



WI Department of Children & Families Comments on Bill Drafts Related to Act 78

Background on DCF's Work Related to Act 78

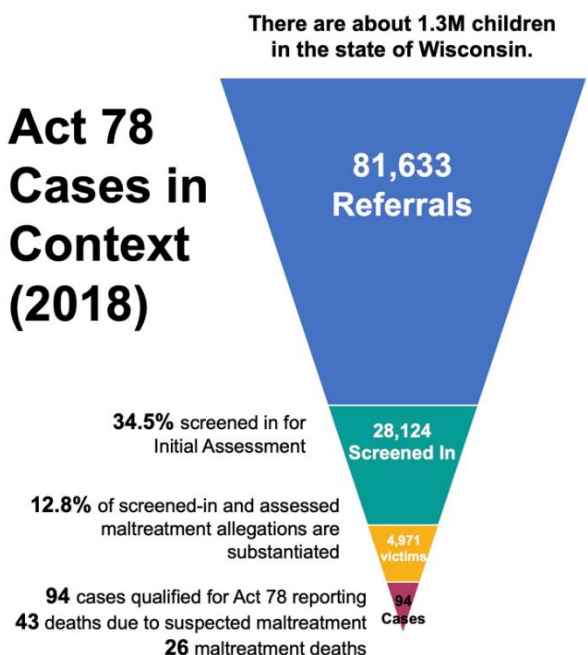
DCF dedicates significant thought, time, and resources into the review of the tragic and complex incidents subject to public disclosure under Act 78 and identifying improvements to child welfare practice, processes, and outcomes over time. Through engaging national leaders in improving child safety and reducing child maltreatment fatalities, DCF has a vision for incorporating findings from Act 78-related reviews into overall learnings about child abuse and neglect in Wisconsin.

Learning from Egregious Incidents through the Lens of Safety Science

In 2017, DCF implemented a more data-driven and trauma-informed approach for conducting Act 78 practice reviews using principles from the field of Human Factors and System Safety Science used in other safety critical industries. This Systems Change Review (SCR) process emphasizes increased partnership and trust with county leadership and front-line workers to promote system accountability instead of individual blame. Most notably, this safety science approach recognizes there are complex influences that impact child welfare practice, and understanding those influences is crucial to identifying and implementing change. Further, this approach focuses on understanding our child welfare system through a broader context of all cases reviewed, so system improvements are based on patterns and trends of aggregate, statistically valid data instead of findings in each unique case.

DCF Act 78 Responsibilities Carried Out by the Bureau of Safety and Wellbeing (BSWB) and the Bureau of Compliance, Research & Analytics (BCRA):

- Review and publish notification of all critical incidents reported to DCF by county agencies and DMCPS within 2 working days
- Review and publish 90-Day and 6-month Summaries of incidents
- Determine which cases qualify for practice review through the Systems Change Review Process (SCR)
- Provide training and technical assistance to local SCR review teams
- Collect data, review, and publish Quarterly Reports of Sexual Abuse in Out-of-Home Care
- Present statewide data to the Safety Action Workgroup and identify systemic considerations for the Child Welfare Continuous Quality Improvement Advisory Committee



Engaging with National Partners on Quality Improvement Related to Egregious Incidents

DCF was an early participant in the National Partnership for Child Safety (NPCS), a national quality improvement collaborative with the mission of improving child safety and preventing child maltreatment-related fatalities by strengthening families and promoting innovations in child protection. Through this partnership, DCF and other member jurisdictions will be able to share data based on standardized definitions for reviewing critical incidents grounded in safety science, share best practices, and engage in prospective quality improvement efforts.

DCF Comments on Proposed Legislation

WLC: 0001/1, Reports of Sexual Abuse of Children Placed in Out-of-Home Care

DCF does not have major concerns with this draft. Including only reports of sexual abuse of a child who was placed in out-of-home care at the time the reported incident of abuse was alleged to have occurred will provide the standing committees and the public with more meaningful information to evaluate the safety and wellbeing of children placed in out-of-home care.

WLC: 0003/1, Limiting the Disclosure of Certain Information about Critical Incidents of Child Abuse or Neglect to Information that is Pertinent to the Child Abuse and Neglect and Granting Rule-Making Authority

This draft aligns with DCF's recommendations. Currently, information required to be disclosed in 90-day and 6-month summary reports includes details unrelated to the critical incident that in any other circumstance would be protected from disclosure under confidentiality statutes. Focusing reporting on individuals and information that is pertinent to the incident is consistent with guidance from the federal Children's Bureau within the Administration for Children & Families.

WLC: 0004/1, Requiring Citizen Review Panels to Report Annually to the Appropriate Legislative Standing Committees

DCF has concerns with this draft. Citizen Review Panels (CRPs) are localized bodies made up of volunteers that have significant discretion in determining whether to review individual cases and the method by which those reviews are conducted. CRPs' annual reports contain information on a broad range of activities in which the panels engage throughout the year, and many of these activities would not pertain to cases that qualify for Act 78 reporting. These annual reports and DCF's written responses are already published and available for review on DCF's website.

WLC: 0005/1, Reports of In-Depth Practice Review of Incidents of Death, Serious Injury, or Egregious Abuse or Neglect of a Child Submitted to Legislative Standing Committees

DCF has concerns with this draft. The egregious incident cases that receive an in-depth review are a subset of an already limited number of cases that qualify for Act 78 reporting requirements. In CY2018 and CY 2019, only 49 cases qualified and were reviewed as part of the SCR process. A "full statistical analysis" would be impracticable for the small data set of cases qualifying for an in-depth review. Aggregate and trend data from Act 78 cases collected over a several-year period would allow for greater statistical validity and analysis (see [Wisconsin Child Abuse and Neglect Report \(CAN\): Act 78 Data Mockup](#)). Further, learnings from egregious incidents are most valuable when reviewed in context with data and information related to other facets of the child welfare system, as proposed in bill draft WLC: 0006/1.

WLC: 0006/1, Annual Reports to and Hearings by the Legislature on Child Abuse and Neglect

This draft aligns with DCF's recommendations. Utilizing the CAN report as the vehicle for sharing aggregate and trend data on Act 78 cases will allow the legislature and the public to review this information alongside the broader array of data about the child welfare system contained in the report. As a result, recommendations for policy, practice, or legislative changes to improve the child welfare system would derive from multiple sources of information.

WLC: 0007/1, Annual Three-Year Trend Reports and a Five-Year Retrospective Report of Incidents of Death, Serious Injury, or Egregious Abuse or Neglect Submitted to Legislative Standing Committees

DCF has concerns with this draft. DCF believes a more relevant and efficient method of enhancing statutorily required reporting would be to incorporate aggregate and trend data into an existing report structure. This would allow the legislature and public to review this information within the greater context of the child welfare system, as proposed in bill draft WLC: 0006/1.