

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau

**Final Report:  
Puerto Rico Child and Family Services Review**

**December 8, 2003**

**U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau and  
ACF Region II**

**EXECUTIVE SUMMARY**  
**Final Report: Puerto Rico Child and Family Services Review**

This document presents the findings of the Child and Family Services Review (CFSR) for the Commonwealth of Puerto Rico. The CFSR was conducted the week of August 4, 2003. The findings were derived from the following documents and data collection procedures:

- The Statewide Assessment, prepared by Puerto Rico’s child welfare agency – the Administration for Families and Children (ADFAN) in the Department of the Family;
- The State Data Profile, prepared by the Children’s Bureau of the U.S. Department of Health and Human Services, which provides child welfare data for the year 2001;
- Reviews of 42 cases at three sites (San Juan, Mayagüez, and Guayama) in Puerto Rico; and
- Interviews and focus groups (conducted at all three sites and at the State-level) with stakeholders including, but not limited to children, parents, foster parents, all levels of child welfare agency personnel, collaborating agency personnel, service providers, court personnel, and attorneys.

Forty-two cases were reviewed in Puerto Rico, compared to 50 cases in other CFSRs. The decision to review 42 cases was made to ensure the timely completion of all onsite review activities. Specifically, the Administration for Children and Families (ACF) was concerned about the time that would be required to review a larger number of case records that were written in Spanish, which required translation for purposes of completing the CFSR instrument, as well as the time associated with conducting the daily debriefings in both English and Spanish.

A key finding of the Puerto Rico CFSR was that Puerto Rico is not in substantial conformity with any of the seven child welfare outcomes. One area of concern is Safety Outcome 2 (Children are safely maintained in their homes when possible and appropriate). Reviewers determined that the outcome was substantially achieved in 65.0 percent of the cases reviewed. Although the Commonwealth’s performance on this outcome varied across the three sites reviewed, the 90 percent required for a determination of substantial conformity was not achieved at any of the sites. The CFSR found that ADFAN is not effective in its efforts to provide services to families to prevent removal or address the risk of harm. The main concerns cited with respect to this outcome were: (1) the lack of services within the communities to meet the needs of children and families; and (2) the lack of comprehensive needs assessments, due primarily to infrequent contacts between caseworkers and families.

Another area where the Commonwealth’s performance is most in need of improvement is Permanency Outcome 1 (Children have permanency and stability in their living situations). This outcome was found to be substantially achieved in 45 percent of the foster care cases reviewed. The CFSR found that ADFAN is consistently effective with regard to preventing foster care re-entries and ensuring

placement stability for children in foster care. However, the CFSR found that ADFAN is not consistently effective with regard to: (1) establishing appropriate permanency goals in a timely manner; (2) achieving permanency for children (through adoption, reunification, or permanent placement with relatives) in a timely manner; or (3) ensuring that older children in long-term foster care receive appropriate services to assist them in making the transition from foster care to independent living.

Stakeholders interviewed during the onsite CFSR noted that the courts, in general, do not adhere to the timelines for permanency established by the Adoption and Safe Families Act. For the period under review, reviewers found that the courts often will close the court case when the child welfare agency is granted permanent custody of the child, even if parental rights are maintained and the child has not achieved his or her permanency goals. Consequently, permanency hearings are not being held for children in foster care every 12 months and, if the agency files for termination of parental rights, the court has to open a new case. Recently, in an effort to resolve this problem, ADFAN and the Court Improvement Project in the Office of Court Administration collaborated to identify children who have not yet achieved their permanency goal. The court cases are now being re-opened so that the required permanency hearings can be held.

A third area of concern with regard to the Commonwealth's CFSR performance pertained to Well-Being Outcome 1 (Families have enhanced capacity to provide for their children's needs). Of the 42 cases reviewed, 33.3 percent were determined to have substantially achieved this outcome. The CFSR found that all of the indicators for this outcome were areas in need of improvement, including assessing needs and providing services to families, involving parents and children in the case planning process, and establishing sufficient contact with the children and parents in the cases. Stakeholders attributed Puerto Rico's performance on this outcome to both a lack of services and high caseloads for workers.

With regard to the systemic factors, the Commonwealth was determined to be in substantial conformity with the factors of Agency Responsiveness to the Community and Foster and Adoptive Parent Licensing, Recruitment, and Retention. The Commonwealth did not achieve substantial conformity with the systemic factors of Statewide Information System, Case Review System, Training, Service Array, and Quality Assurance System.

The overall findings with regard to the Commonwealth's performance on the safety and permanency outcomes are presented in Table 1 at the end of the Executive Summary. Findings regarding well-being outcomes are presented in Table 2. Table 3 presents the Commonwealth's performance relative to the national standards and Table 4 provides information pertaining to the substantial conformity with the seven systemic factors assessed through the CFSR.

## **I. KEY FINDINGS RELATED TO OUTCOMES**

### **Safety Outcome 1: Children are first and foremost protected from abuse and neglect**

Safety Outcome 1 incorporates two indicators. One pertains to the timeliness of initiating a response to a child maltreatment report (item 1), and the other relates to the recurrence of substantiated or indicated maltreatment for the same children (item 2).

