



COMMISSION TO ELIMINATE CHILD ABUSE AND NEGLECT FATALITIES

TELECONFERENCE MINUTES

January 30, 2016, 3:00-5:00 p.m., EST

Commissioners Attending via Telephone: Chairman David Sanders, Amy Ayoub, the Hon. Bud Cramer, Theresa Covington, Susan Dreyfus, Dr. Wade Horn, the Hon. Patricia Martin, Michael Petit, Jennifer Rodriguez, and Dr. Cassie Statuto Bevan

Commissioner Absent: Dr. David Rubin

Designated Federal Officer: Amy Templeman, acting executive director, attended the meeting.

Conduct of the Meeting: In accordance with the provisions of Public Law 92-463, the Commission to Eliminate Child Abuse and Neglect Fatalities held a teleconference meeting that was open to the public on January 30, 2016, from 3:00 p.m. to 5:00 p.m., EST. The purpose of the meeting was to deliberate on the content of the Commission's final report.

Opening Remarks

Chairman Sanders opened the meeting by reviewing the agenda (<https://eliminatechildabusefatalities.sites.usa.gov/files/2016/01/CECANF-Mtg-Agenda-for-1-30-16.pdf>). He asked Commissioner Martin to lead off the discussion on the report chapters on American Indian/Alaska Native (AI/AN) children and on disproportionality, and he noted that both chapters received considerable feedback from other Commissioners.

Report Chapters on AI/AN Children and Disproportionality

Commissioner Martin noted that some feedback from Commissioners had been incorporated into the text of the chapters, but other feedback had been left out, because the subcommittee did not agree with it. Those comments and edits that were not incorporated are up for discussion. Also, stories about specific children and families were not used in these chapters.

The main theme of the AI/AN chapter was collaboration and data leading to jurisdictional responsibility, while the main theme of the disproportionality chapter was the voluntary court, which involves sharing responsibility among many disciplines for keeping children safely at home, strengthening their families, and letting the social worker be the lead professional. In this court, the social worker coordinates supports to meet the family's needs by working with other agencies and disciplines, and the court codifies what is decided.

Commissioners responded with the following comments on the AI/AN and disproportionality chapters:

- The voluntary court is a good example of the 21st century child welfare system and should not apply just in areas where there is disproportionality.
- Some Commissioner comments were not incorporated into the revised text but were left in the margins.
- The reasoning behind including text on the war on poverty is unclear.

In response to a question about which cases would be diverted to the family court, Commissioner Martin explained that the cases would be what are called “voluntary” cases in Illinois, that is, cases in which CPS investigates and determines that some help is needed but the situation does not warrant filing a petition in court. In response to questions about costs, Commissioner Martin replied that the costs would be minimal and less than what a regular court case would cost.

Commissioners had further comments on these chapters:

- The proposed voluntary court is similar to what is called diversion or alternative response in other jurisdictions.
- The proposed voluntary court would be run as a test site or pilot project to see if it worked.
- In order not to overtax CPS, other disciplines must be involved in this voluntary court.

In response to Chairman Sanders’ comments that the recommendations in the AI/AN chapter were too broad and not specific to reducing child maltreatment fatalities, Commissioner Martin, speaking on behalf of the AI/AN subcommittee, noted the following:

- The recommendations came directly from the AI/AN people who provided testimony to the Commission. For instance, the recommendation to teach AI/AN history and culture in schools was related to the fact that residents of Indian Country have a high rate of teen suicide, and part of the reason is the loss of culture and identity that the tribes have suffered.
- The tribes are very different from each other, so it is difficult to make global recommendations that apply to all tribes, and it is difficult to make recommendations that apply to both states and tribes.

Chairman Sanders weighed in by saying that he did not think that the Commission was obligated to put forward all of the recommendations offered in testimony.

There was a request to vote on each recommendation, and there was a discussion of the tight timeframe for considering and approving all of the report recommendations. Commissioners offered the following ideas about report recommendations, including the AI/AN chapter recommendations:

- Debate and deliberation should focus on the areas and recommendations where there is disagreement among the Commissioners.

- To save time, only recommendations that have at least two objections should be discussed.
- There should be a process for dissent.
- For the AI/AN and disproportionality chapters, there should be a discussion of what the chapters are supposed to accomplish before there is a vote on the recommendations in each chapter.
- The surge¹ idea became the center of the report very quickly, and some Commissioners have a number of concerns about that idea and about making it the centerpiece of the report.
- Predictive analytics and better data collection should be playing a greater role in the report recommendations.
- Perhaps the subcommittees on AI/AN children and on disproportionality could come back to the entire Commission and offer a greater understanding and context for their recommendations.
- Perhaps the subcommittee could take the points from the day's discussion regarding the possibility that some of the recommendations are overly broad and revise them accordingly.
- The Commission should vote up or down on each recommendation.
- The recommendations in the AI/AN chapter should be treated exactly the same as the recommendations in other chapters.

