



COMMISSION TO ELIMINATE CHILD ABUSE AND NEGLECT FATALITIES

TELEPHONIC COMMISSION MEETING TRANSCRIPT

January 28, 2016

In Attendance:

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

CHAIRMAN SANDERS: We have now you, Commissioner Covington, Commissioner Horn, Commissioner Bevan, Commissioner Cramer and Commissioner Martin. So we'll go ahead and get started, and I may have others joining.

So I'll just make some opening remarks, and then frame --

CHAIRMAN SANDERS: -- frame what we want to cover, and then we'll launch right into the agenda. So thanks to everybody who provided feedback to both drafts, the 12/23 and 1/23 drafts of the reports. And the comments on the 12/23 drafts have been incorporated, and there are some comments that were made in the margins that we know we have to discuss.

There will be others that may emerge. Last weekend, we got three documents: the revised chapters of the report based on the feedback, the summary of recommendations that were not included and the document that combined the written comments from 12/23.

So we have the five agenda items today: the commissioners' letters, the surge recommendation on funding, the recommendations for post-regulation, options for leadership recommendation and stories included in the draft report, all of which there's been some question about, and we want to make sure we have a chance to talk about them.

And then we have American Indian children, disproportionality, report timeline and public health approach, all that we know for agenda items on Saturday, and there may be more and we will -- after today's call, we'll have a better sense of the timeline because we -- the

feedback that we have thus far is that these are the topics that we still need to cover, but there may be others that emerge.

So wanted to start with item two which is the surge in funding. And want to make sure that we get a chance to have Commissioner Bevan's issues as part of the conversation for this. So I'm going to start it and then I'm -- actually, maybe if Commissioner Horn can make some comments, and then we'll go over the concerns from Commissioner Bevan.

I think there's concern that the -- there was a consensus in the last call that CAPTA -- that the CAPTA increase would fund the surge and that -- including the review and implementation of new approaches identified as gaps during the review. And the draft did not reflect that as strongly or accurately as necessary, and some of that is my fault and questions that I'll raise. But I think that's the starting point of the issue. And then Commissioner Bevan had a number of questions about the surge itself.

And so Commissioner Horn, the sequence that I mentioned, was that -- is that the review and the implementation and the CAPTA increase would fund that? Was that the understanding? I believe that's what you included in your comments.

COMMISSIONER HORN: Yes, with one addition which is that then future access to the increased CAPTA funds would be dependent upon the state not only just doing the surge but coming up with a set of recommendations based upon that that would result in, hopefully, a significant reduction in children at risk of child abuse and neglect fatalities and implementing those reforms.

So it's sort of a two-step process. The first is the surge would be funded out of the increase in CAPTA funds. And then future access to those CAPTA funds would be dependent upon the state not just having gone through the process but actually having come up with a set of recommendations based upon the surge and then implementing them or at least stating how they're going to implement them in a state plan.

CHAIRMAN SANDERS: Thanks. So Commissioner Bevan, you sent a very thoughtful email with a number of questions. Do you want to go over some of those so that we can have the conversation about the surge itself, and then we'll continue to talk about how it's captured in the report?

COMMISSIONER STATUTO BEVAN: Okay. Thank you. I did send my comments on the 1/23 draft, and then I recently -- I didn't send my recommendations on the 20 recommendations until late this afternoon only because I figure if we're not together on the surge, then my recommendations on the recommendations were not really useful to anybody.

So the surge, and I understand it, is looking back over the past decade to see the circumstances where children died and detect a pattern that the state can use as a plan to intervene to reduce these deaths. And my concern is --

COMMISSIONER MARTIN: But Cassie, just -- that's not all the surge is, so let's put the whole thing on the table.

David, can we make certain that we have a complete understanding of what the surge is?

I mean, that part's fine. The other part is that once we take a look back, once the jurisdiction ascertains where they're moving the most children and where their hotspots are, for lack of a better term. Then the idea is that this review of the workers' work, the recommendations that are made by the worker and the services that are engaged in by the parent or parents, if they're not sufficient, then this surge body, this committee that's -- these experts, retired experts, are then going to make recommendations about -- and possibly make recommendations about whether that child should remain in the home. That's what I understand the whole surge to be.

COMMISSIONER HORN: Yeah. So let me give an example of how I would see this working out. Let's say that they look back over the last 10 years, and they discover -- I'm just going to make stuff up here, a little bit dramatic for the sake of clarity and brevity -- 90 percent of all the kids in the last 10 years who died were left in the home with parents who had opiate addiction.

COMMISSIONER MARTIN: And not relevant services.

COMMISSIONER HORN: And without relevant services. Right. And so then what you would then -- you do is you would then first take a look at your existing population at that home where there are known opiate addictions and determine, you know, are they getting services? Are those kids safe? What's happening with those children? And then based upon that review, you would come up with a series of recommendations in order to ensure that future children who come in contact with CPS under those circumstances are not at risk or at least are at tremendously reduced risk of being killed through abuse or neglect.

COMMISSIONER MARTIN: But my understanding is that if the -- we would also -- this is my concern. My understanding is in addition to what you've said, the surge would also allow for people -- some of these experts, if they determine that Sally Sue is not safe in Pat Martin's house today, they make recommendations about currently open cases to remove that child, right?

COMMISSIONER HORN: You're absolutely correct. Absolutely right.

COMMISSIONER MARTIN: Okay. All right. Now Cassie, I apologize for interrupting. I just wanted to make sure the whole thing is on the table.

COMMISSIONER STATUTO BEVAN: Because I didn't understand that either. So we're only looking at cases of children who are in the home. We're not looking at cases of children where they were screened out for an investigation.

COMMISSIONER HORN: It depends --

COMMISSIONER STATUTO BEVAN: Well, what if they had a prior -- I thought we're only looking at deaths, first of all. So we're not looking at deaths?

COMMISSIONER HORN: No, no. At deaths. So Cassie, let's -- this is why the analysis is so important. Now let's have an (inaudible). Ninety percent of the cases in the last 10 years who died because of abuse and neglect, who kids were screened out, okay. So now what you do is you go oh, my goodness, let's take a look at all the kids that were screened out in the last year because we got to find out where they are or what's happening with them. And some of

those kids you may -- they get removed. A lot of those kids will probably not get removed. I mean, and then you come up with a series of --

So the first piece, which I hadn't thought of and was -- I thought of a really nice suggestion by Susan Dreyfus and others, is to have this assessment done so that you're -- because it was initially conceptualized, the surge was, every single kid was going to be reviewed. And I think what assessment does is it allows the review process to be more targeted.

COMMISSIONER STATUTO BEVAN: Okay. All right. So we're talking about kids who have been screened out, and then we're looking at the pattern of what happens to them, whether they are -- were in home or other places?

COMMISSIONER HORN: If in fact --

COMMISSIONER STATUTO BEVAN: What we're looking at or reunified or reported again or never left home or what?

COMMISSIONER HORN: So at this point I'm not defending the proposal. I'm just saying my understanding of it is let's say over the last 10 years, not a single child, not a single child died because of abuse and neglect who was screened out by CPS. Then why would you look at the screened-out population because not a single one was -- died of abuse and neglect? But if 90 percent of them came from that -- you'd absolutely want to look at that population.

So that assessment is so important, and again, this was not -- I didn't even think of this. This was Commissioner Dreyfus and others who came up with this assessment idea which I think is a really good one. It allows you to target the reviews based upon what you find out and that - what you find out may be very different in Idaho than in North Carolina.

COMMISSIONER STATUTO BEVAN: Okay. So then I'm not clear if it makes sense that we're allowing 52 different jurisdictions to develop their own methodology with apparently little guidance from us, unless somebody's going to give them guidance at some other point. And then are we going to also look at the intervention? I mean, was the intervention sufficient, available, of sufficient quality?

I mean, what are we going to learn from this? What are we going to blame as the -- what are we going to see as the cause, the known cause? What will we identify? Is it the failure of the availability and quality of services? Is it the failure of the parent? Is it a failure of the social worker? I mean, we're going to -- is that what we're going to try and do is come up with some trend or pattern in each state?

COMMISSIONER MARTIN: So David, this is Pat. For point of clarification, should I now also add on my concerns about the surge, so whoever is responding can respond to them all? Or do I wait until after -- we'll go commissioner by commissioner?

CHAIRMAN SANDERS: Actually, let me walk through the answer, then we'll -- because we want to make sure that the perceptions are the same for this. And then we'll walk through the concerns.

So the first step, Cassie -- Commissioner Bevan is looking --

COMMISSIONER PETIT: David, this is Michael. I'm on the phone.

CHAIRMAN SANDERS: Hello, Commissioner Petit.

The first step is this review over the last 10 years. And to assess in -- state by state what we know about the characteristics of families that end up killing their children or where children die due to abuse and neglect; may or may not be families; it could be other caretakers but where children die due to abuse and neglect, that we have a picture of that as a starting point. And --

COMMISSIONER STATUTO BEVAN: Devoid of what happens with the system? Devoid of anything else? Only look at the families or --

CHAIRMAN SANDERS: We'd include all of that. All of that information should be --

COMMISSIONER STATUTO BEVAN: -- include everything else?

CHAIRMAN SANDERS: Right.

COMMISSIONER STATUTO BEVAN: Okay.

CHAIRMAN SANDERS: Because it has to include how the system operates. It has to include the characteristics of the family.

COMMISSIONER STATUTO BEVAN: Okay.

CHAIRMAN SANDERS: And then the idea would be that each state would have to develop a plan about how they're going to intervene with that and that -- so as Commissioner Horn mentioned, an analysis is done in X state, and they find that 50 percent were screened out at some point, and 50 percent were in foster care. So the intervention should target both the characteristics of the family -- what do we know about the family characteristics -- as well as address the system and how the system approached it. So it may be you need to change your screening policies, you need to change the interventions that are offered to foster parents, including training, and you need to intervene with children who have these characteristics: are under age three and they have substance abuse as part of the history or whatever.

So it would be state by state, but hopefully what we'll learn by doing this, because we don't have this information right now, is what do we know about what's actually happened over the last 10 years, and what do we know state by state are the interventions that are necessary to reduce those fatalities?

COMMISSIONER STATUTO BEVAN: Okay. So can we compare that with what we heard as testimony from MITRE that -- I mean, rather than having these 52 different plans and interventions or whatever we've learned in the past 10 years. Then we'll end up with 52 different experiences and hopefully then see a trend. But I mean, the findings from states are, you know, not generalizable because there's poor state equality and everything else we've been studying, inability to incorporate a wider set of data problems for identification, all of that. I mean, what do we do with the problems in terms of the data quality and the reliability and validity of the picture that we get that's a state picture?

CHAIRMAN SANDERS: Yeah. So I was explaining what the kind of -- what it would look like. But actually, I think that the issues that you raised, that MITRE has raised about data quality, et cetera, I think there are clearly some parallels and that we should be looking at this is -- we can perhaps enhance it by working on those issues as we're looking at this review because

those are going to need to be dealt with, and I think that some of the ideas about MITRE made a lot of sense.