Puerto Rico did not achieve substantial conformity with Safety Outcome 1. Although the outcome was substantially achieved in 92.7 percent of the cases reviewed, which is more than the 90 percent required for a rating of substantial conformity, Puerto Rico's rate of maltreatment recurrence in calendar year 2001 (9.3%), as reported in the State Data Profile, does not meet the national standard of 6.1 percent or less. In addition, although data from the State Data Profile indicate that Puerto Rico's rate of maltreatment in foster care (0.45%) meets the national standard of 0.57 percent or less, several stakeholders suggested that this percentage may represent an undercount of actual maltreatment in foster care. They noted that this undercount may be attributed in part to the fact that ADFAN does not enter subsequent reports of maltreatment on open child welfare cases into the Central Registry.

A key CFSR finding is that ADFAN is effective in responding to maltreatment reports in a timely manner. Stakeholders noted that there has been a vast improvement in responding to maltreatment reports over the past 2 years as a result of an interagency effort, organized by ADFAN, that involved the Department of Education, universities, and retired caseworkers joining forces to help diminish a backlog of over 5,000 uninvestigated reports.

### **Safety Outcome 2: Children are safely maintained in their homes when possible and appropriate**

Performance on Safety Outcome 2 is assessed through two indicators. One indicator (item 3) addresses the issue of child welfare agency efforts to prevent children's removal from their homes by providing services to the families that ensure children's safety while they remain in their homes. The other indicator (item 4) pertains to the child welfare agency's effectiveness in reducing the risk of harm to children.

Puerto Rico did not achieve substantial conformity with Safety Outcome 2. This determination was based on the finding that the outcome was substantially achieved in 65.0 percent of the cases reviewed, which does not meet the 90 percent required for substantial conformity. Performance on this outcome varied across the CFSR sites. Reviewers determined that the outcome was substantially achieved in 83 percent of Mayagüez cases, 80 percent of Guayama cases, and 44 percent of San Juan cases.

A key finding of the CFSR case review was that ADFAN is not effective in providing services to families to prevent removal or to address the risk of harm to the children. In several in-home cases, identified service needs and safety issues were not addressed by the agency. In four cases, more than a year passed from the time the case was opened to the time that the agency caseworker made contact with the family to assess service needs. The key concerns identified with respect to this outcome were (1) a lack of services in the communities to meet the needs of children and families; and (2) a lack of comprehensive assessments of needs, due primarily to infrequent contact between caseworkers and the children and parents in their caseloads.

**Permanency Outcome 1: Children have permanency and stability in their living situations.**

There are six indicators incorporated in the assessment of Permanency Outcome 1, although not all of them are relevant for all children. The indicators pertain to the child welfare agency's effectiveness in preventing foster care re-entry (item 5), ensuring placement stability for children in foster care (item 6), and establishing appropriate permanency goals for children in foster care in a timely manner (item 7). Depending on the child's permanency goal, the remaining indicators focus on the child welfare agency's success in achieving permanency goals (such as reunification, guardianship, adoption, and permanent placement with relatives) in a timely manner (items 8 and 9), or whether children who have "other planned living arrangements" as a case goal are in stable placements and adequately prepared for eventual independent living (item 10).

Puerto Rico did not achieve substantial conformity with Permanency Outcome 1. This was based on the following findings:

- The outcome was substantially achieved in 45.0 percent of the cases, which is less than the 90 percent required for a determination of substantial conformity.
- The State Data Profile indicates that for fiscal year (FY) 2001, Puerto Rico did not meet the national standards for (1) the percentage of children who were reunified within 12 months of entry into foster care; or (2) the percentage of children discharged to finalized adoptions within 24 months of entry into foster care.

However, the State Data Profile indicates that for FY 2001, Puerto Rico met the national standards for (1) the percentage of children who entered foster care who were re-entering within 12 months of a prior foster care episode, and (2) the percentage of children in foster care for less than 12 months who experienced no more than 2 placement settings.

Performance on this outcome varied across the localities included in the onsite CFSR. Reviewers determined that the outcome was substantially achieved in 80 percent of Guayama cases, 44 percent of San Juan cases, and 17 percent of Mayagüez cases.

The case review findings and data provided in the State Data Profile suggest that ADFAN is effective in preventing re-entry of children into foster care and in ensuring placement stability. However, ADFAN is not consistently effective with regard to (1)

reunifying children in a timely manner, (2) achieving finalized adoptions in a timely manner, and (3) establishing appropriate permanency goals in a timely manner.

Identified barriers to timely permanency were both court-related and agency-related. Court-related barriers included (1) granting of continuances; (2) delays in changing a permanency goal from reunification to adoption due to a general reluctance to seek termination of parental rights (TPR); (3) lack of understanding by the courts of the provisions of the Adoption and Safe Families Act (ASFA) regarding permanency; and (4) until just prior to the onsite CFSR, the absence of a Puerto Rico statute that reinforces and requires adherence to the ASFA requirements. The Puerto Rico Court Improvement Project is addressing these barriers as well as the implementation of the new law that is intended to strengthen requirements related to ASFA. Identified agency-related barriers included delays in completing paperwork and filing for TPR (attributed in part to an agency reluctance to seek TPR), and not fully exploring permanency alternatives with children and their relative or non-relative foster parents.

**Permanency Outcome 2. The continuity of family relationships and connections is preserved for children.**

Permanency Outcome 2 incorporates six indicators that assess the child welfare agency's performance with regard to (1) placing children in foster care in close proximity to their parents and close relatives (item 11); (2) placing siblings together (item 12); (3) ensuring frequent visitation between children and their parents and siblings in foster care (item 13); (4) preserving connections of children in foster care with extended family, community, cultural heritage, religion, and schools (item 14); (5) seeking relatives as potential placement resources (item 15); and (6) promoting the relationship between children and their parents while the children are in foster care (item 16).

