPTA being used for what we're calling this one time immediate response to make sure kids are safe today and build the body of knowledge so they can keep kids safe in the future, safe and keep them safe in the future. So is that what we're talking about? I didn't realize those were combined. I guess I just need clarification.

COMMISSIONER PETIT: Susan, I've worked backwards from the problem, and we know what it is that we want to do with it, and what the best funding vehicle is to be determined by Congress. Whether it's within CAPTA or a separate fund or whatever it happens to be, and probably the easiest thing is to keep it in one place, CAPTA or someplace else, I don't know where else, but, yes, there would be an appropriation to enable the states to do this; otherwise, they're not going to be able to do it. So what the vehicle is --

COMMISSIONER STATUTO BEVAN: You know, CAPTA is not the only funding stream. You've got SAMHSA, you've got the Maternal Child Health Block Grant. I mean, this is where we want to create collaboration. You've got Department of Justice. I mean, you know, we have other places not just in one that we seem to think that we can put it all on CAPTA, which, no, we can't.

COMMISSIONER DREYFUS: But then, Cassie --

COMMISSIONER STATUTO BEVAN: You look at the \$27 million program and dump a billion dollars on it and think we're not going to -- and think we're going to get something out of it. We won't.

COMMISSIONER DREYFUS: Commissioner Bevan, you know these funding streams better than a lot of us do. And what we're talking about right now, forget the CAPTA piece for a minute, but just the funding of the surge in the way in which we just described it, I guess I have two

questions for you. One is, should that funding also be including the services needed in those families, which I have a hard time believing in Congress would go well?

COMMISSIONER STATUTO BEVAN: Yeah, right.

COMMISSIONER DREYFUS: And two, where would that money come from if it's not new money?

COMMISSIONER STATUTO BEVAN: Well, this is the problem that it has all along, that we've never identified how much money is already in at the federal level with all these different programs. We've never figured it out. So we don't know where we can siphon off pots of money here and there to get this. I don't know. I know one thing, the Congress is not going to do it. And that upsets me to no end because I think Michael is right, we need to do something, but I don't think that we can say that we're going to provide services. And I wish we had from the beginning not been afraid to say what doesn't work, which we were charged with as well as what does work, and then build on what doesn't work and then try and, you know, take that money away and use it for something else, like this. But we've been afraid to do it for 2 years and we don't have any section in the report that's going to really address it.

COMMISSIONER PETIT: Well, the question - - you may be right on that one, Cassie, but the issue is we've got so much time, there are kids that are dying, the Congress and administration are waiting for something, and as far as I'm concerned, there's got to be a new appropriation because I don't see where else it's going to come from, nor is (inaudible) identify where it's going to come from --

COMMISSIONER DREYFUS: But, Michael, you told me that everything that we're (inaudible) have the potential of getting new funding out of Congress, and it was all going to be for the surge only, that at the end of the day it sucked up everything that we could possibly get. That was a very different conversation for me.

COMMISSIONER PETIT: But we've had Commission members today talking about the need for services, but from my part, the first step is seeing the families, and then you would want services in there, but that's a decision that the Congress would have to make as to whether they want to support services.

In the first instance, notwithstanding maintenance to the family and everything that's associated with that, if a kid is in danger of being killed, that's the first piece.

A second consideration is, what are the resources that a particular family needs to do a better job with their children? But in the first instance, who among these children is going to be killed and what can we do to protect them? And I think if we get caught up with the whole broad piece that Cassie is talking about, we're not going to be able to reach closure on what we do need, on what we can do, in the time that's remaining.

COMMISSIONER RODRIGUEZ: I think I don't necessarily see those two questions that you asked as different questions (inaudible) the same question.

COMMISSIONER PETIT: Yeah.

COMMISSIONER MARTIN: I agree. And part of the problem is, you know, we're talking about kids that are going to die and try and remove them from parents, and I agree wholeheartedly

in that, but you have to talk about how to make and build parents so that they can take care of their kids --

COMMISSIONER PETIT: Of course.

COMMISSIONER MARTIN:-- and that those are two questions -- those are the same questions when it comes to actually what happens on a day-to-day basis. So maybe you're right, and the feds can't be responsible for services, and I understand that, but you have to ask that same -- the second part of that question when you ask the first one, Mike.