COMMISSIONER HORN: So Chairman Sanders, just one addition to how you described the process because I think that you didn't include a case review of children currently in the system.

CHAIRMAN SANDERS: Right. You are correct, sir.

COMMISSIONER HORN: So using your example, 50 percent were screened out, 50 percent were (inaudible), we would also -- because one of the things we want to do is are these children safe now? So based upon the review, if you saw my idea of who's the most at risk, and then what you do is look at the kids who are currently screened out. You also look at all the kids who are currently in foster care in that circumstance.

But the circumstances may be different from state to state, and certain national patterns may emerge. So it seems to me that, you know, rather than us dictating exactly what it should look like in every single state, there should be some guidelines how to conduct the study, of course, the 10-year look-back, and we can certainly, you know, give that task to HHS to provide guidelines for how to do it.

But rather than presupposing what they're going to find, I'm more willing to let that process determine what they find so long as it accomplishes two goals. One is to make sure the kids who are most at risk currently in the system, known to the system, are safe, and that's what the case review does, and secondly, to come up with a set of reforms based upon both the look-back and the current review of cases of reforms that will ensure that future generations of children who come in contact with CPS are not at risk of being killed or at least have a significantly diminished risk of being killed.

COMMISSIONER MARTIN: So David, this is Pat, and I have another question about your description of the surge. If I understood what you said, you said kids that are at home and with other caregivers. My understanding was that I kept asking for it to be for all kids in foster care, and my understanding was that that was shot down and that it's only kids that are placed with their parents in their homes.

CHAIRMAN SANDERS: No, no. That the review is intended to look at fatalities, and the review actually drives who will be -- who will be assessed going forward.

COMMISSIONER MARTIN: So it's not restricted to only kids in their homes?

CHAIRMAN SANDERS: We know that a certain number of children have died during the last 10 years, and so the review would be in X states, who are those children? What were their characteristics? What were the circumstances that they were in? And that would determine then the path going forward.

COMMISSIONER MARTIN: Okay. Thank you.

COMMISSIONER STATUTO BEVAN: Okay. So my other --

COMMISSIONER PETIT: David, this is Michael. Can I comment on that, please?

CHAIRMAN SANDERS: Sure.

COMMISSIONER PETIT: David, I think that when Wade says dictating to the states, I think what I -- what I interpret that to mean is if the state -- if the federal government has exactly the right formula for doing this, then it would say it would make sense to dictate uniformity across the country. But we know that doesn't exist right now.

I think one of the things that's going to happen is there will be a normal bell-curve distribution on this. Some states will go at this tooth and (inaudible), hard and fast. Some states won't do much with it. And then you're going to have the great middle on this thing.

It seems to me, as Susan Dreyfus keeps referring back to this thing, the learning on this thing is what may shape if we go beyond -- if it's clear that this should go beyond a year or longer, whatever, that will influence that whole process. So I don't think we can anticipate from the beginning exactly what that would look like. Let's just put it in play, and see how it unfolds.

COMMISSIONER STATUTO BEVAN: Okay. So my other question then is Hillsborough, if we're sort of viewing it anywhere like Hillsborough. That was one county of 67 counties in Florida, and it was 200,000 startup with 90,000 to keep it going. And so given the fact that we know some 14 states aren't even in compliance with SACWIS and never will be -- I mean, they've not -- intended not to play -- and given that there are 3,142 counties (inaudible) equivalent across the United States, how do we know about -- I don't know how we get to the money. I don't know how we get there. I don't understand exactly how it's going to come to a billion.

COMMISSIONER CRAMER: This is Bud Cramer. Those were my concerns, too. How do you divide that up?

COMMISSIONER COVINGTON: This is Commissioner Covington. I'm still in a complete quandary and befuddled as to why we're even talking about money. I don't think it's our charge. I think that we make recommendations, and we leave it to the government to figure out how to pay for our recommendations. We heard it loud and clear when we were at that congressional luncheon after the Dulles meeting from both republicans and democrats, do not bring us a report with recommendations that has a lot of funding attached to it because it will be dead in the water. They said that very strongly to us.

And so I'm still befuddled as to why we're trying to put in dollar amounts into this report. And I have a real worry that it will deep sink anything that we put forward because that's where the attention's going to get focused on rather than on our recommendations.

COMMISSIONER CRAMER: And I said that very same thing at our New York meeting as well.

COMMISSIONER COVINGTON: Is that you, Bud? I think I heard the --

COMMISSIONER CRAMER: Yes, it is. I'm sorry.

COMMISSIONER COVINGTON: Could you say it again because I feel like I'm the lone wolf out here with this one.

COMMISSIONER STATUTO BEVAN: Oh, you can't really feel you're the lone wolf, Teri. It's Cassie.

COMMISSIONER COVINGTON: Oh, do you feel -- I haven't quite figured out -- I read some of your comments, Cassie, but I haven't quite figured out that that's how you feel as well. I just can't quite get a read on it.

COMMISSIONER STATUTO BEVAN: Really? Okay. Let me be absolutely clear. I do not think that we can come up -- we have not identified one single, not one single effective program over -- what did we have, 50 programs? I don't know how many different agencies. We have not come up with one that we've decided we would call it effective. And that's a real problem when we don't even say how much money is already in the system, what -- and how it's being used across, you know, all these different agencies, I mean, not, you know, not just HHS. And why we're focusing only on HHS after we talked about multidisciplinary, I don't really know.

But I also don't know why we're looking at a panel of these people, when I thought we were talking about a vested agency, a vested approach that was beyond people, that it was -- this is a new concept. This is a reformation about the approach to child welfare, and instead it's like these people that remind me of little Peanuts people, that they sort of go with their little feet, and they walk around to different states -- especially as somebody mentioned retired people which really scares me, since I'm one of them -- and they just come along, and they make decisions in different states?

I don't think it's marketable, sellable. I think it's a huge mistake. I've said it all along, and I will continue to say it. And it's not because I don't care about kids or not -- or I don't care about this report or don't care about my fellow commissioners' opinions. I care about all of this. But I think that we have to enact reforms. We have to show that the -- we can see what the changes would be and that we implement the changes, and we tell the states to implement the changes, but we don't create a bureaucracy because we already have a bureaucracy. That's all we've heard about.

COMMISSIONER MARTIN: So this is Pat, and I just want to get in on the money issue. I agree with the commissioners that talked about a concern about putting money in this report. But what even makes me more concerned is the fact that we don't support the money we're saying we need. There's nothing in this report, particularly in the surge area, that identifies or delineates how the money would be used and why we need the money for those individual issues.

And you know, I appreciate Cassie's concerns about the surge, and I think there are other concerns about the surge including who's supposed to be doing it when we're trying to build another paradigm for child welfare.

COMMISSIONER RODRIGUEZ: This is Jennifer. I didn't know when is the right time to interrupt, since we're kind of talking about multiple different things. But I wanted to add on to the concern about surges. I think I said this on the last call as well.

I'm also just worried. I understand the purpose of looking at the cases and sort of being able to make some recommendations or findings about that. But what I'm still struggling to understand is if you are going out and assessing children to find out are they currently safe, if the thought is they may not be safe, what additional resources are we providing to states to figure out how to respond to that?

Because I'm concerned that the only thing at this point that we're saying, we don't know anything that works. And folks aren't getting more money, if I'm understanding that correctly. There's no additional resources. And so is the only option then that you remove if you have a concern?

COMMISSIONER MARTIN: No.

COMMISSIONER HORN: Jennifer --

COMMISSIONER RODRIGUEZ: Or is there a different plan?

COMMISSIONER HORN: So I certainly am in favor of more resources. I know that other -- there's a disagreement and that's fine. This is a healthy debate to have.

I think the -- the only thing that I would object to is a bunch of unfunded or recommendations that clearly have funding implications, and we do not say what that amount is. That is probably, in my view, the least effective way for a report to go forward. We either say we should do this, and here's how we're going to -- we pay for it, or we say we're going to do only things that can be done within the current funding and that's it, and that's fine with me, too. But I don't think what's a good position to be in is to say families should get this and this and this and this, and we should do this, this, this and this, and by the way, we're going to let somebody else figure how much that's going to cost because that, to me, is where the report is dead on arrival.

COMMISSIONER PETIT: The surge we're recommending right now, as far as I'm concerned, is intended to protect children who may not be in safe situations in addition to learning what else we need to learn. But if we don't attach some kind of a broad price tag to that, and my feeling is that that billion dollars is meant to strengthen CPS and would go into supporting things like a surge, whether it's direct services or whether it's added personnel or whatever.

But of course, there are members of Congress who would like for us to not come forward with a request for money. They'd be very happy to not have to deal with this issue. As far as I'm concerned, this panel that we comprise, this commission, either has to speak to this issue, or we will have failed these children.

Nobody in the Congress wants to spend more money on dealing with these kinds of issues at this point. You know, we're -- we have all kinds of financial issues. But the question is can we remain silent on this kid piece with a budget and say work it out? I mean, I just don't see how that is acceptable. We put the number out there, and as Congress often does, they start to move on this as they learn more about it, as the public starts to support it and as the press starts to support it.

So I don't think we should be cowed by a -- or influenced at this point by a congressional -- members of the Congress, democratically elected, who say to us spare us the problem of having to wrestle with the money issue. That is at the heart of much of what these issues are is the money, and without it, we're not going to see any changes.

COMMISSIONER CRAMER: Mike, this is Bud. I don't disagree with what you just said. I just don't want us to put an up-front price tag that's overwhelming on this, and the rest of our recommendations don't get the kind of responsible consideration that they should have. I think there's a way to say we recognize the need for more resources committed to this. We think more money needs to be committed to this. We also think we're not spending the money that we are spending in the way that it should be spent so that we don't scream out in order for this report to be taken seriously or implemented, the Congress has to recognize it's got to have X number of dollars.

COMMISSIONER PETIT: Well, Bud, I think --

COMMISSIONER COVINGTON: This is Commissioner Covington --

COMMISSIONER PETIT: -- there's some wisdom to what it is that -- Bud, I think there's some wisdom to what it is that you're saying there. But you know, we have a CDC analysis that says child abuse and neglect costs the country \$125 billion a year. Adding a billion dollars to a program that anyone who's looked at it closely has said is underfunded I think -- I mean, we'd have to -- I understand what you're saying. I think it needs to be a little bit stronger than that.

COMMISSIONER CRAMER: Okay. I can live with -- go ahead.

COMMISSIONER COVINGTON: This is Commissioner Covington. I'm just not in favor of putting a dollar amount in the report. I agree with Commissioner Cramer. I think we do need to say things are grossly underfunded. But even just a little bit ago, Michael, when you were saying the billion dollars, you started to say you could also fund this, this and this. And that's where I get really concerned. I mean, I don't think we have the resources, the time or the skills right now to actually price all of this out.

I think it's really important that we do talk about the underfunding of these issues but I'm just not -- I am not going to support putting a dollar amount in the report for how much something should cost. I just don't think we're there yet.

COMMISSIONER PETIT: The Congressional Research Services and others would be able to take a look at what we've recommended and convert it into a rough dollar amount. That's not what I'm saying we put forward. That would be the better route to do it is saying it needs to be costed out.