Puerto Rico did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was determined to be substantially achieved in 70.0 percent of the cases, which is less than the 90 percent required for substantial conformity.

Performance with respect to achieving Permanency Outcome 2 varied across localities included in the onsite CFSR. Case reviewers determined that this outcome was substantially achieved in 80 percent of Guayama cases, 78 percent of San Juan cases, and 50 percent of Mayagüez cases.

CFSR findings indicate that ADFAN makes concerted efforts to place children in close proximity to their families and to seek relatives as potential placement resources. However, case reviewers determined that the agency was not consistent in its efforts to place siblings together in foster care or to preserve connections between children and their families through frequent visitation or other

forms of contact. A key concern identified pertained to the inconsistency in agency efforts to ensure that visitation between parents and children was sufficient to meet the needs of the family and promote attainment of permanency goals.

**Well Being Outcome 1: Families have enhanced capacity to provide for their children’s needs.**

Well Being Outcome 1 incorporates four indicators. One pertains to the child welfare agency’s efforts to ensure that the service needs of children, parents, and foster parents are assessed and that the necessary services are provided to meet identified needs (item 17). A second indicator assesses the child welfare agency’s effectiveness with regard to actively involving parents and children (when appropriate) in the case planning process (item 18). The two remaining indicators examine the frequency and quality of caseworker contacts with the children in their caseloads (item 19) and the children’s parents (item 20).

Puerto Rico did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that the outcome was rated as substantially achieved in 33.3 percent of the cases reviewed, which is less than the 90 percent required for substantial conformity.

The CFSR case reviews revealed that ADFAN was not consistently effective with regard to (1) assessing needs and providing services to children, parents, and foster parents; (2) involving children and parents in case planning; and (3) establishing face-to-face contact between caseworkers and children and parents that was of sufficient frequency and quality to ensure children’s safety and/or promote attainment of case goals.

**Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.**

There is only one indicator for Well-Being Outcome 2. It pertains to the child welfare agency’s effectiveness in addressing and meeting the educational needs of children in both foster care and in-home services cases (item 21).

Puerto Rico did not achieve substantial conformity with Well-Being Outcome 2. This determination was based on the finding that the outcome was substantially achieved in 77.4 percent of the cases reviewed, which does not meet the 90 percent required for substantial conformity. A key CFSR finding was that ADFAN does not always effectively assess children's educational needs and provide appropriate services to meet those needs.

### **Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.**

This outcome incorporates two indicators that assess the child welfare agency's efforts to meet children's physical health (item 22) and mental health (item 23) needs.

ADFAN did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in 51.2 percent of the 39 applicable cases, which is less than the 90 percent required for a determination of substantial conformity.

Performance on this outcome varied considerably across locations. The outcome was determined to be substantially achieved in 100 percent of Guayama cases, compared to 45 percent of Mayagüez cases and 29 percent of San Juan cases.

A key CFSR finding is that ADFAN is not consistent in meeting the physical health needs of children in both foster care and in-home services cases. Case review findings also indicate that ADFAN is not consistently effective in meeting children's mental health needs, particularly children in the in-home services cases, although this was not the situation in Guayama.

## **II. KEY FINDINGS RELATED TO SYSTEMIC FACTORS**

### **Statewide Information System**

Substantial conformity with the systemic factor of Statewide Information System is determined by whether the Commonwealth is operating a Statewide information system that can identify the status, demographic characteristics, location, and goals for children in foster care.

Puerto Rico did not achieve substantial conformity with the systemic factor of Statewide Information System. Puerto Rico does not have a Statewide system that can accurately, readily, and reliably report on the status, location, goals, and characteristics of all children in foster care.

### **Case Review System**

Five indicators are used to assess the Commonwealth's performance with regard to the systemic factor of a Case Review System. The indicators examine the development of case plans and parent involvement in that process (item 25), the consistency of 6-month case

reviews (item 26) and 12-month permanency hearings (item 27), the implementation of procedures to seek termination of parental rights (TPR) in accordance with the timeframes established in the Adoption and Safe Families Act (ASFA) (item 28), and the notification and inclusion of foster and pre-adoptive parents and relative caregivers in case reviews and hearings (item 29).

Puerto Rico was not in substantial conformity with the systemic factor of Case Review System. CFSR findings indicate that ADFAN does not consistently involve parents in the case planning process. In addition, 6-month case reviews and 12-month permanency reviews are not being held in a timely manner. A key concern identified is that the court will often close the court case when permanent custody is transferred to the child welfare agency. In Puerto Rico, permanent custody can be granted to the child welfare agency even though parental rights have not been terminated. As a result, court cases often are closed before children achieve permanency.

The CFSR also found that there is no consistent and routine process for filing for termination of parental rights (TPR) for children in care for 15 of the most recent 22 months as provided in ASFA and cases are not routinely reviewed for the appropriateness of TPR. In addition, after the court case is closed, it must be reopened by the court in order for the child welfare agency to file for TPR. Stakeholders and case reviewers noted that this results in considerable delays in achieving permanency for children.

CFSR findings also indicate that there is no formal process for notifying foster parents, pre-adoptive parents, and relative caregivers about case hearings and reviews or for providing them with the opportunity to be heard during reviews and hearings.

### **Quality Assurance System**

Performance with regard to the systemic factor of Quality Assurance System is based on whether the Commonwealth has developed standards to ensure the safety and health of children in foster care (item 30), and whether the agency is operating a quality assurance system that evaluates the quality and effectiveness of services and measures program strengths and areas needing improvement (item 31).