Chairman Sanders noted that all of the recommendations together must tell a compelling story for the reader, or the report will be disjointed. It should not look like a collection of recommendations, and that is why it's important to vote on the overall document.

Commissioners then discussed the timeframe for completing the report. There had been a lack of understanding regarding the fact that comments needed to be in writing in order to be deliberated. Chairman Sanders confirmed that, to get on the agenda for a teleconference, comments needed to be in writing.

Comments on the Disproportionality Chapter

Chairman Sanders agreed to hear comments on the disproportionality chapter. These included the following:

- There are a lot of recommendations that begin "Congress should," and these might better be viewed as executive branch recommendations.
- There is text referring to a "systematic scheme" that implies willful intention to deceive. It goes beyond the testimony that the Commission heard about implicit bias and racism.

¹ The "surge" refers to a recommendation that evolved to mean a requirement for states to review child maltreatment fatalities from past years, identify characteristics associated with those fatalities, and use that information to identify children currently at high risk so that assessments could be made of their situations and safety decisions could be reevaluated.

- There is a recommendation that calls for incarceration for social workers who override structured decision making. This was never discussed by the Commission.
- There should be some reference to all of the research on training social workers in addressing disproportionality and what works.
- There are a number of places in the chapter where assertions are made without any reference or citation to back them up.
- There are problems with the recommendation that Congress should require all faith-based organizations receiving federal funding and benefits to have at least one responsible party within the jurisdiction who is trained in mandated reporting. It's not clear what this recommendation is attempting to address and why it applies to just faith-based organizations.
- There also were questions about the recommendation mandating that no person who has been convicted or incarcerated for violent crimes or sexual assault crimes and who is on probation or parole can cohabit in a dwelling where any resident has been accepting CPS services. One way to amend this recommendation might be to say that any person convicted of such a crime should be assessed for danger if he or she is living in a home where someone is receiving CPS services.

Funding

Chairman Sanders began the discussion of funding by pointing out that the report mentions a significant investment in CAPTA and essentially a revisioning of CAPTA that would support more multidisciplinary interventions and assessments. So, the Commission needs to decide whether or not to mention a dollar figure in the report. He noted that another option is to highlight the lack of resources in the system and identify that as one of the report leads.

Chairman Sanders then stated that Congress had at least two messages for the Commission: (1) Find what works and (2) look at current resources and funding. The only evidence-based program the Commission heard about was the Nurse-Family Partnership. There were several promising programs, and the Commission heard a lot about the importance of protective factors. But the promising practices and the protective factors have never been applied in a way that reduces fatalities.

Chairman Sanders went on to say that the Commission's focus should be on building knowledge, ensuring flexibility with current dollars, and ensuring sufficient capacity to see and follow up on children at risk. There may be some reasons to look at the title IV-B funding as an option. Other options might be pooling the CAPTA grants that already exist to fund the Commission's recommended case review and doing the case reviews sequentially with different cohorts versus doing it in every state right away. Also, a federally funded research and development center (FFRDC) could help develop the necessary knowledge and make sure that there is feedback to Congress about what works and what level of investment will be needed for nationwide implementation.

Chairman Sanders concluded these remarks by stating that the first focus should be on building knowledge and funding that effort. Once there is evidence that particular practices actually work, then the government should figure out how to fund those.

Commissioners responded to Chairman Sanders' remarks by offering the following comments:

- Money is needed for research, and there should be a way to phrase that in the report and to call for funding more research and development, particularly with regard to chapter 2 of the report.
- The report needs to call for a specific amount of funding because that will force people to react to it.
- If the report states that a specific amount of additional funds are needed, then there should be details about how that money would be used.
- The report should not name a specific amount of funding because it may not be enough.
- The report could say that \$1 billion is needed as a “down payment.” That amount would begin to fund the surge recommendation described in chapter 2.
- Compared to the money for foster care, very little government funding goes to prevent fatalities.
- There is a general absence of federal attention on child maltreatment fatalities.

Dissent in the Report

Chairman Sanders opened the discussion about how dissenting opinions might be included in the report. He referred to the National Commission on Children’s report of 1991, a commission on which Commissioner Horn served. That commission’s report included letters in the back from individual commissioners, which allowed them to express dissenting opinions. Commissioners offered the following observations:

- A letter allows a Commissioner who agrees with the majority of the report to express a difference of opinion on an issue or two. An actual minority report is stronger, and an actual dissent is stronger still in that it expresses more overall disagreement with the full report.
- The legislation that created the Commission does not prescribe how dissent must be expressed.

Chairman Sanders clarified that staff would write up the options for dissent and share with the Commissioners to discuss. He also asked the Commissioners to submit comments on the January 23 draft of the report as well as on the most recent AI/AN and disproportionality chapters. Disagreements among Commissioner comments will be flagged as agenda items for the next deliberation. Emails will be sent out to establish the next meeting date.

The teleconference adjourned at 5:42 p.m.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.



David Sanders, Chairman, Commission to Eliminate Child Abuse and Neglect Fatalities
3/14/2016