But right now, we have a system that is significantly underfunded. A billion is going to make some advances, but it's certainly not going to comprehensively address what this problem is. And for us to not -- you know, to have the Congress guess as to what we're talking about in terms of a starting number I just think is a mistake.

COMMISSIONER HORN: And I know 25 years from now, when some historian is looking at this transcript, they're going to ask themselves who is this left-wing big spender Wade Horn who wants to spend all this money? But I will risk that because I think that --

COMMISSIONER CRAMER: And I'm impressed by that.

COMMISSIONER HORN: I really think you have to have a number. I think that if you say every person in America deserves to have free substance abuse intervention, and we challenge the nation to do that, I'm sorry, that recommendation goes nowhere. You have to put a marker out, and that's what the billion dollars to me does is it puts a marker out there.

But if we're just going to say, you know, we're the richest nation on earth; we can't afford not to give everybody free this and free that, and we got to pay for everything under the sun, but we're not going to bother to tell the country how much that's going to cost, I'm sorry. They hear that every day on the Hill. Then --

COMMISSIONER COVINGTON: But you know what, can I ask you a question? Because you know, I think it was in Vermont, I don't remember what meeting it was at, when you -- you

were saying you were really not comfortable with us going forward with recommendations that couldn't get paid for. What's changed?

COMMISSIONER HORN: Reading those stories every day in the news that --

COMMISSIONER STATUTO BEVAN: Okay. Hold on. I really resent that. I really --

COMMISSIONER COVINGTON: No. I --

COMMISSIONER STATUTO BEVAN: -- resent that. You know, there's no way we're going to equate reading stories and caring about children with money because I resent it, and I won't stand for it. There is nobody more committed to these kids than I am. Absolutely --

COMMISSIONER HORN: Cassie --

COMMISSIONER STATUTO BEVAN: -- nobody. I'll face any one of you on that. But --

COMMISSIONER HORN: Cassie --

COMMISSIONER STATUTO BEVAN: -- to go up there and to say that we have no program that's been effective, absolutely none, and we want \$1 billion for something that we're not sure of how to do and we're not providing any guidance on, and by the way, the only accountability in this report that we've ever had is Child and Family Service Reviews, but oh, we're going to opt out of those in order to allow this experiment to continue, that's a mistake.

COMMISSIONER HORN: No, Cassie, I do not believe I have ever questioned the motivation or caring of a single commissioner on this commission. I was asked a question about what changed me. I was not asked a question about why should every other commissioner agree with a billion dollar figure. So I understand if you interpreted my comments to be a -- some kind of a question mark about your motivation, your caring. I apologize, and that certainly wasn't my intent. My intent was simply to ask (sic) the question what changed about me.

If we say okay, Wade, we might agree with the figure, but coming up with a pay for, then I'll go back, and I'll do some homework, and maybe a subgroup is going to do that and come up with the pay for, that's fine, too. But please do not interpret what I said as questioning anyone's motive. I do not believe, at my core, I do not believe if I'm willing to spend a billion dollars and somebody's willing to spend \$10 billion they are 10 billion -- they are 10 times more caring than I am about kids.

I think it is a completely legitimate position to say there's lots of money in the system, and let's just use the money that's there more effectively. I think that is a legitimate position to have. I've never questioned that. So please, I just want to make clear that I was not suggesting that if someone did not agree with that figure, they don't care about kids.

COMMISSIONER AYOUB: This is Amy Ayoub. I just wanted to say that I do agree with Commissioner Martin on if there's going to be a figure tied to this, that it would be difficult for me to think it's going to be accepted in any way if it's not tied -- if it's not supported. We can't just say the --

CHAIRMAN SANDERS: Let me -- for just a second because it seems like there are two issues here, and we should separate them for purposes of conversation. First is the questions about the surge and second is the question about funding. And they're clearly related, but let me

walk through again the thinking about the surge because there have been questions raised, and I would like to at least lay out why I think it's important.

I think that the question about funding is one that we'll have to -- we'll have to have -- we'll have to continue to talk about in this call. But so --

COMMISSIONER MARTIN: But David, before you start on running down what the surge is again, my question about kids in the home and restricted to home, I'm looking at page 19, and I'm looking at page 26 in the January 23rd draft, and specifically it does not talk about all kids in foster care. It talks about reviews of the kids of these children who are in their home and of their parents, the children within their families. It does not talk about foster care. That's why I'm concerned. You know, we keep flipping on this, and I believe you when you say it's all kids. But the way it's drafted in our last rendition, to me it still reads that it's only the kids in their homes with their families, maltreatment of their families.

COMMISSIONER COVINGTON: Can I add to that, Judge Martin? I think to make this recommendation work for me, it's got to be a review of all children who died of child abuse and neglect.

CHAIRMAN SANDERS: Right. That's the intention and let me -- I'm trying to figure out exactly where you are on page 19, Commissioner Martin, because I actually read, "The first step in this process would be for safety data from the previous 10 years to identify under what circumstances children died from abuse or neglect."

COMMISSIONER COVINGTON: Could maybe there be a sentence or a phrase ahead of that, Commissioner Sanders, that was -- to identify all children who died from abuse and neglect and a study of the circumstances in those deaths?

CHAIRMAN SANDERS: Yeah. I think that's --

COMMISSIONER PETIT: Including those in foster care --

CHAIRMAN SANDERS: -- fine. I just want to make sure that this is not intended for kids who are only in the home. And so if that's in here, that's a mistake.

Commissioner Martin? Commissioner Martin?

COMMISSIONER MARTIN: I'm sorry. I was on mute. I understand what you're saying. It's just that every time I get a draft, it's always restricted to their families and those kids in their homes. And so I hear what you're saying. I just want to be clear the way I read the language that's in there currently.

CHAIRMAN SANDERS: And I was just wondering where that language is because I cannot --

COMMISSIONER MARTIN: I apologize. So if you go to the one, two, three, four, five, six, seven -- seventh sentence from the bottom, "and whether their families need different or additional support services or intervention." It doesn't talk anything about foster care. The very last sentence, "Regularly interface with children and their families." Nothing about foster care. Nothing about all the kids under care. It's only those kids and their families.

CHAIRMAN SANDERS: What page are you on?

COMMISSIONER MARTIN: Page 26.

CHAIRMAN SANDERS: Oh, okay. I was looking at page 19.

COMMISSIONER MARTIN: Oh. The language is exactly the same there.

COMMISSIONER PETIT: David, I think that --

CHAIRMAN SANDERS: Actually, let me walk through this process with --

COMMISSIONER PETIT: -- everybody. You see everybody, including foster parents, and then the states determine in what priority, right? I mean --

CHAIRMAN SANDERS: Right.

COMMISSIONER PETIT: -- it includes kids in foster care if there have been -- if any child has died in foster care.

COMMISSIONER MARTIN: You guys keep saying that, but that's not the language. That's what I'm saying.

COMMISSIONER PETIT: Well, so the language should be changed.

COMMISSIONER MARTIN: (Laughs)

COMMISSIONER PETIT: Is there another way to do it?

CHAIRMAN SANDERS: So let me walk through this because -- and I'm still -- I see different language so -- but let me walk through this. So thinking about this, and I will put my hat on as a former administrator, there are hundreds if not thousands of children that are being served by each system. And right now, we heard from every state, but we did not hear a clear plan, statewide plan, from any state about what they're going to do about children that they're currently serving; that that decision should be driven by data; that we know from the research that there are kids who are at greater risk for later fatality.

I would argue that today, in most states if not all, there's no discrimination between those kids who are at higher risk and those kids who are at less risk. There's no discrimination in policy, in how resources are allocated and how time is spent and how decisions are made, et cetera. And I think we heard that consistently.

That the idea is to begin to use data to help to drive some of the decisions, and that means we need to have information about who's at risk in each state because it could vary by state depending on resources, depending on policy, depending on a variety of factors. That's the purpose of looking back 10 years and the recognition that states have dramatically different policies, and so there isn't going to be necessarily a national view, but there will be a state view.

That if I were administering it, I would want to know what I should be looking for to know who's at risk because right now, workers themselves are making hundreds of decisions about how they spend their time, about how resources are allocated, and that needs to be done more systematically. I think if there's anything that we heard from MITRE, that suggests that there has to be a systematic approach to this.

That we need to know what interventions are needed. We need to know what policies need to be changed. We need to know foster care or not. We need to know how worker resources are allocated. And that's the kind of information that should help drive the decisions, that as Commissioner Horn mentioned, that need to be made about what happens today to kids that are being served that seem to have similar characteristics to kids in that state who died over the last 10 years.

COMMISSIONER MARTIN: David, with the utmost respect, I think that what Commissioner Rodriguez said should drive the surge. And I don't like the name "surge." But you know, the issue is what characteristics the children are involved in and situations they're in. That includes not only the risk factors but the protective factors that we never mention, that we've been talking about but we never mention.

And the goal of the surge should be to make the children who are currently in care safe. So it doesn't mean pulling kids out, but it makes it necessary to evaluate the services the parents are receiving, the children are receiving, making certain they're effective for the issues that brought the case into the system and then making certain those homes, foster homes and parents' homes, are safe for those children.

And the problem with the way this is drafted is that it doesn't say that. And that's why for the last -- I missed the last meeting, and I apologize to all my co-commissioners. But the meeting before, I kept trying to find out what the purpose is because if the purpose isn't to go into homes and support the homes where these children are, I will never agree to this. I will never, ever agree to it. And if it's not for all kids in care, I will never, ever agree to it.

And if the goal is to just go out and have some retired people come in to tell me -- to second guess my decisions and then move kids out without giving parents due process, I will never agree with it --

MALE SPEAKER: Where do these --

CHAIRMAN SANDERS: And Commissioner Martin, yeah. I mean, I think a couple of things. One, I mentioned at least three areas outside of placement in foster care saying that one needs to look at how resources are allocated; one needs to look at how worker time is spent; one needs to look at policies. There are a variety of issues that need to be addressed. This is not about placing children or not solely. That's one intervention, but there are a number of things that need to be considered.

Protective factors are certainly part of the assessment because we've come to the conclusion, I believe, that risk is both the risk factors and protective factors and how they work in combination. So I --

COMMISSIONER MARTIN: But protective factors are not mentioned in the seventy-something pages that we reviewed for today's work. That's my problem.

CHAIRMAN SANDERS: It is not there that --

COMMISSIONER RODRIGUEZ: This is Jennifer again. I also think that what at least I have heard, and I think we've discussed many times, is that a significant risk factor that the data doesn't tell us is our ability as support systems to actually be able to respond adequately. And that's part of the reason I think it's really important to look at kids who are currently in care

because it could be that some of those kids could have been supported safely in home, but their parents didn't get services, and their parents are still not getting services, and they are going to be reunified.

And so at this moment in time, they may be safe, but because we've created a risk factor by not supporting their family adequately, in three months from now when we're -- their case has long been gone from our sort of scrutiny in the surge, when they get reunified, they're no less safe than they were initially, unless we're giving both some guidance and some resources to places to do what they couldn't do initially.