Puerto Rico is not in substantial conformity with the systemic factor of Quality Assurance System. Although the CFSR determined that Puerto Rico has developed and implemented safety standards for all foster and adoptive homes, ADFAN does not have an identifiable quality assurance system.

## **Training**

The systemic factor of Training incorporates an assessment of ADFAN's new caseworker training program (item 32), ongoing training for child welfare agency staff (item 33), and training for foster and adoptive parents (item 34).

Puerto Rico is not in substantial conformity with the systemic factor of Training. According to the Statewide Assessment, required pre-service training for new ADFAN staff was discontinued in 1995. At present, new employees receive general information orientations prior to initiating their work, but these activities are not integrated into a uniform pre-service training plan and their focus is on information sharing rather than skill building. In addition, the agency does not have an ongoing training program and does not require staff to participate in ongoing training.

The CFSR also found that, although Puerto Rico has developed child development training modules for foster parents, the training has not been consistently offered in all 10 regions, thus not all foster parents have been trained. Prospective foster parents receive a general orientation regarding agency procedures, foster parent's responsibilities, and licensing requirements. However, ADFAN's current policy does not require foster parents to receive pre-service training prior to having a child placed in their home.

## **Service Array**

The assessment of the systemic factor of Service Array addresses three questions. Does the State have in place an array of services to meet the needs of children and families served by the child welfare agency (item 35)? Are these services accessible to families and children throughout the State (item 36)? Can services be individualized to meet the unique needs of the children and family served by the child welfare agency (item 37)?

Puerto Rico is not in substantial conformity with the systemic factor of Service Array. The CFSR determined that there are many critical services that are not available to children and families and the scarcity of these services is a barrier to achieving children's permanency goals in a timely manner. Stakeholders expressed concern about the lack of mental health evaluation and treatment services, housing, transportation, respite care, sexual abuse treatment services, therapeutic foster homes, substance abuse treatment services, and domestic violence treatment services. The CFSR also found that some critical services are not available in rural areas of the Commonwealth and, in communities where services are available, there often are long waiting lists to access the services.

## **Agency Responsiveness to the Community**

Performance with regard to the systemic factor of Agency Responsiveness to the Community incorporates an assessment of ADFAN's consultation with external stakeholders in developing the Child and Family Services Plan (items 38 and 39), and the extent to which

the ADFAN coordinates child welfare services with services or benefits of other Federal or federally-assisted programs serving the same population (item 40).

Puerto Rico is in substantial conformity with the systemic factor of Agency Responsiveness to the Community. The CFSR found that ADFAN engages a number of community providers as well as public and private entities in the discussion and resolution of child welfare issues. Stakeholders noted, however, that there is no structured process for soliciting and using the input of external stakeholders in developing the Child and Family Services Plan, although they reported that ADFAN is in the process of creating opportunities for that purpose.

The CFSR also determined that Puerto Rico has creatively assembled and accessed resources from various public and private agencies serving families in an effort to meet children's and parents' service needs despite the scarcity of services throughout the Commonwealth. Also, Puerto Rico has established a Stakeholders' Council, and one of its main purposes is to facilitate the coordination of services.

### **Foster and Adoptive Parent Licensing, Recruitment, and Retention**

The assessment of this systemic factor focuses on the following: (1) the standards for foster homes and child care institutions (items 41 and 42), (2) the compliance with Federal requirements for criminal background checks for foster and adoptive parents (item 43), (3) efforts to recruit foster and adoptive parents that reflect the ethnic and racial diversity of foster children (item 44), and (4) activities with regard to using cross-jurisdictional resources to facilitate permanent placements for waiting children.

Puerto Rico achieved substantial conformity with the systemic factor pertaining to Foster and Adoptive Parent Licensing, Recruitment and Retention. CFSR findings indicate that Puerto Rico has implemented licensing and certification standards for foster and adoptive homes that are in accord with the recommended national standards and that are applied equally to foster and adoptive homes, whether relative or non-relative. In addition, all licensing and certification standards require criminal background screenings, which are renewed every 6 months, and the agency has established a process for cross-jurisdictional adoption placements.

**Table 1. Puerto Rico CFSR Ratings for Safety and Permanency Outcomes and Items**

Outcomes and Indicators	Outcome Ratings			Item Ratings		
	<i>In Substantial Conformity?</i>	<i>Percent Substantially Achieved*</i>	<i>Met National Standards?</i>	<i>Rating**</i>	<i>Percent Strength</i>	<i>Met National Standards</i>
Safety Outcome 1-Children are first and foremost, protected from abuse and neglect	No	92.7	1 met, 1 not met			
Item 1: Timeliness of investigations				Strength	87	
Item 2: Repeat maltreatment				ANI	93	No
Safety Outcome 2 - Children are safely maintained in their homes when possible and appropriate	No	65.0				
Item 3: Services to prevent removal				ANI	61	
Item 4: Risk of harm				ANI	75	
Permanency Outcome 1- Children have permanency and stability in their living situations	No	45.0	2 met, 2 not met			
Item 5: Foster care re-entry				Strength	90	Yes
Item 6: Stability of foster care placements				Strength	85	Yes
Item 7: Permanency goal for child				ANI	65	
Item 8: Reunification, guardianship, placement with relatives				ANI	67	No
Item 9: Adoption				ANI	25	No
Item 10: Other planned living arrangement				ANI	0	
Permanency Outcome 2 - The continuity of family relationships and connections is preserved	No	70.0				
Item 11: Proximity of placement				Strength	85	
Item 12: Placement with siblings				ANI	82	
Item 13: Visiting with parents and siblings in foster care				ANI	70	
Item 14: Preserving connections				ANI	84	
Item 15: Relative placement				Strength	85	
Item 16: Relationship of child in care with parents				ANI	58	

\*90 percent of the applicable cases reviewed must be rated as having substantially achieved the outcome for the State to be in substantial conformity with the outcome.

