

CLASP

CENTER FOR LAW AND SOCIAL POLICY

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Via E-mail

**RE: Chafee National Youth in Transition Database, Proposed Rule,
45 CFR Part 1356**

I am writing on behalf of the Center for Law and Social Policy (CLASP) to comment on the proposed rule, which was published in the Federal Register on July 14, 2006, to implement the data collection requirements of the Foster Care Independence Act of 1999 (Pub. L. 106-169), commonly referred to as the National Youth in Transition Database (NYTD).

The Center for Law and Social Policy (CLASP) is a national nonprofit that works to improve the lives of low-income people. CLASP's mission is to improve the economic security, educational and workforce prospects, and family stability of low-income parents, children, and youth and to secure equal justice for all. Part of this work involves efforts to improve the lives of children and youth in foster care, as well as those who have "aged out" of foster care.

We are appreciative of your commitment to the John H. Chafee Foster Care Independence Program (Chafee Program) and the National Youth in Transition Database (NYTD). The full implementation of NYTD will increase accountability for the care received by youth who are preparing to transition to independence and will provide the data to help assess the effectiveness of the Chafee Program. With the important data included in the NYTD, policy makers, advocates, program providers, child welfare professionals, and researchers will be able to better assess the impact of the Chafee Program, determine whether federal funds have been used appropriately, and—most importantly—gather objective information regarding outcomes for youth aging out of the foster care system.

CLASP welcomes the opportunity to comment on the proposed regulations for the NYTD. We commend HHS for its thoughtful and comprehensive proposal, its

involvement of stakeholders in the development of the data requirements, and the decision to collect longitudinal data. We offer the following suggestions in the hope that they will strengthen the NYTD to allow for more accurate and relevant data collection and analysis regarding youth aging out of foster care. However, of greatest importance to us is that the regulations are finalized and that the data collection begins.

Collect outcome data on mental health referrals

Mental health diagnoses are a troubling reality for a staggering number of current and former foster youth. The challenges associated with mental health disorders often contribute to youth experiencing homelessness, unemployment, and incarceration. In order to aid youth in transitioning most successfully to adulthood, policy makers, advocates, program providers, child welfare professionals, and researchers must have a clear picture and understanding of the mental health issues confronting youth aging out. We commend HHS for including data elements about whether youth have access to health insurance coverage that covers mental health problems. We believe it would also be useful to know whether a youth has a mental health problem. We suggest adding a data element comparable to the one proposed to assess whether a youth has substance abuse problems (e.g. does the youth have a referral for mental health services). Inquiring about referrals rather than actual diagnoses or treatment should mitigate limitations associated with self-reporting.

Increase required response rate for youth who are no longer in foster care to 70 percent

Requiring states to obtain outcome data on just 60 percent of youth no longer in foster care unnecessarily compromises the quality of the data. Researchers at the Chapin Hall Center for Children at the University of Chicago have obtained a follow-up rate of over 70 percent in three separate studies involving youth who have aged out of foster care. Chapin Hall also found that 20 to 30 percent of the youth surveyed did not have regular phone access and that these youth were generally worse off on a number of outcome measures. We are concerned that requiring a response rate of only 60 percent will allow states to rely primarily on easier methods of data collection (e.g., telephone) and may result in the collection of data from only those youth who are doing comparatively well. In order to best serve all foster youth, it is essential to obtain data that is representative of the entire population of youth who have aged out. Therefore CLASP recommends that HHS require a response rate of 70 percent for youth who are no longer in foster care.

Include a data element on survey method

The proposed regulations indicate that states are permitted to administer surveys via any suitable method—including in person, over the phone, through the mail, and over the internet. While this is advantageous in terms of increasing states' response rates, it may also prove problematic, specifically in the long term. For example, a youth may respond differently to a survey administered in person than he or she would to the same survey taken with greater anonymity via the internet. Prescribing a single method of survey

administration, however, might unnecessarily threaten response rates or impede access to those youth without a phone or internet access. CLASP therefore agrees with HHS that states should be able to utilize various data collection tools but recommends including a data element that indicates the method of survey administration. This element would make it possible to identify any potential biases that may be associated with the various survey methods without unduly threatening response rates.

Implement immediately, delay penalties for three years, and establish a timeline for setting standards

Issue final regulations by the end of 2006 and require state implementation within one year

CLASP urges HHS to issue the final regulations by December 2006 and require data collection and reporting from states within one year of their issuance. The Chafee Foster Care Independence Program, created by the Foster Care Independence Act of 1999, required that a data collection system designed to assess the efficacy of states' utilization of Chafee Program funds be developed and implemented by 2001. Although the outcome measures, data elements, and state reporting tool—the NYTD—were submitted to Congress in September 2001, five years passed before further action was taken toward implementation, in the form of the July 2006 proposed regulations. During that time, some states modified their independent living program data collection and reporting mechanisms in anticipation of the implementation of NYTD. However, a number of states chose not to move forward, pending final decision on the data collection requirements. Consequently, there remains a troubling lack of data regarding outcomes for youth who age out of foster care and the effectiveness of the Chafee Program-funded services that are made available to them. Approximately 140,000 youth have aged out of foster care since 1999. Until the NYTD is fully implemented, lack of outcome data will continue to compromise the efficacy of services provided to youth transitioning out of care. Thus, CLASP urges HHS to promulgate final regulations by the end of the year and explicitly to require state implementation within one year of their issuance.

Delay financial penalties for two years following implementation, and allow states to “reinvest” penalized amounts into activities designed to address system barriers

It is crucial to begin collecting data in order to assess the effectiveness of state Chafee Program-funded initiatives, however, it must also be recognized that states will encounter challenges as they implement the NYTD, an entirely new data collecting system. Rather than compounding these difficulties by imposing financial penalties immediately upon implementation, CLASP recommends delaying financial penalties for a period of two years. This will allow adequate time for states to develop data collection systems, to receive federal approval on any necessary SACWIS changes, to hire and train staff as needed, and to identify and remedy any problems with the data system.

Once the period for imposing penalties begins, CLASP recommends that specific penalties be held in abeyance if a state expends additional state dollars in the amount of

the assessed penalties to address deficiencies with the data collection. Simply removing resources (in the form of penalties) from states that may already have insufficient resources to collect the required data is not likely to improve the quality of the data in the NYTD.

Establish timeline for setting performance standards

In the interest of ensuring state accountability in the future, CLASP recommends that HHS establish a timeline for setting performance standards. For example, if HHS delays the imposition of penalties for two years after the implementation of these regulations—to allow states to identify and correct problems with their data collections systems—sufficient and reliable data upon which to base performance standards should exist by the following year. CLASP agrees with HHS that performance standards can only be set when there is adequate data on which to base such standards but wants to ensure that standards are developed as soon as practical. We recommend that those standards be established no later than four years after the issue of the final regulations.

Thank you for the opportunity to comment on the proposed regulations and data collection requirements for the NYTD. We would be happy to discuss any of our recommendations further. We believe the data collected in compliance with the final regulations will be extremely useful in improving the lives of young people who are in the foster care system and those who have aged out of the foster care system.

Sincerely,

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