COMMISSIONER HORN: So Commissioner Rodriguez, I completely agree with you. It is a travesty if any child is pulled out of their home because the kid could have been maintained safely in the home if there were services provided. Where's the money going to come from to provide those services?

COMMISSIONER RODRIGUEZ: (Inaudible) going to come from. But this is the conversation that I think we should be having because this isn't -- to me, that's what our child protective system should be. And it's the only way we're going to be able to do anything different than what we've been doing is if we figure out how to give families who are vulnerable the services and support necessary.

COMMISSIONER HORN: And my only argument is if we say everybody should get those services and don't put a dollar figure out there, it's just -- it's not going to be a very effective recommendation.

Now I don't have to be -- look, I am one person on this commission. Let me make a suggestion, if I could, Mr. Chairman. If it sounds that the funding issue is probably never going to get resolved in any way, but we may be able to resolve the surge issue with greater clarity and so forth because I actually don't hear -- I'm not hearing a tremendous disagreement in principle about what the surge -- maybe there's -- I could be wrong about that.

But it seems to me that one way out of this, not my choice, but say something that's -- if we agree on the surge in principle, what it should do and what it should look like, we could say something like some commissioners believe that the surge should be paid for out of existing funds that are reallocated. Some believe that the decision about how much should be -- how much is required should be left to the United States Congress to determine and some believe that there should be a -- that the report should say -- have a specific figure. And we refer you to each individual commissioner's letter to -- for them to say what their position is on this funding issue.

That way, we don't have -- I don't think we're ever going to get a unanimous vote, and I do not believe that we should have eight to seven votes on anything. I think that we should strive for unanimity, and where that means being a little fuzzy on this, we may have to be a little fuzzy on it. You know, I'm very happy to outline my position in a letter that accompanies the report, but I'm wondering if one way out of some of these conundrums is to provide -- which is the reality, which is a reflection of the diversity of opinion that this commission has on certain issues such as funding.

COMMISSIONER COVINGTON: This is Commissioner Covington. Can we hold that suggestion on the funding piece, and try to get through the surge first as a conceptual piece?

COMMISSIONER HORN: Yeah. I just wanted to get it in before Cassie and Congressman Cramer have to drop off in six minutes, just as an idea, just for people to think about.

COMMISSIONER CRAMER: And Wade, before we move on, and I've got a little more than 10 more minutes left, I like the direction that that's going in. I don't know about -- necessarily about the individual letters. But Jennifer's comments along with your comments as well would make me want to talk about the funding issues differently than what I expressed before. I think that's the way to raise funding issues and even significant funding issues.

COMMISSIONER COVINGTON: Yeah. This is Commissioner Covington. When you're talking about services that are identified in states or even at the local community level, whether they're substance abuse services, mental health services, housing, et cetera, we're talking about a lot more than a billion dollars, if you're really trying to provide a full cluster of services across the broad spectrum for families in need. I mean, because you get into all those confounding issues that lead to fatalities, and we're talking about an enormous new attention to providing families with what they need to raise their kids well in this country. So I mean, a billion-dollar price tag is not even going to come close to that anyways.

But that to me gets into more of what we've been talking about with this 21st century vision of child welfare being more than just child protective services making decisions about whether to get kids out of the house or not. It's that much broader based, far upstream look at how you get preventive services to families, and you wrap agencies around working together to figure those service structures out.

COMMISSIONER STATUTO BEVAN: I don't want to be a skunk at the garden party, but I wish we would go over and discuss, besides Triple-P and Durham and home visiting by David Olds, what programs are we talking about that we are willing to put vulnerable families and then to count them as failures because the treatment didn't work, but they're blamed for it not working. Are we going to identify anything, or are we going to continue with this myth that if we only had enough money for enough services, these parents would become safe families, and the children would be safe, and we could feel good about ourselves?

COMMISSIONER PETIT: Some of them would be safe, Cassie, that we would be able to protect on this thing. I think Jennifer is right in terms of the social services to these families. There's a tradition of being involved with the child protection system that has to be extended to them.

I don't think, Teri, that you can take as broad a perspective as you've just expressed in which the child protection agency becomes the umbrella social services agency for all children. It's protective in the first instance, and it's stopping them from fatalities. I don't think we need to do the entire health and social services safety net in United States in order to save a lot of children from being killed the next year. As much as I'd like to see it, it's not going to happen. That's not where the country is right now. It's not where the Congress is. I mean, we're not going to see efforts in that area. We're seeing efforts to dismantle some of that, and the kid piece is legitimately presented as a public safety issue. And I think there is responsiveness to that.

Whether we can help the parents -- and every effort needs to be made to help the parents. Whether it's effective, part of it is the limits of our knowledge about how to deal with

substance abuse, how to deal with mental illness. I mean, we just don't have all the answers on it. There isn't a program that's exactly right for everybody on this thing.

COMMISSIONER MARTIN: So why aren't we taking the opportunity to tell Congress that that's one of the main things we need to protect kids and keep them alive which is an evaluation of the programs that we're currently using, and find programs that work? I don't understand why we keep sending people to parenting classes when we know parenting classes in an auditorium without a kid in sight, we know that does not work. So why do we keep sending them there?

COMMISSIONER COVINGTON: And I also feel -- I think we're doing a huge disservice if this report is only focused on, you know, let's identify the kids most at risk, and get them out of their homes, you know, and put them in foster care. You know, we have some pretty creative ideas, if we ever get to them, later into the report in terms of looking at CMS funding support services for families, et cetera.

I mean, I'm just not -- I'm just not going to -- you know, I don't think this is just about identifying the kids that are at immediate risk right now, and that's what this report is supposed to do. We were given a broader charge than that, and I really think we need to think about it.

I'm not trying to just, you know, be a Pollyanna and say that we need to think about, you know, the entire child welfare system and how -- or the child -- the human service system and how to improve it. But I'm sorry, everywhere we go we hear about shortages in services for families. And that's one of the reasons families are still left struggling out there.

I've seen it in case after case after case of child death review. Look at the Phoebe Jonchuck story in terms of the mental health needs of that father. Those kinds of stories are everywhere. I was just in Kentucky, and they just -- their child -- or not Kentucky. I was in Atlanta yesterday, and their Department of Social Services director released a report, and he talked on and on and on again about all the kids who died whose families had substance abuse problems, and they were unmet needs in those families in terms of substance abuse services. I just don't think we can ignore those facts --

COMMISSIONER PETIT: Well, that's the kind of child protection -- it should be funded.

COMMISSIONER STATUTO BEVAN: I think we're funding away the project on addressing needs of caregivers with substance abuse disorder. Why aren't we learning from all of what we're funding? Why aren't we learning from it? Is it because it's all over the place or is it -- you know, so we need a child safety czar with more bureaucracy? I don't think so.

And I think we're ignoring a lot of what we heard in this report. We heard about flexible funds. We heard about the need for flexible funds to be -- so states could do what they needed to do, and put it into programs that they thought worked. We're not addressing any of that.

COMMISSIONER PETIT: Now plenty of states have had the resources to put money into a lot more services for children of one type or another, and they've chosen not to do it. And we've also heard from state to state that a lot of this is an accident of geography. You're much better off if you're injured in some states, you have families who want to get help, than you

are in some other states. That's a reality, and that's one of the reasons why we've said the federal government has to have a prominent role.

When you talk about bureaucracy on child welfare, it's a far, far, far, far smaller bureaucracy than exists on most other units of government. It's a very modest number of people that are working in the Children's Bureau given the magnitude of the problem. Millions of children a year we're talking about.

COMMISSIONER STATUTO BEVAN: I'm not talking about the Children's Bureau. I'm talking about every single agency, and all we're going to do here is set this up so that we have a child welfare czar; we're going to fund it, and then the minute there's a problem we're going to knock him down which is a history of child welfare. This pendulum back and forth and back and forth, and we're participating in it right now. We're not stopping it.

COMMISSIONER PETIT: Well, there would be disagreement as to what stopping and starting are on this thing. And unfortunately, two years into this thing, there still seems to be a lot of division on it.

But I think the fallback position for most people is that they want the kids to be safe in their families. If they can be made safe in their families through whatever network of services can be provided, that's fine. Or if they can be in something other than their families on a temporary basis, I mean, there's a whole range of options that the states should exercise. This isn't simply a surge to go in and get kids out. It's to go in and see if the appropriate treatment mix is involved and if the kid's making progress, or if a kid is in a dangerous situation, then what can be done about it? There isn't an automatic answer to that.

COMMISSIONER MARTIN: Michael, that --

COMMISSIONER STATUTO BEVAN: Teri and Patricia, can I ask one question? Are you --

COMMISSIONER MARTIN: -- it's not a fallback position that --

COMMISSIONER STATUTO BEVAN: All right. Okay.

COMMISSIONER MARTIN: -- kids can be safe in their home. That is the primary position. That's the major difference between you and I these last two years. My reading of the law and my understanding of what we should be doing is that it's the primary position that kids should be placed in their homes and made safe in their homes as opposed to the fallback position.

COMMISSIONER STATUTO BEVAN: I've got to go. I'm sorry.

CHAIRMAN SANDERS: So let me ask because we -- this is -- the agenda item is about the surge. We have had extensive conversations about the elements that are not reflected in what's written up. I don't believe there is disagreement about the additions that have been discussed, although we will continue to have a discussion about that because maybe there are some. But I think that conceptually we're in agreement.

Let's separate out the funding for a minute. If we better capture the issues related to protective factors, the issues related to the agency and the services that have been provided to families, does that --

And Commissioner Covington, part of the point of this was to say there are some things that could be done immediately. Those things should lead into the long-term pieces that are --

COMMISSIONER COVINGTON: Right. I understand that. Right.

CHAIRMAN SANDERS: Yeah. So if those are captured better, is that -- is there something else that's missing about the surge?

COMMISSIONER MARTIN: And that it goes to all kids, not just kids in their home.

CHAIRMAN SANDERS: Right.

COMMISSIONER COVINGTON: And I am really sorry I missed the last two calls because I told - I said right away, as soon as they were trying to be scheduled, that I couldn't make those two dates. So I'm apologizing for that.

But there are a couple things about the surge that I would want to maybe clarify or change. And it's really based on my experience in working with states that have been doing -- there are quite a few states that have really tried to do this look-back. They all do it very differently. They struggle with it. I was in Atlanta yesterday. They've been trying to do it within their own agencies. I mean, they have a dedicated staff that's doing it and they struggle. A lot of places struggle with it. But people are learning a lot from it.

A couple recommendations I would make, just from my own experience with what states are doing on some of these -- on these retrospective look-backs is I think 10 years is too long because a lot of case information would be almost impossible, if not extraordinarily time consuming, to compile going back more than five years. It would be really difficult, I think, and time consuming for states to go further other than to do a broad-stroke look at their cases.

Secondly, I don't think the reviews should just be about the child welfare system. The states that do these really, really well, they take a really broad-stroke look across all the systems because there are a lot of other issues that come into play when you're looking at kids who died that just aren't happening within the child protection system. They're happening elsewhere, and the states could make really smart recommendations on improvements to other systems as well. So I would want to expand it out a little bit beyond just a look into child protection services.