\*\*Items may be rated as a Strength or an Area Needing Improvement (ANI).

**Table 2. Puerto Rico CFSR Ratings for Child and Family Well Being Outcomes and Items**

Outcomes and Indicators	Outcome Ratings		Item Ratings			
	<i>In Substantial Conformity?</i>	<i>Percent Substantially Achieved*</i>	<i>Met National Standards</i>	<i>Rating**</i>	<i>Percent Strength</i>	<i>Met National Standards</i>
Well Being Outcome 1 - Families have enhanced capacity to provide for children's needs	No	33.3				
Item 17: Needs/services of child, parents, and foster parents				ANI	45	
Item 18: Child/family involvement in case planning				ANI	40	
Item 19: Caseworker visits with child				ANI	55	
Item 20: Caseworker visits with parents				ANI	48	
Well Being Outcome 2 - Children receive services to meet their educational needs	No	77.4				
Item 21: Educational needs of child				ANI	77	
Well Being Outcome 3 - Children receive services to meet their physical and mental health needs are met	No	51.2				
Item 22: Physical health of child				ANI	75	
Item 23: Mental health of child				ANI	56	

\*90 percent of the applicable cases reviewed must be rated as having substantially achieved the outcome for the State to be in substantial conformity with the outcome.

\*\*Items may be rated as a Strength or an Area Needing Improvement (ANI).

**Table 3: Puerto Rico’s Performance on the Six Outcome Measures for Which National Standards have been Established**

Outcome Measure	National Standard	Puerto Rico Data
Of all children who were victims of a substantiated or indicated maltreatment report in the first 6 months of CY 2001, what percent were victims of another substantiated or indicated report within a 6-month period?	6.1% or less	9.3%
Of all children who were in foster care in the first 9 months of CY 2001, what percent experienced maltreatment from foster parents or facility staff members?	.57% or less	.45%
Of all children who entered foster care in FY 2001, what percent were re-entering care within 12 months of a prior foster care episode?	8.6% or less	2.4%
Of all children reunified from foster care in FY 2001, what percent were reunified within 12 months of entry into foster care?	76.2% or more	56.1%
Of all children who were adopted from foster care in FY 2001, what percent were adopted within 24 months of their entry into foster care?	32.0% or more	14.9%
Of all children in foster care during FY 2001 for less than 12 months, what percent experienced no more than 2 placement settings?	86.7% or more	99.6%

**Table 4: Puerto Rico Ratings for the Seven Systemic Factors**

<b>Systemic Factors</b>	<b>In Substantial Conformity?*</b>	<b>Rating</b>
<b>IV. Statewide Information System</b>	<b>No (2)</b>	
Item 24: System can identify the status, demographic characteristics, location and goals of children in foster care		ANI
<b>V. Case Review System</b>	<b>No (2)</b>	
Item 25: Process for developing a case plan and for joint case planning with parents		ANI
Item 26: Process for 6-month case reviews		ANI
Item 27: Process for 12-month permanency hearings		ANI
Item 28: Process for seeking TPR in accordance with ASFA		ANI
Item 29: Process for notifying caregivers of reviews and hearings and for opportunity for them to be heard		ANI
<b>VI. Quality Assurance System</b>	<b>No (2)</b>	
Item 30: Standards to ensure quality services and ensure children’s safety and health		Strength
Item 31: Identifiable QA system that evaluates the quality of services and improvements		ANI
<b>VII. Training</b>	<b>No (1)</b>	
Item 32: Provision of initial staff training		ANI
Item 33: Provision of ongoing staff training that addresses the necessary skills and knowledge.		ANI
Item 34: Provision of training for caregivers and adoptive parents that addresses the necessary skills and knowledge		ANI
<b>VIII. Service Array</b>	<b>No (1)</b>	
Item 35: Availability of array of critical services		ANI
Item 36: Accessibility of services across all jurisdictions		ANI
Item 37: Ability to individualize services to meet unique needs		ANI
<b>IX. Agency Responsiveness to the Community</b>	<b>Yes (3)</b>	
Item 38: Engages in ongoing consultation with critical stakeholders in developing the CFSP		Strength
Item 39: Develops annual progress reports in consultation with stakeholders		ANI
Item 40: Coordinates services with other Federal programs		Strength
<b>X. Foster and Adoptive Parent Licensing, Recruitment and Retention</b>	<b>Yes (4)</b>	
Item 41: Standards for foster family and child care institutions		Strength
Item 42: Standards are applied equally to all foster family and child care institutions		Strength
Item 43: Conducts necessary criminal background checks		Strength
Item 44: Diligent recruitment of foster and adoptive families that reflect children’s racial and ethnic diversity		Strength
Item 45: Uses cross-jurisdictional resources to find placements		Strength

\*Systemic factors are rated on a scale from 1 to 4. A rating of 1 or 2 indicates “Not in Substantial Conformity.” A rating of 3 or 4 indicates Substantial Conformity.

\*\* Individual items may be rated either as a Strength or as an Area Needing Improvement (ANI).