COMMISSIONER PETIT: Yeah, I agree with you, but I think we can all agree that there are an irreducible number of children that will never be able to make it through their childhood in their homes. We just lack the body of knowledge and knowing what has to happen. So many more children, if they were helped, would not be removed from their families, would not enter foster care, but even if we did our best with every family, there are just some situations, the mental illness, domestic violence, where a kid is just not going to be able to stay safely in his home ever. We don't have enough knowledge about it.

CHAIRMAN SANDERS: I think that we're broadening our conversation that at least for today's purpose that things should be (inaudible), and that's the question around this look-back, surge, whatever we end up calling it, and how it's going to be accomplished and what are the resources, and I think our first step has to be to say that the current review processes are not adequate to accomplish what we have described as the goal, which is to reduce the number of children on current caseloads who will die.

I think from that perspective it's very reasonable to say that a starting point should be to offer states the opportunity to opt out of another review process in order to use resources to contribute to this review process. States have their own CQI processes in place as part of the CFSRs, and then there is the component that the federal government contributes, and I think that should be the first place that we look to, to say where do resources come for at least the case review process of that.

COMMISSIONER MARTIN: You know what, David, after listening to what Cassie said and thinking about it further, you know, specifically as it relates to eyes on kids, if in fact the law is -- in the State of Illinois, workers are supposed to see their kids once a month, and --

COMMISSIONER STATUTO BEVAN: It is once a month. Pat, I'm sorry, it's once a month, not twice a month.

COMMISSIONER MARTIN: Okay. All right. Okay, then. Then never mind. Because if the law -- if CAPTA required twice a month, then I would say let's force --

COMMISSIONER STATUTO BEVAN: (Inaudible.) I'm sorry.

COMMISSIONER MARTIN: Okay. So if it's once a month, then no. Then okay, never mind.

COMMISSIONER STATUTO BEVAN: And CAPTA doesn't require anything. That comes out of IV-E.

COMMISSIONER MARTIN: Yeah, yeah, yeah, yeah, yeah, yeah. You're right. I'm sorry. Okay. Never mind then. I thought there was one I didn't know about. So, okay, never mind.

COMMISSIONER PETIT: David?

CHAIRMAN SANDERS: Go ahead.

COMMISSIONER PETIT: Somehow -- somehow this needs to be brought to a close. I know we're supposed to be adjourning in a few minutes, and we have more stuff to deal with. I guess we're talking on Saturday again; right? But on this one, is there enough that's been said? Does anybody want to take a crack at language on this? I mean, is that something --

CHAIRMAN SANDERS: Yeah. I think we have staff on the call, and I think we've talked about the set of children and families, of how this would start. We've talked about key components in the process. I think the question is we don't have to decide on it now because part of it is going to be an ongoing conversation about funding, but how much we look at the current funding structure and redeploying dollars versus how much we look at everything that will require new dollars. And I think that that's not something we'll solve today, but I think we have enough to put the content together to at least say this is what we've heard and to see how close we are.

COMMISSIONER PETIT: Okay.

COMMISSIONER HORN: David, do you think that staff would have time to do that between now and Saturday?

CHAIRMAN SANDERS: Amy?

AMY TEMPLEMAN: Between now and Saturday? Yeah, we can certainly do our best. We have a draft chapter that has been written, and I think we understand what has to be changed. If we need to reach out to any Commissioners tomorrow with specific questions, don't be surprised if you hear from us, but we'll try to turn it around quickly.

COMMISSIONER MARTIN: So, David, do you mind if other people take a stab at it as well?

CHAIRMAN SANDERS: No, that's great. That would be great.

COMMISSIONER MARTIN: The reason I ask that is because I think that, you know, coming from different viewpoints, we might be able to piece together a couple versions that might work best. So if you have no objections, then I think, you know, maybe some other people might want to take a stab as well.

(Pause.)

COMMISSIONER MARTIN: Hello?

CHAIRMAN SANDERS: Yeah, great. That would be perfect. And have it -- send it in to staff to make sure that it's part of our agenda on Saturday.

COMMISSIONER MARTIN: Okay.