And then I think -- I don't know about -- I don't know if we're really going to be -- if we're going to specify this thing about retired people coming up and doing this. I think it's a mix of people that are currently working in the system as well as people that had experience and may or may not be retired. But I really think that there's a lot to be gained by having people that are actively involved in the system because they know current policies and practices, and they can really help respond around those issues.

And I think we need to acknowledge in the report that this work is being done in a lot of places now, but people are struggling with it. So one of my other pieces on the recommendation is prior to the states, you know, kind of kicking this into the work is that we specify in the recommendations that there be developed some national standards on how to conduct these -- this retrospective review, so to speak, or this look-back, whatever you want

to call it, of old cases and the counting, that we actually -- that time gets spent at the federal level to create some tools to help the states do that.

COMMISSIONER MARTIN: And I would also add that -- I'm sorry, Teri. I didn't mean to cut you off. Were you done?

COMMISSIONER COVINGTON: I'm finished. I think I had four or five points, but those are them. And I'm sorry I wasn't able to put those into the calls, the last two calls, but they've been on my mind.

COMMISSIONER MARTIN: So I have two other things. So one is the name "surge." Every time I hear surge, I think of Afghanistan and Iraq. And I am not at war with my parents or my families, nor do I want them to feel as if we're in war. So I would really urge us to think about whether surge is the right title for this process.

And I think we need to afford parents the due process somehow to appeal or to at least have a hearing before we start jumping in and moving around our kids because there was evidence that was submitted that put the kids in the home, put the kids in the current placement. It seems to me that it's pretty impractical to go in there with retired and/or people who are currently working in the system, and just start moving kids around without evidence to counter what placed the kid in the original placement.

COMMISSIONER PETIT: I'd ask the judge if there are any states in the country that allow a department to make a placement of a child in foster care for any extended period of time that at some point doesn't receive court approval --

COMMISSIONER MARTIN: Yes. They do it for a limited couple days, take --

COMMISSIONER PETIT: That's right.

COMMISSIONER MARTIN: -- protective custody, and then they have to come in and get it codified by the court. And this surge, the way it's written, there's nothing in there, nothing in there right now, Michael, that affords a parent a due process avenue if, in fact, they choose to opt for it. So yes. You're right. In most case have --

COMMISSIONER PETIT: (Inaudible) could have an option. They certainly should have that option --

COMMISSIONER MARTIN: -- most states have protective -- to answer your question, most states have protective custody, but it's only for a limited time. That is not in the surge today. So if you're asking me do I agree with it, I'm telling you what my problems are.

COMMISSIONER CRAMER: I want to weigh in on your comment about the word --

COMMISSIONER PETIT: (Inaudible) proposed.

CHAIRMAN SANDERS: Commissioner Cramer?

COMMISSIONER CRAMER: I'm sorry. I was trying to work this in, but I didn't get in there quick enough. And it's going to sound like I'm changing the subject back but I don't -- I've never liked the word "surge" when we started using it. I don't have an alternate suggestion.

Commissioner Martin, do you?

COMMISSIONER COVINGTON: She must be on mute.

COMMISSIONER CRAMER: Yeah. Anyone else want to say --

COMMISSIONER COVINGTON: This is Teri. I don't like the word "surge" and I haven't either. I noticed in Amy's email to all of us today she said there were several commissioners who had problems with it. I just don't like the term either. It (inaudible).

COMMISSIONER CRAMER: Yeah. I --

CHAIRMAN SANDERS: Why don't we come up -- we'll ask some of our communications experts to come up with some ideas, and we can then present them.

COMMISSIONER CRAMER: Yeah. Good.

CHAIRMAN SANDERS: Yeah. So I haven't heard anything yet that is likely to be controversial about additions and clarifications in the report description about this process. Is there anybody who would be opposed to the changes that Commissioner Covington or Commissioner Martin or Commissioner Rodriguez or others added?

(No audible response)

CHAIRMAN SANDERS: I think it would make it much fuller, much clearer, and I think it would strengthen it.

Thank you, Commissioner Covington, for your additions because they are based on experience.

To everybody, it would be helpful to get these in writing in between meetings, but if this is the best venue for it, that's fine.

COMMISSIONER COVINGTON: I saw it when Amy -- I haven't had a chance to even finish reading the full report. I'm sorry.

CHAIRMAN SANDERS: So --

COMMISSIONER COVINGTON: If you want them in writing still, I'm happy to do that though.

CHAIRMAN SANDERS: That would probably be very helpful, to make sure that it's not left to interpretation.

I would ask about the timeline in looking back, if we could offer a range versus a specific timeframe, what would your experience suggest to that, Commissioner Covington?

COMMISSIONER COVINGTON: I think going five years is more than enough for states. They're going to struggle with five as it is. You know --

CHAIRMAN SANDERS: Even smaller states, will that produce enough numbers for smaller states to do the kind of evaluation that we would want them to do up front?

COMMISSIONER COVINGTON: I think so. I do think so.

CHAIRMAN SANDERS: Okay.

COMMISSIONER COVINGTON: The other thing is, adding another piece of this as you were saying that, I think the other variation that is going on in states right now is the types of deaths that they look at. And I think we really want them to open up a broader perspective. Some states that are doing these kinds of reviews now are really limiting it to, for example, kids that were known to the system only in the last year, versus in Georgia, they're doing kids that were known in the system in the last five years. I'm a believer in all deaths that have been identified with abuse and neglect in their state, whether or not they were known to the system.

CHAIRMAN SANDERS: And that's actually suggested in the latest draft, that it is expanded beyond those known to the system.

COMMISSIONER COVINGTON: I really support that. That's about 50 percent of the kids, and it's really important to find out why they weren't involved with the system as much as it is to find out what was going on if they were known to the system.

CHAIRMAN SANDERS: So we will make the additions, and we'll do it as quickly as possible, get it out to people to make sure that the improvements that have been suggested today are included as well as we'll get ideas about the name change to people so that we can consider other alternatives. I know staff has thought of some different names, so we can include those.

So is there anything else specific to this process, and I'm not going to use the term "surge," this process that we need to go over right now?

(No audible response)

CHAIRMAN SANDERS: Well, maybe then let's move to what was the first agenda item because I think that Commissioner Horn presented a proposal around funding that was tied to this. And that is the idea of each commissioner being able to write a letter that would be an addendum to the report, similar to what the Rockefeller Commission did.

Commissioner Horn, do you want to touch on what that looked like?

COMMISSIONER HORN: Sure. It was really important to the commission, the National Commission on Children, that we have a unanimous report. Doing that, achieving that goal became clear over time that we would have to do two things. The first thing was that in the actual text of the report, where there was a difference of opinion, not on the issue but perhaps on, you know, thoughts about how to operationalize an issue or recommendation, the decision was made to allow for language such as some commissioners believe that this would entail blank, and some other commissioners felt that it would entail blank so that within the body of the report itself there was a recognition that there was a diversity of opinions. And that substituted for a vote so rather it was -- we didn't say 14 commissioners felt this way, and 32 felt that way. It just was some felt this way, and others felt that way.

And the second thing we did is we allowed commissioners who chose to, but there's no obligation to do it, to pen a letter that would then be attached and was attached to the final report. What was clear is that there would be no attempt to edit the letters. The request was that the letters not be, you know, 15 pages each but relatively brief but, you know, allowing the commissioners who wanted to make a point about a particular issue or clarify -- knowing

that, you know, I mean, there were elected officials like then Governor Bill Clinton of Arkansas on the commission, it provided -- and then there were also members of the Administration such as myself -- provided us the ability of clarifying some critical issues to us through the letter.

Then that ultimately led to a unanimous vote on the report itself. The letters were not viewed before the final vote so that the commissioners felt completely free to write whatever they felt like writing. You know, and we took a little bit of a risk as a commission in, you know, believing that the commissioners would not attack fellow commissioners, for example, or in any way impugn the motivation or degree of caring that a commissioner had because they have a disagreement. And everyone behaved, if I could say that.

And so those two things -- we did, I should say, a third thing actually was necessary for -- just for sake of completeness, is we actually -- there was such a fundamental disagreement on healthcare reform, we actually wound up having two separate chapters, a majority chapter and a minority chapter on healthcare reform. But the rest of the commission report was voted on unanimously given those two sort of tactics of -- or strategies for achieving consensus on the report as a whole.

COMMISSIONER COVINGTON: Commissioner Horn, can I ask a question?

COMMISSIONER HORN: Sure.

COMMISSIONER COVINGTON: It's really, really helpful. So what happened once the report came out in terms of how those letters were responded to in the minority-majority reports? How were they accepted, and what were the outcomes?

COMMISSIONER HORN: So what was interesting is that, you know, on the core recommendations there was unanimity. I mean, the big core recommendation of the National Commission on Children was \$1,000 refundable tax credit for every child in America. And so everybody voted in favor of that. And that's where we costed that out to something, if I remember correctly, around \$58 billion a year, annually. So when we talk about a billion dollars here, the history is big spending. And that's a joke.

And we then tracked the major recommendations, and something like, you know, within 10 years, something like 95 percent of all the recommendations of the National Commission on Children were actually enacted. Now there was an appropriation that actually continued the National Commission on Children's staff beyond the release of the final report, and I think it existed for another two or three years afterwards, and part of their task was to, you know, help to continue to push forward with the recommendations.

But I don't recall there being much -- I don't recall there being any press accounts that talked about the letters in the back. I do remember lots of press reports that mentioned there were two different chapters on healthcare. But on the central recommendations, there was unanimity.

COMMISSIONER PETIT: You know, I would note that that report, as important as it was, was about an incremental step towards improving health and human services to children. The Child Tax Credit, EITC, that sort of stuff was very important. If you look at over the last 25 or

30 years, we've had sky-high child poverty rates. We've got sky-high children involved with protective services.

So I mean, that was a good thing they - - that we did 30 years ago. It's time to do another thing on this, and I think that we have been saying when we say let's support the families, let's provide greater resources to the families, that all translates into money. And what we know is that large numbers of states are not going to put the money forward on their own. We see it on a regular basis. It's not a class action litigation that's brought against the states.

So if the federal government isn't going to provide substantially additional resources on this, I just don't see where the money comes in to improve manpower, to make child protection work, something that's, you know, a sustainable career, to provide the substance abuse treatment to the families in home visiting, to the families wherever it happens to be. Where is that resource going to come from if it doesn't come from the federal government?

And I've been involved with this myself long enough that I think you could squeeze every children's program as hard as you can to make it be more efficient and work better, and it wouldn't begin to provide the resources needed to deal with this on a grand scale. And we're talking really about protecting children from dying. We're not talking in -- about providing comprehensive service to every kid. That would be a lot more expensive and the public health (inaudible) --

CHAIRMAN SANDERS: Commissioner Petit, I want to make sure the -- Commissioner Petit --

COMMISSIONER PETIT: -- promote that.

CHAIRMAN SANDERS: -- we have the question about do we want as a commission to support each person being able to do an individual letter?

And Commissioner Cramer, I heard you express some concern about that. Do you want to - -
(No audible response.)