## **Puerto Rico Child and Family Services Review**

### **Introduction**

This document presents the findings of the Child and Family Services Review (CFSR) for the Commonwealth of Puerto Rico. The CFSR was conducted the week of August 4, 2003. The findings were derived from the following documents and data collection procedures:

- The Statewide Assessment, prepared by Puerto Rico’s child welfare agency – the Administration for Families and Children (ADFAN) in the Department of the Family;
- The State Data Profile, prepared by the Children’s Bureau of the U.S. Department of Health and Human Services, which provides child welfare data for the years 1999 through 2001;
- Reviews of 42 cases at three sites (San Juan, Mayagüez, and Guayama) in Puerto Rico; and
- Interviews or focus groups (conducted at all three sites and at the State-level) with stakeholders including, but not limited to children, parents, foster parents, all levels of child welfare agency personnel, collaborating agency personnel, service providers, court personnel, and attorneys.

Forty-two cases were reviewed in Puerto Rico, compared to 50 cases in other CFSRs. The decision to review 42 cases was made to ensure the timely completion of all onsite review activities. Specifically, the Administration for Children and Families (ACF) was concerned about the time that would be required to review a larger number of case records that were written in Spanish, which required translation for purposes of completing the CFSR instrument, as well as the time associated with conducting the daily debriefings in both English and Spanish.

The key characteristics of the 42 cases reviewed are the following:

- Eighteen cases were reviewed in San Juan, 12 in Guayama, and 12 in Mayagüez.
- All 42 cases had been open cases at some time during the period under review.
- Twenty cases were “foster care cases” (cases in which children were in the care and custody of the State child welfare agency and in an out-of-home placement at some time during the period under review), and 22 cases were “in-home services cases” (cases in which families received services from the child welfare agency while children remained with their families and no child in the family was in out-of-home care during the period under review).
- Of the 20 foster care cases, 14 children (70%) were younger than age 10 at the start of the period under review; 3 children (15%) were at least 10 years old, but not yet 13 years old; and 3 children (15%) were 13 or older.
- All children in the family were Hispanic in 30 cases (72%), of 2 or more races in 9 cases (21%), and Caucasian in 3 cases (7%).
- Of the 42 cases reviewed, the primary reason for the opening of a child welfare agency case was the following:

- Neglect (not including medical neglect) – 16 cases (38%)
- Physical abuse – 6 cases (14%)
- Sexual abuse – 5 cases (12%)
- Emotional maltreatment – 4 cases (10%)
- Domestic violence in the home – 4 cases (10%)
- Medical neglect – 3 cases (7%)
- Other (specify) – 2 cases (5%)
- Abandonment – 1 case (2%)
- Substance abuse of parents – 1 case (2%)
- Of the 42 cases reviewed, the most frequently cited of all reasons for children coming to the attention of the child welfare agency were the following:
  - Neglect (not including medical neglect) – 26 cases (62% of all cases)
  - Physical abuse – 12 cases (31% of all cases)
  - Emotional Maltreatment – 11 cases (26% of all cases)
  - Substance abuse by parents – 10 cases (24% of all cases)
  - Domestic violence in the home – 10 cases (24% of all cases)
- In 8 (40%) of the 20 foster care cases, the children entered foster care prior to the period under review and remained in care during the entire period under review.

The first section of the report presents the CFSR findings relevant to Puerto Rico’s performance in achieving specific outcomes for children in the areas of safety, permanency, and well-being. For each outcome, there is a table presenting key findings, a discussion of Puerto Rico’s status with regard to the outcome, and a presentation and discussion of each item (indicator) assessed. Findings are presented for all three sites taken together unless there are significant differences among sites. The second section of the report provides an assessment and discussion of the systemic factors relevant to the child welfare agency’s ability to achieve positive outcomes for children.

## SECTION 1: OUTCOMES

### I. SAFETY

#### Safety Outcome 1

<b>Outcome S1: Children are, first and foremost, protected from abuse and neglect.</b>					
<b>Number of cases reviewed by the team according to degree of outcome achievement:</b>					
	<b>Guayama</b>	<b>Mayagüez</b>	<b>San Juan</b>	<b>Total Number</b>	<b>Total Percentage</b>
Substantially Achieved:	12	10	16	38	92.7
Partially Achieved:	0	1	0	1	2.4
Not Achieved or Addressed:	0	1	1	2	4.9
Not Applicable:	0	0	1	1	
<b>Conformity of Statewide data indicators with national standards:</b>					
	<b>National Standard (Percentage)</b>	<b>State's Percentage</b>	<b>Meets Standard</b>	<b>Does Not Meet Standard</b>	
Repeat maltreatment	6.1 or less	9.3		X	
Maltreatment of children in foster care	0.57 or less	0.45	X		

#### STATUS OF SAFETY OUTCOME 1

Puerto Rico did not achieve substantial conformity with Safety Outcome 1. Although the outcome was substantially achieved in 92.7 percent of the cases reviewed, which is more than the 90 percent required for a rating of substantial conformity, Puerto Rico's rate of maltreatment recurrence in calendar year 2001 (9.3%), as reported in the State Data Profile, does not meet the national standard. In addition, although data from the State Data Profile indicate that Puerto Rico's rate of maltreatment in foster care (0.45%) meets the national standard, several stakeholders suggested that this percentage may represent an undercount of actual maltreatment in foster care. The undercount may be attributed to the fact that ADFAN does not enter subsequent reports of maltreatment on open child welfare cases into the Central Registry.

A key CFSR finding is that ADFAN is effective in responding to maltreatment reports in a timely manner. Stakeholders noted that there has been a vast improvement in responding to maltreatment reports over the past 2 years as a result of an interagency effort,

organized by ADFAN, that involved the Department of Education, universities, and retired caseworkers joining forces to help diminish a backlog of over 5,000 uninvestigated reports.