COMMISSIONER PETIT: David, what is the drop-dead date in which we have to actually deliver something to GPO and, in turn, the Congress and the White House?

CHAIRMAN SANDERS: March 18th.

COMMISSIONER PETIT: March 18th?

CHAIRMAN SANDERS: Right.

COMMISSIONER PETIT: So there is a drop-dead date.

CHAIRMAN SANDERS: Yeah. That's when the Commission ends officially, is March 18th. Now, we have to get the wheels in motion before then, so we have to have agreement on -- the drop-dead date for agreement would be sometime in earlier February, but the actual submission has to be by the time -- by March 18th. It's the 18th, right, Amy?

AMY TEMPLEMAN: That's right.

COMMISSIONER HORN: So we have a lot of work to do.

CHAIRMAN SANDERS: And this draft with over 1,500 edits I think will provide the foundation for something that's much closer to what the Commissioners are saying that they want based on the comments.

So for Saturday then, we will have a draft of this language and we'll have the discussion on funding, continue the discussion on funding, and there is some language that I will propose that at least we can start with in the conversation on funding that will come out today.

COMMISSIONER HORN: Hey, David, a question. So we're not going to do any more in-person meetings; is that correct?

CHAIRMAN SANDERS: We can do an in-person meeting. My concern has been that while we've done them, we have not been able to get everybody there --

COMMISSIONER HORN: Yeah.

CHAIRMAN SANDERS: -- and that seems to defeat the purpose.

COMMISSIONER HORN: Yeah. Okay.

CHAIRMAN SANDERS: And that if we aren't going to have everybody there, then we might as well do phone meetings, because the point of an in-person meeting in person would be to have everybody there, especially if it's to finalize everything, and we've just not been able to accomplish that.

COMMISSIONER HORN: And one last procedural question. So at some commissions, the National Commission on Children, for example, there was an opportunity for Commissioners to append to the report a letter that indicated their views about the report, and some Commissioners said, "I agree 100 percent with every single thing that's in it," some said, "Well, while I agree with a lot, there are certain things I would have left out, I would have rather seen this, this, and this there as well," others would say, "Well, while I agree with a lot of it, there are some things that I disagree with it a lot." So I'm wondering if we have a funding question, I anticipate that there is not going to be a unanimous vote on a funding question. But is there an opportunity for Commissioners who disagree with certain key things but don't want to vote against the report to have some statement in the report that would indicate their personal views?

CHAIRMAN SANDERS: I think that's a reasonable piece to put on Saturday's agenda, especially with the funding question, because I think you're right, we're unlikely to get unanimous support of things related to funding, and I think that we should have that option on the table.

COMMISSIONER STATUTO BEVAN: I won't be able to be on the call on Saturday. I didn't realize that these -- I thought this was one or the other, I didn't know we had to do both.

CHAIRMAN SANDERS: We will look then at least for those questions. They're not likely to end the conversation on Saturday, and we'll need to schedule additional times for the further deliberations given that we have the final -- the next version of the draft coming out later in - - later next week. So I'll send out some dates. We will plan to begin the conversation both on the question that you raised, Wade, as well as on funding, and then we'll have time to close that off. Could I --

COMMISSIONER STATUTO BEVAN: Is anyone taking notes or was this phone call recorded or anything?

CHAIRMAN SANDERS: We have staff on that are taking notes.

COMMISSIONER STATUTO BEVAN: Sorry?

CHAIRMAN SANDERS: Staff are on taking notes.

COMMISSIONER STATUTO BEVAN: Oh, good. Can we get a copy?

CHAIRMAN SANDERS: Amy?

AMY TEMPLEMAN: The notes are required to be publicly available, but we'll certainly send them directly to Commissioners as soon as we have them. We're also recording the call.

COMMISSIONER STATUTO BEVAN: Oh. Okay. It would be nice to know that next time at the beginning.

COMMISSIONER PETIT: Are we all done, David?

CHAIRMAN SANDERS: We are. Thank you.

COMMISSIONER STATUTO BEVAN: Okay. Bye.

CHAIRMAN SANDERS: Talk to everybody, Saturday.

(Whereupon, at 6:55 p.m., the meeting was adjourned.)