COMMISSIONER PETIT: Maybe he's left.

CHAIRMAN SANDERS: Then specific to that question, are there thoughts about where people are on that?

COMMISSIONER COVINGTON: I guess I'm -- I've never seen a report with individual letters, so I would have to think about it a little more and whether individual letters or three different approaches in the report without letters in terms of the funding piece and just to state that there was -- you know, the commissioners couldn't reach consensus, and here are three different options might be a different way to do it than individual letters? I don't know. I'm not sure.

COMMISSIONER HORN: Would it be helpful if the staff were to circulate a copy of the final report? I'm sure there's an electronic version these days which also includes the record -- letters in the back, so you can take a look at them?

COMMISSIONER COVINGTON: Yeah. That would help a lot.

COMMISSIONER MARTIN: This is Pat Martin. I don't know if I have an opinion yet today. I think I have to think about it. But one thing that does come to the forefront of my mind is I think that a concern about putting a dollar amount in the report is defeated by having three different opinions or individual commissioner letters.

And what I mean by that is that some people are of the opinion that no dollar amount should go in the report because that will turn off the Hill from recognizing the importance of the report, that we told them not to put money in it; they then put money in it, and therefore, you know, they've not abided by or conformed to our instructions. I'm not saying that's my opinion, but that's my understanding of some of the concern about putting the dollar amount in. But I would like an opportunity to think about it.

COMMISSIONER PETIT: There was no instruction by the Congress to not -- to put a revenue-neutral proposal in front of them. We can recommend whatever it is that we think needs to happen. And for my money and their money and the kids' money, that's what speaks to the Congress. Moving those dollars around is critically important, and if we submit a report without mentioning the additional money that's needed it's, I think, going to fall on deaf ears.

COMMISSIONER MARTIN: I think I'm just trying to reiterate what some people got from the meetings that they had on the Hill. So that's what I'm trying to --

CHAIRMAN SANDERS: We're not on the money topic. I really would like -- it sounds like we may need to put this on Saturday's agenda.

Commissioner Ayoub, you were trying to say something?

COMMISSIONER AYOUB: Yes. I was -- as far as the letters, it would probably help to see what Wade sends. But right now, I would say that I don't agree with that, that some people might want to write a letter, and some might not and then I -- it looks like it should be all commissioners or as a commission, and I support this being presented in a report as a commission.

COMMISSIONER PETIT: I concur.

CHAIRMAN SANDERS: We'll send out the commission report that Commissioner Horn referenced as -- including the letters. And I've seen them. It was certainly interesting to read them in the context of the full report. So I think we'll send those out, and then we'll put this on the agenda also for Saturday.

So let me switch then to the question, actually, for right at the moment and then we'll -- because this hopefully will be a relatively short conversation is the question about stories included in the draft report. Commissioner Martin, you raised the question of whether any stories should be included, and I think Commissioner Horn raised a question about if we have stories then, you know, do we know that the information is accurate?

Commissioner Martin, can you express what your concern is?

COMMISSIONER MARTIN: So when I first read the 12/23 draft as well as the 1/23 draft, the stories do what I think they're intended to do which is they're intended to allow the reader an understanding of how important and how tragic the deaths of children are. I don't have any problem with that.

What I do object to though is it kind of feels like, particularly when I read the reports in the - or the draft in a totality, it kind of feels like what happens in my court which is that the media latches onto a case for a particular reason. You know, a public official is involved in the case or how, and because of the tragic death, they almost sensationalize this death when so many of my children and so many of my families are experiencing similar tragic incidents on a daily basis.

And so I think the better approach, in my humble opinion, is to either take one story, and utilize that story to illustrate points throughout our report. So for instance, take a story that touches on the issue of lack of coordination between medicine, law enforcement and, you know, child welfare. That same story, continue it throughout the report to also illustrate what happens -- you know, I'm just pulling things out of my head -- what happened at the death review and how this case was known to the system but people didn't -- whatever. All the points that we want to bring out throughout our report because then what we're doing is we're really paying homage to the child who died as opposed to utilizing that child as a sensational item on the sidelines of our report. That's my first recommendation.

If we don't do that, then what I would say is just select one or two stories to illustrate specific points, but having cases in the margin and having so many reports makes me feel oftentimes how I feel in court once the press gets their hooks onto a case, and it doesn't really -- they don't really talk about the fundamental problems of the case. They just utilize the sensational parts in the case to, in my opinion, get readership. And that's kind of what it felt like to me.

So no stories is my first option, but if people disagree with no stories, I would recommend we take one story, and we utilize that story to illustrate different points throughout the report.

CHAIRMAN SANDERS: And I would just make a quick comment and not to -- more along the lines of how we got here is that I recall many of our conversations from the very beginning were to make sure that stories were included. So I know that staff has spent considerable time identifying the stories and researching them. It would be a pretty massive change to take those out, particularly given the things that have been talked about. Doesn't mean that we can't or shouldn't but just -- I think that's been the history to how we got here.

COMMISSIONER MARTIN: And David, I think in the very first couple meetings I was in agreement with that. But after reading it, I have a change of heart, and that's what I've expressed.

CHAIRMAN SANDERS: Got it. Okay. Commissioner Petit?

COMMISSIONER PETIT: And when we selected the 50 names for that original child abuse report -- child neglect report in America, you know, what we learned early on is that oftentimes the best information was coming from the media. They were investing more time and energy and looking at some of the particulars on this than others were.

I think the safe thing to do is to keep everything we've got, just change the names of the individuals, and don't reference the specific state because there's something like any one of those cases going on all the time. It's for illustrative purposes. Most of these kids now dead. There's somebody that may be in prison. They're not active criminal prosecutions that are going on. So I think barring that, just say Jane instead of Jolene and, you know, you don't need to say Iowa. You can just say this, this. There would be no loss there.

COMMISSIONER COVINGTON: This is Teri.

COMMISSIONER AYOUB: This is Amy. Oh.

COMMISSIONER COVINGTON: I think I would agree. I have mixed feelings about it, too. I started out thinking they belong, and I just worry that sometimes they seem sensationalized even though I know that the horrific realities behind them aren't sensational, they're true. But I worry sometimes the way that they're put in the report that they impute that that's what we're doing with them, that we're sort of exploiting the stories to make our points. And that's what concerns me looking at -- trying to look at it as an outside reader, that I don't want to --

COMMISSIONER MARTIN: Yes.

COMMISSIONER COVINGTON: -- expose these kids to make a point.

So --

COMMISSIONER AYOUB: This is Amy.

COMMISSIONER COVINGTON: -- a couple things I -- you know, I do like the idea of not using their real names or not using their states because we're also going to -- if we use some and not other kids, people are going to wonder why we focused on that story and not the others. And I really think if we use any stories, they shouldn't be active cases that are under adjudication right now. But I'm still not -- I'm on the fence. I'm really on the fence.

COMMISSIONER AYOUB: This is Amy. I'm not on the fence. I think that I personally feel that stories are needed. We're asking for support from, you know, 535 people in Congress, that I believe those stories -- sometimes it's what it takes to get the attention.

And I have no problem if you change the names or anything like that. I think Commissioner Martin's suggestion of having a story of -- one of the processes that went through and how that worked or didn't work is brilliant. Maybe we could add a story.

And I have always supported Commissioner Horn's suggestion of tying a story directly into any recommendations we have. So if that's possible, wherever that's possible, if we have -- we have these recommendations and this story if this -- if this recommendation were in effect, this could have been prevented that -- as clear as that can be would be helpful.

COMMISSIONER COVINGTON: I think that's a brilliant idea, Amy.

COMMISSIONER AYOUB: I will take that. It was a brilliant idea to agree with Commissioner Horn's idea.

COMMISSIONER COVINGTON: I think that's really good. It makes it so that we're just not sensationalizing them or --

COMMISSIONER AYOUB: Yes.

COMMISSIONER COVINGTON: -- we're using them to make a point a little stronger. I think, too, that maybe at the beginning of the report that we dedicate the report to all the children so that, you know, there's something there, that we acknowledge every child who died while we've been doing this review.

CHAIRMAN SANDERS: Commissioner Martin, I've heard several additions. Is that something you could live with or do you -- how would you want to approach it?

COMMISSIONER MARTIN: And so I hope you appreciate my answer. It really helps me when I can read it in the -- with the context of the report because I'm telling you, before I actually started reading the report as a total document, I didn't have the same feeling.

And so I think the -- whatever stories are -- if we use stories, whatever stories are used the best -- the way to use them is tie them into the context of our report; make certain they're illustrating a position within our report; make certain they're illustrative or a learning point for a position in our report. And it seems to me that that grounds the story if that makes sense.

And so I would like to read it, but I think that's getting closer to what I'm talking about.

COMMISSIONER RODRIGUEZ: I agree with Commissioner Martin with the opposite disclaimer that it also makes it clear that we were not relying on a second -- like a reporter's account of a story to come up with a policy recommendation. That our recommendations came from the testimony of experts and the research that we are presented but that we weren't basing it sort of on a sensationalized news story.

CHAIRMAN SANDERS: Amy Templeman, do you have enough on this to make revisions, do you think?

AMY TEMPLEMAN: Yeah. I think we do. I'm trying to decide if most of the commissioners are speaking to the longer stories that we have that precede each chapter to help to illustrate the idea and the recommendations within that chapter, or if they're speaking more about some of the shorter sidebar stories that pop up throughout the report. Maybe it's both.

COMMISSIONER MARTIN: It's primarily those sidebar stories because those are the ones that appear to -- they feel as if they're there to get the reader's attention, and that to me is the -- I mean, so I understand why they're there. But I feel like we're using the kids to get the attention. And the report should have meat in and of itself to get the attention of the reader.

AMY TEMPLEMAN: Okay. Thanks. That's helpful.

CHAIRMAN SANDERS: Commissioner Horn, does this address your issues?

COMMISSIONER HORN: Yeah. I just wanted to make sure that we didn't -- I was very taken by Commissioner Rodriguez's comments when we talked about confidentiality and reporting that, you know, there are people that have to live with whatever news stories -- and this is not an argument against, you know, publishing information that the public has a right to know but I -- it just occurred to me after reflecting on Commissioner Martin's comment about using stories that there might be a brother or a sister or a niece or somebody, and we've just identified them in these stories. And so I just wanted to make sure that there's more anonymity.

COMMISSIONER MARTIN: Uh-huh.

CHAIRMAN SANDERS: So it sounds like with some changes and actually being able to see it in a draft that this -- there's a sense that we can continue having stories, but they should certainly be anonymous, they probably need to connect better to solutions and the disclaimer that was talked about. Are there pieces that are missing -- that I'm missing in that?

COMMISSIONER COVINGTON: No. And this is Commissioner Covington again. I think the only other thing is maybe -- and I haven't done it in total but to maybe look -- and I'll be happy to do this -- to look across the totality of all of the stories to make sure they represent a broad cross section of the way children do die from abuse and neglect. I think we want to make sure we have a good swath of some neglect cases in there as well. And I know there are couple in there so --

CHAIRMAN SANDERS: All right. So we have two more things. And I want to make sure we spend some time still on the issue of funding. So let me -- number four --

COMMISSIONER MARTIN: And David, I would ask us to also spend a couple of minutes on some things that we may not have talked about yet that I think we should talk about or we probably should talk about.