Another CFSR finding is that, although the Commonwealth did not meet the national standard for the incidence of maltreatment recurrence within 6 months, the case reviews found no maltreatment recurrence in 93 percent of the 41 applicable cases. However, for the majority of these 41 cases, the child was in foster care during the entire period under review and there was no maltreatment report involving the child during the period under review. For the 11 cases in which there was at least one substantiated report during the period under review, 3 (27%) involved another substantiated maltreatment report within 6 months.

The findings pertaining to the specific items assessed under Safety Outcome 1 are presented below.

#### **Item 1. Timeliness of initiating investigations of reports of child maltreatment**

Strength       Area Needing Improvement

**Review Findings:** The assessment of item 1 was applicable for 15 of the 42 cases. Twenty-seven cases were not applicable because they did not involve reports of child maltreatment during the period under review. In assessing item 1, reviewers were to determine whether the response to a maltreatment report occurring during the period under review had been initiated in accordance with child welfare agency requirements. In Puerto Rico, policy requires that ADFAN must initiate an investigation of an “Emergency” maltreatment report within 24 hours of receipt of the report and an investigation of an “Urgent” maltreatment report within 48 hours of receipt of the report. The results of the case review assessments were the following:

- Item 1 was rated as a Strength in 13 (87%) of the 15 applicable cases (9 of the 13 cases were foster care cases).
- Item 1 was rated as an Area Needing Improvement in 2 (13%) of the 15 applicable cases (both of the two cases were foster care cases.)

Item 1 was rated as a Strength when a response to a maltreatment report was initiated within the timeframes established by agency policy. The item was rated as an Area Needing Improvement in two cases because the response was not initiated within required timeframes. In both of these cases, the reports were classified as “Urgent” (requiring a response within 48 hours). In one case, the worker did not initiate a response for 10 days; in the other case, the worker did not respond until 15 days after receiving the report.

Most stakeholders expressed the opinion that in the past 2 years, the agency has been responding to child maltreatment reports in a timely manner, usually within 24 to 48 hours. Stakeholders reported that in prior years, there had been an extensive backlog of over 5,000 uninvestigated reports. ADFAN addressed this problem by recruiting volunteer retired caseworkers and working with the universities and the Department of Education to diminish this backlog. Stakeholders noted that although this process has cleared out the backlog of cases, delays in investigations still occur in some regions of the Commonwealth.

Stakeholders also reported that the “Programa De Emergencia Social” or Social Emergency Program (PES) has contributed to the timely response to maltreatment reports. Although PES was initially created by a private agency under contract with ADFAN, it was taken over by ADFAN in July of 2002. According to stakeholders, PES is Puerto Rico's centralized intake and investigation unit for incoming reports of child maltreatment. The system is designed to ensure timely response to child maltreatment reports to prevent a backlog of uninvestigated reports. PES staff members in 7 Regional Investigation Centers investigate all maltreatment reports classified as "emergencies" or "urgencies." Reports of child maltreatment that are received on open child welfare cases are investigated by local ADFAN staff, unless the reports come in through the central intake system on weekends or at night, in which case the PES investigates them.

According to several stakeholders, since ADFAN assumed administration of the PES, there has been an improvement in response times to maltreatment reports, although they noted that in a few locations in the Commonwealth staffing shortages make it difficult to respond to every report in accordance with the agency-established timeframes. Also, stakeholders reported that inconsistencies in responding to child maltreatment reports in some parts of the Commonwealth may be attributed to the distance between the regional office and the span of responsibility or ground covered by PES.

Stakeholders also indicated that although the PES unit includes an automated system for transmitting the reports to the Regional Investigation Centers, it does not include prior history of reports. As they noted, the Central Registry is still a paper system. Stakeholders expressed the opinion that the agency's ability to obtain accurate historical information on child maltreatment is affected by this situation.

Stakeholders also expressed the opinion that a major concern with regard to this item pertained to timeliness of responses to reports of maltreatment in institutions. Although ADFAN requires the same timeframes for responding to reports of abuse in institutions as it does to other maltreatment reports, stakeholders suggested that the inadequate number of staff to perform this function contributes to a backlog of uninvestigated institutional abuse reports.

**Determination and Discussion:** Item 1 was assigned an overall rating of Strength based on the finding that in 87 percent of the applicable cases, the agency initiated a response to a maltreatment report in accordance with ADFAN’s required timeframes.

According to the Statewide Assessment, the backlog of uninvestigated reports that existed in the past was due to staff shortages. The Statewide Assessment also notes that through June 30, 2002, the CAN hotline (CANHL) was operated by a private agency, the Family Support and Health Preservation Services. This agency also implemented the “Programa de Emergencia Social” or Social Emergency Program (PES) that operates 24 hours 7 days a week to provide services in situations classified as social emergencies. On July 1, 2002, ADFAN took over the Social Emergency Program (PES) in an effort to improve the quality of the services provided.

## **Item 2. Repeat maltreatment**

\_\_\_\_\_ Strength        X   Area Needing Improvement

**Review Findings:** The assessment of item 2 was applicable for 41 of the 42 cases. One case was not applicable because there was never a substantiated or indicated child maltreatment report on any children in the family. In assessing this item, reviewers were to determine whether there had ever been a substantiated report on the family. Reviewers also were to determine if there was at least one substantiated maltreatment report during the period under review, and if so, if another substantiated or indicated report occurred within 6 months of that report. The results of the assessment were the following:

- Item 2 was rated as a Strength in 38 (93%) of the 41 applicable cases (18 of the 38 cases were foster care cases).
- Item 2 was rated as an Area Needing Improvement in 3 (7%) of the 41 applicable cases (2 of the 3 cases were foster care cases).