CHAIRMAN SANDERS: Great. Great. Options for leadership recommendations. Commissioner Rubin is recommending adding to the recommendation around the Office of Child Safety that we also make a recommendation on the Domestic Policy Council and see an additional position at the Domestic Policy Council for women and children that would oversee national safety standards for children.

COMMISSIONER COVINGTON: Isn't there a woman and girls already there, if I'm not mistaken? And they're more focused, you know, on women and girls' issues not on -- certainly not on child safety, but we just might want to clarify that.

CHAIRMAN SANDERS: That's a great starting point. And I would normally want Commissioner Rubin to be here, but he's not going to be able to be on either call. So I thought I would raise the issue and see what -- if there's any -- clearly, that would be a first step any -- the idea of making a recommendation about Domestic Policy Council -- any opposition to it?

(No audible response)

CHAIRMAN SANDERS: All right. We'll work with Commissioner Rubin on that recommendation then.

And then the last was recommendations that were proposed for deletion. And so everybody got a list. Hopefully the people have had a chance to review it. Part of the idea was to try and make the report more concise, to make it so it wasn't just a list of recommendations but that we had a set of findings, and then those findings -- out of those findings emanate logical recommendations based on the research, based on our site visits, based on what experts have told us, based on what we observe.

And that was just a judgment call that I made based on my view of where the initial report, the 12/23 document, left us, that there were a lot of concerns that there was just a series of recommendations. It wasn't compelling in and of itself, so some were deleted. But it's not intended to say that's the end of it. If there are recommendations that were deleted that should be included, it would be helpful to note what those are now. Are there recommendations that were proposed for deletion that should be added back?

COMMISSIONER COVINGTON: David, in all honesty, I just got these this afternoon. I haven't really had a chance to give it a real -- I mean I can't do that right now with -- there's so many.

There's 12 or 13 pages -- eight pages, I guess. I just haven't been able to do that. I didn't have time today at all to be able to go through and assess that.

CHAIRMAN SANDERS: Okay.

COMMISSIONER COVINGTON: And were they only taken out -- I thought that Amy had said that some of them were taken out because one or more commissioner had a concern about them.

CHAIRMAN SANDERS: Yeah. And again, same process applies, that some of these -- some of the recommendations included were from months ago, and in some cases when a commissioner expressed concern, I had a conversation with the commissioner who added the recommendation, and they said well, you know, that either that wasn't something they felt that strongly about, et cetera. If there's something that was deleted that should be included that -- then we -- then that's something that we would need to have back in the report and probably have a conversation about if there's strong opinions about them being -- there being contrary positions.

COMMISSIONER COVINGTON: Because I mean, I think that's different -- that's very different for contrary opinions than worrying about if there's -- if some of these are too specific to fall under, you know, that it becomes more of a laundry list. But I personally don't have an objection to a laundry list of recommendations if they're good recommendations, and they can follow as a subset of a major recommendation. I don't think that's a reason in and of itself to get rid of them.

CHAIRMAN SANDERS: And I would just say if there are specific things that were deleted that people feel that way about, then put them back in, and let's have the conversation about is there disagreement about them or is it just more a matter of style? It was not intended to be the final say on them. It was intended to get us to a point where we could have a document that, at least in my view, reflected the majority of commissioners.

COMMISSIONER COVINGTON: I mean, you know, we only got 20 minutes today. There's a lot of them. What's the best way to make this -- to kind of go through and just to send an email back saying these are the ones I want back in the report?

CHAIRMAN SANDERS: Exactly. Yes.

COMMISSIONER COVINGTON: And then what happens if one commissioner has a concern? Do we have a conversation about it then --

CHAIRMAN SANDERS: Yes, yes --

COMMISSIONER COVINGTON: -- rather than just have it taken out again?

CHAIRMAN SANDERS: Yes, yes --

COMMISSIONER COVINGTON: My worry is I don't want it just taken out just because someone has a concern. I'd rather have a debate that --

CHAIRMAN SANDERS: Right. That would be the point. If there is disagreement about one, yes. That's what we'll have a conversation about.

COMMISSIONER COVINGTON: Okay.

CHAIRMAN SANDERS: Anybody else have a chance to review and have anything that they want to put back in, or we can make sure that we revisit this on Saturday?

COMMISSIONER MARTIN: If we can revisit it on Saturday, I have not had an opportunity to go through it all, David.

CHAIRMAN SANDERS: Okay. All right. Well, let's go back then to the funding conversation. And Commissioner Horn made a suggestion that we may not reach consensus on that and that we have some options. And I would like to at least start there and see if -- see what commissioners think about that.

Commissioner Horn, I want to make sure I'm not incorrectly paraphrasing what you said.

COMMISSIONER HORN: Could you say it again? Sorry.

CHAIRMAN SANDERS: That we are unlikely to reach consensus on the issue of funding and that we should have some options, either options identified in the report and/or the option of writing letters.

COMMISSIONER HORN: Yes. That would be -- I think there are three fundamentally divergent views, all of them legitimate. One is to say that there's -- that we should pay for the new stuff, you know, with current funding, perhaps through flexible funding and, you know, reallocating funds from this pocket to that and so forth. Another is to say that while we certainly should recommend increased funding, we should not be specific about the amount and that we should leave that up to the Congress to decide. And the third position is that, at least in some instances, we should be clear about the amounts that we are challenging the Congress to appropriate.

I'm not sure we're going to come to a 15 to zero vote on one of those three things. And they are all legitimate viewpoints.

COMMISSIONER PETIT: Well, this is Michael. I think that the Congress is a reactive body rather than a proactive body on this. They will ask what the experts for those of you who have worked the last few days on this recommend, and if we say well, we don't have a consensus on it, we're not sure, that's going to provide, I think, less urgency and less clarity for them than they're going to need on this thing. I think we should at some point have a vote on the specifics, you know, some kind of a question put forward to all of us as to what it is that we want to do on this.

The amount of money that we're talking about, as far as I'm concerned, is modest in comparison to the need. And we're only going to get a response from Congress to a dollar amount if we put a dollar amount out there. If we just say you guys figure it out, that's not what they're in the business of doing in terms of this problem. They don't know what this problem is. So we're going to spell that out, and we're going to say here's how much we think it takes to solve it or not.

And I mean, I'm sure that, you know, we'll get all those opinions voiced. But to me, it would be -- it would be a weak position for the commission.

CHAIRMAN SANDERS: Thoughts from others?

COMMISSIONER HORN: Well, I certainly with Michael. And by the way, you may have noticed that a mysterious quaking of the earth occurred late this afternoon. It's being report on a lot of the websites. That was because Wade Horn was advocating for a billion dollars in more federal spending.

CHAIRMAN SANDERS: Talking about earthquakes here in Seattle, and I'm thinking that might be one of the causes.

COMMISSIONER PETIT: David, until somebody else speaks to it, I think just a further elaboration on it. This is a challenge to Congress. That's part of what this is and to the Administration as well and to the American people. I mean, we see this mayhem every single day about what's happening to these children, and at some point, the only way to really address it is to be serious about mobilizing the resources including finances to do it, whether it's enabling families to stay together or whether it's getting kids out of homes that just will never be safe for them. You know, that's decided on a case-by-case basis, but it costs money to do it.

CHAIRMAN SANDERS: Any other commissioners want to weigh in on this?

(No audible response.)

COMMISSIONER HORN: So hearing silence, let me jump -- so again, I believe all three positions are legitimate positions. I don't think anybody cares more about kids or less about kids given the position that we take. And I think it's -- to some extent, it's a matter of strategy. And I fully respect the alternative positions.

But as I noted in my critique of the draft chapter, I believe, paradoxically perhaps, that you actually are more likely to get Congress to fund something when you are specific about how much money you're talking about as opposed to saying, you know, we should spend more money on X or more money on Y.

And if you think about the budgetary process in Washington, there's always a great debate about the budget. What the Executive Branch does is it sends a budget up and says this is what we think the amount of money should be spent on X, Y and Z. Then there is a debate and then some resolution. It also suggests, you know, the priorities of the Administration. And it seems to me that by being more specific, you know, paradoxically perhaps, it actually increases the chances that funding will be appropriated.

And nobody has to agree with me. It may be exactly the wrong strategy. The others may be a better strategy. But I'm convinced that if we were to make the case, and I think we can, that \$27 million a year in the basic state grant program from the CAPTA comes out to less than a million dollars per state, that we've heard consistently, and I know no one disagrees with this, that CPS is willfully underfunded, for us to provide a specific marker, and it could be a billion, it could be 2 billion, it could be 500 million, whatever, but a specific marker would be -- first of all, capture the attention of the American public because part of our audience is also the American public. And you know, the elected representatives are there to reflect what it is that the body politic wants them to do, you know, in their -- you know, reflective of their concerns in their various jurisdictions. And if -- the more specific we are about this, the more likely people will get -- will understand what it is that we're saying and that clarity.

COMMISSIONER MARTIN: I'm sorry. I don't mean to interrupt, but that's kind of my issue. I don't know how I feel about this yet. But one of my major issues is that I don't think we are specific. So telling me that we need another billion dollars added to CAPTA, and the idea is that, you know, CAPTA is divided up pursuant to a formula that deals with the state population and whatever, we can't really say that of this billion, one billion goes to each -- one million goes to each one of the states because Illinois is different than Rhode Island, Texas is different than Maine.

And so if we're not going to say that, you know, each state should get, you know, twenty-five hundred thousand -- you know, some amount for investigation, some amount for training, some -- with -- based on some information about that state and their needs, I feel that what we're saying is just give us money and we'll figure out how to spend it later. And that's kind of my problem.

COMMISSIONER HORN: And that's --

COMMISSIONER MARTIN: I don't know if that makes sense. That's kind of my concern.

COMMISSIONER HORN: Yeah. I completely understand what you're saying. And so my personal view would be that it would be distributed under the current formula but predicated upon the -- whatever we're going to call it, the thing, and that that thing has been successfully implemented, and a set of recommendations have been -- come forth from it that will do more to protect children and that they then incorporate those recommendations into their state plan for the state -- the basic state grant program under CAPTA and that only upon that would a state be able to draw down the funds that are available to them under the existing formula.

So it's not just more money into the same old system but because we don't know what that -- what each state's, you know, specific plan would look like because they haven't gone through the assessment and then the case review process, it seems to me that that -- at least it sounds reasonable on the surface to predicate it upon that state plan being submitted and acceptable to the Children's Bureau, HHS, whatever, upon their review.

I understand there's a certain amount of, you know, amorphous -- there's a certain amorphous quality to this in the same way that, you know, \$1,000 refundable tax credit per child, you know, how is that going to be spent? How much is it? Is that really going to make a huge difference, as Michael said earlier? Does it cure everything? No, absolutely not. But it sort of was a starting place.

So again, you don't have to agree with me. I understand your concerns. I'm just trying to state my position as dispassionately, objectively as I can while still being able to, you know, demonstrate the logic behind my thinking.

COMMISSIONER RODRIGUEZ: This is Jennifer, and I haven't weighed in on this because I'm not quite -- it seems to me like there are sort of -- or at least the way I'm considering it, there's two different questions in my mind about this. One is, you know, what is the actual dollar figure, and how on earth do you calculate that because I feel like anything is just sort of throwing a number out there that is probably, honestly not going to be enough no matter what that number is. But then the other question is the strategy question.

And you know, I wonder is there something else we could do which is sort of ask agencies that would be -- agencies that provide substance abuse services or public health services or mental health treatment, for them to -- the recommendation would be that they develop estimates for what it would cost to actually, you know, provide high-quality services immediately, meaning no families who are getting services that are just sitting on wait lists, to everyone who needed them? I mean, is there some way to bring in the folks who actually have an idea about what the current capacity is and what the need is and what the gap is between those two things?

COMMISSIONER PETIT: That question coming from a member of Congress would get an answer from any number of federal research agencies and organizations in which what is the gap in what you're talking about. Some of it hasn't been measured, but a bunch of it has been.

And you know, I would just -- I don't know if any of you saw it. I sent out to all of us the AFSCME union report on child welfare staffing issues. Prevent Child Abuse America put together, I thought, an excellent document showing how certain monies could be spent. But the ability to have some discretionary choices by the federal government as it extend this resource, it really is putting them through this exercise for the states and on a state-by-state basis working with them to determine just how strong this system is and at some point how it comports with national standards that either already exist or that need to be developed on this thing.

So I mean, we know the dollar amount is -- it would -- that we're even talking about, just a billion, is a modest number in comparison to the need. But I think, Jennifer, that there could be a response to what you're talking about. It's kind of late in the process to be doing that, but especially if a member of Congress asked for that information, they would be able to come up with a figure pretty soon. It might not be precise, but they'd come within the ballpark of what it would cost to actually do some of this.

CHAIRMAN SANDERS: So my sense is similar to Wade's that getting to consensus around which approach to take is going to be quite a challenge. It sounds like some consideration of asking perhaps this or deferring this to Congress, but we're going to have to make some recommendation in the report. And so at this point, we have one kind of funding recommendation around how we want to approach it, that we include a dollar amount and a significant dollar amount.

And we may want the next draft to include three different options, although Commissioner Petit, I'm sure you're right that that weakens the argument. But it would be helpful to have some sense of where people are on this because we're going to have to make some choices.

COMMISSIONER COVINGTON: This is Commissioner Covington. I've got to mull it over. I'm not sure where I'm at, to be honest. I'm not sure. I was pretty strident with my thoughts earlier in terms of not including a dollar amount and leaving that up to Congress. But then the idea of putting in options makes sense to me. I don't know about individual letters. I don't think that will be as effective as just putting in some options, but I don't know if that will be effective either.

COMMISSIONER PETIT: You know, we've seen for two years in those daily clips state after state after state saying we do not have the resources necessary to deal with the full scope of this problem. Specialized panels, blue-ribbon committees, governors' task forces all looking at

how can they respond to the crush of cases that are coming in. The federal government has that responsibility to help fill those gaps, especially when some states do so much more than other states in this area.

So again, I keep hearing this theme, are these American kids first or Mississippi children first? And Mississippi --

COMMISSIONER COVINGTON: But my --

COMMISSIONER PETIT: -- has another major lawsuit pending against it.

COMMISSIONER COVINGTON: Commissioner Petit, what you just said though is different than asking for a specific dollar amount in our report to fund a specific recommendation. I mean, I think we have to state in the report that there's not -- we've heard over and over again there's not enough funding for states to meet the crush of responsibility. I think that's different than dollar amounting specific recommendations.

COMMISSIONER PETIT: Yeah. I don't think there's a need to dollar amount specific recommendations along some of what we're talking about. There needs to be an infusion of cash into the system in which the states, working with the federal government, put together what are meant to be targeted, focused investments and interventions in this -- in these areas.

There's a lot of planning and organizing that has to go into this stuff. I mean, I don't think they're ready to handle this yet. They will be once we get a recommendation that hopefully the Congress puts more pressure on the Administration to produce the kind of careful planning and, you know, consulting to the states, advice and assistance to the states, that's needed. We're a long way from that right now.

COMMISSIONER COVINGTON: So help me then in terms of where your billion dollars comes in because that's -- I like the approach you just finished talking about versus stating in the report we need a billion dollars to do X, Y and Z.

COMMISSIONER PETIT: Well, there's a whole range of things, everything from specific services to beefing the services, drawing upon community, you know, organizations to do that, whether they're nonprofits or otherwise. But that's one of the things that needs to be pulled into this process. Just beefing up the CPS capacity. I mean, they just simply lack the firepower to deal with this thing.

So I think because we're talking about 50 states and not, you know, one nation on this thing, I mean, it's difficult to generalize across the scope. Some would need more help than others in doing this thing. Some states do a great job. Give them a little bit more resource, and they produce great results. Other states, they have constant turnover. They don't have the focus. You know, they need assistance, and they need oversight and enforcement, if that's necessary, on this.

CHAIRMAN SANDERS: Commissioner Covington, the -- there's language in the report that I propose that tries to capture again the multiple perspectives of it, and it may or may not do that. But that rather than state a dollar amount specifically that is more aspirational, what is in the report talks about what CAPTA requires and how much it currently funds and at least postulates that perhaps the federal government should partner with states at the same level

that they do in the protection of children through the provision of foster care and what they're asking states to do for -- under CAPTA and that specifically, that states are required to investigate and states are required to do ongoing follow-up -- immediate follow-up related to child safety.

And 27 million pales in comparison to the cost, just the pure cost, of investigation. And if they partnered with states at the same level that they do in foster care, which is about 25 percent, that then this is how much it would be. So that's at least to try and come up with a number.

COMMISSIONER PETIT: And when we met with the feds, what they ended up telling us was here's how much we're spending. It was a very modest amount. I think it was a couple hundred million dollars. And we asked them 10 or 15 or 20 questions as to what it would take to close the gap, close the gap, close the gap in these areas. We got no response from them. They were unresponsive to the request that this commission made of them on what it would take to meet certain kinds of standards.

So I don't know that we're going to get anything from them unless they are compelled by the Congress to put together, you know, plans and strategies and requests on this kind of thing. Right now, I don't believe there is, you know, an advocacy unit. There is not a group within the United States federal government that is all about what this issue is. We're not even close, at this point, to the firepower that's necessary to overcome these issues.

CHAIRMAN SANDERS: So again, this is an area --

COMMISSIONER PETIT: (Inaudible) capacity.

CHAIRMAN SANDERS: This is an area where -- that we have language in the report. It would be helpful to get written feedback about what that language should be, if we want different options in there, how we want to handle it. And we'll continue this conversation.

Commissioners, unless there are any closing remarks on funding, Commissioner Martin suggested that you wanted to mention several things that need to be agendaized?

COMMISSIONER MARTIN: Yes. So what I did was the draft that we got out on January 22nd, the draft that had basically all the commissioners' comments in the margins, what I did was I tried to go through that draft and kind of compare it, if you will, to the January 23rd draft. And there are some issues that I think we should put on the agenda.

So for instance, Cassie made a comment about, you know, let's not oversell the 21st century concept.

I'm sorry?

CHAIRMAN SANDERS: That's on next -- on Saturday's agenda. Yeah. That was --

COMMISSIONER MARTIN: Okay. And then the other thing I would ask people to look at through the report is consistency. So some places we use response for the approach, the 21st century response. I would say that the response responds to or replies to, and that's the old way. An approach is taking steps towards, and that should be the new way. So I would ask us to be consistent throughout the report using approach for the 21st century and using response for

what we've had in the past. So things like that, and I have a whole list of them. So I guess we can just talk about it Saturday.

And because it also comes into when we talk about strategies versus recommendations in the report.

CHAIRMAN SANDERS: All right. So we will get recommendations out -- new language out about the process of review by tomorrow so that people, if they have a chance to look at it, and we can hopefully finalize that for Saturday. At least conceptually, is there agreement with the revised language?

And we have the agenda items laid out, disproportionality, with the American Indian children and the -- what you just mentioned, Commissioner Martin, the overselling of the public health model as the 21st century model. And there may be others that come up after today's conversations that we need to follow up, and we'll continue the conversation about funding.

And then I will get something out about a proposed timeline given today's conversation.

COMMISSIONER COVINGTON: Can I ask something else? And it may have been discussed the last two calls that I couldn't be part of, so I don't know if it was. Is there or can there be some discussion on the section in there that is talking -- using the Tampa model, the predictive analytics model and the Eckerd (inaudible)? I have some concerns about how that's described in the report.

CHAIRMAN SANDERS: In which --

COMMISSIONER COVINGTON: I don't know if it was ever discussed or not.

CHAIRMAN SANDERS: In which report? In the most recent version?

COMMISSIONER COVINGTON: Yes. The most recent version.

CHAIRMAN SANDERS: Concerns with the description?

COMMISSIONER COVINGTON: I feel in the report that we are putting on a pedestal a company. I feel we're giving too much --

CHAIRMAN SANDERS: Oh, okay. Yeah. That's --

COMMISSIONER COVINGTON: -- (inaudible) to one individual company that is (inaudible).

CHAIRMAN SANDERS: Got it.

COMMISSIONER COVINGTON: I'm just concerned about that really --

CHAIRMAN SANDERS: And I think, Commissioner Martin, I think you had the same concern about potentially highlighting private companies.

COMMISSIONER COVINGTON: Yes. My (inaudible) is that on the (inaudible) side. But that's a concern of mine as well.

CHAIRMAN SANDERS: Okay. That's helpful. And we will figure out how to either put that in or make the change.

COMMISSIONER COVINGTON: I wish that last week we had gotten that (inaudible) because I -- there is a lot of controversy out there, and I don't know how we address that in the report.

CHAIRMAN SANDERS: All right. Anything else for today then?

(No audible response.)

CHAIRMAN SANDERS: All right. Thank you. So we'll get some of information --

COMMISSIONER COVINGTON: Chairman Sanders, can I ask is it still -- is there still time to make -- I just have not had a chance to -- getting the new report -- the new version on Sunday night, is it still time to make edits to this draft?

CHAIRMAN SANDERS: Oh, yeah. We haven't made any changes yet, I mean, that -- yeah. That is the draft we're operating --

COMMISSIONER COVINGTON: Do we have a timeline on this? Is there a deadline for that?

CHAIRMAN SANDERS: Noon today but since that didn't happen --

COMMISSIONER COVINGTON: I know. I couldn't make it so --

CHAIRMAN SANDERS: Yeah. I think that whatever changes you can get before Saturday, that would be great.

COMMISSIONER COVINGTON: All right.

CHAIRMAN SANDERS: Because we're using that to help to drive what the agenda needs to be.

COMMISSIONER COVINGTON: Okeydoke. Okay. Thank you.

CHAIRMAN SANDERS: All right. Thanks then. We'll adjourn the meeting for today.

(The proceedings were adjourned at 8:09 p.m.)