Item 2 was rated as a Strength under the following circumstances:

- There was a substantiated or indicated maltreatment report involving the family prior to the period under review, but no substantiated or indicated report during the period under review (27 cases).
- There was a substantiated or indicated maltreatment report involving the family during the period under review, but there was no substantiated or indicated report within 6 months of that report (11 cases).

The item was rated as an Area Needing Improvement in 3 cases in which 2 or more reports occurred within 6 months of a previous report and involved the same circumstances and the same perpetrator. This represents 27 percent of the 11 cases in which there was at least one substantiated child maltreatment report during the period under review.

Some stakeholders commenting on this topic during the CFSR noted that the agency attempts to prevent maltreatment recurrence by keeping cases open for services even when the child remains in the home. However, a few stakeholders reported that if children remain in the home, the family is less likely to participate in services than if children are removed, and the failure to access services may result in maltreatment recurrence. Stakeholders also observed that the State Data Profile data pertaining to maltreatment recurrence might represent an undercount because reports of alleged maltreatment on open child welfare cases are not routinely recorded in the Central Registry as new reports, unless they are received after hours or on weekends.

**Determination and Discussion:** Item 2 was assigned an overall rating of Area Needing Improvement. Although the item was rated as a Strength in 93 percent of the applicable cases, the Commonwealth’s rate of maltreatment recurrence for 2001 (9.3%), as reported in the State Data Profile, does not meet the national standard of 6.1 percent or less.

According to the Statewide Assessment, ADFAN was unable to provide a full assessment of the possible contributing factors to the high percentage of recurrence of maltreatment due to the lack of data to support a complete analysis of this standard. However, the Statewide Assessment also notes that a region-by-region analysis revealed that of the 10 regions, 5 exceeded the island-wide percentage of 9.3 percent, while in the remaining 5 regions, maltreatment recurrence rates were below the national standard. This information was used in part as a basis for local site selection, with Mayagüez having a higher rate of maltreatment recurrence (8.9%) and Guayama having a lower rate of maltreatment recurrence (1.6%) than the national standard. However, there were no substantive differences between these sites with regard to maltreatment recurrence in the cases reviewed for the CFSR.

**Safety Outcome 2**

<b>Outcome S2: Children are safely maintained in their homes whenever possible and appropriate.</b>					
<b>Number of cases reviewed by the team according to degree of outcome achievement:</b>					
	<b>Guayama</b>	<b>Mayagüez</b>	<b>San Juan</b>	<b>Total Number</b>	<b>Total Percentage</b>
Substantially Achieved:	8	10	8	26	65.0
Partially Achieved:	2	1	2	5	12.5
Not Achieved or Addressed:	0	1	8	9	22.5
Not Applicable:	2	0	0	2	

## STATUS OF SAFETY OUTCOME 2

Puerto Rico did not achieve substantial conformity with Safety Outcome 2. This determination was based on the finding that the outcome was substantially achieved in 65.0 percent of the cases reviewed, which does not meet the 90 percent required for substantial conformity. Performance on this outcome varied across the sites included in the CFSR. The outcome was determined to be substantially achieved in 83 percent of Mayagüez cases, 80 percent of Guayama cases, and 44 percent of San Juan cases.

A key finding of the CFSR case review was that ADFAN is not effective in their efforts to provide services to families to prevent removal or to address the risk of harm to the children. In several cases, identified service needs were not addressed by the agency and children remained at home without safety issues adequately addressed. In four cases, more than a year passed from the time the case was opened to the time that the agency caseworker made contact with the family to assess service needs. The key concerns identified with respect to this outcome were (1) a lack of services in the communities to meet the needs of children and families; and (2) a lack of consistent and comprehensive assessments of needs, due primarily to infrequent contact between caseworkers and the children and parents on their caseloads.

Findings pertaining to the specific items assessed under Safety Outcome 2 are presented and discussed below.

### Item 3. Services to family to protect child(ren) in home and prevent removal

Strength       Area Needing Improvement

**Review Findings:** There were 33 cases for which an assessment of item 3 was applicable. Nine cases were excluded from this assessment because the children entered foster care prior to the period under review and there were no identified risks of harm to the children in the home during the period under review. For this item, reviewers assessed whether, in responding to a substantiated maltreatment report or risk of harm, the agency made diligent efforts to provide services to families to prevent removal of children from their homes while at the same time ensuring their safety. The results of the assessment were the following:

- Item 3 was rated as a Strength in 20 (61%) of the 33 applicable cases (8 of the 20 cases were foster care cases).
- Item 3 was rated as an Area Needing Improvement in 13 (39%) of the 33 applicable cases (5 of the 13 cases were foster care cases).

Ratings for this item varied substantially across sites. The item was rated as a Strength in 90 percent of Mayagüez cases, compared to 75 percent of Guayama cases and 33 percent of San Juan cases. Ten of the 13 cases rated as an Area Needing Improvement for this item were in San Juan.

Item 3 was rated as a Strength when reviewers determined the following:

- Appropriate services were provided to the parents and child to prevent removal (15 cases).
- The children were appropriately removed from the home to ensure their safety (5 cases).

The item was rated as an Area Needing Improvement when reviewers determined the following:

- Identified service needs of parents and children were not addressed, leaving children at home in unsafe situations (7 cases).
- The agency was not aware of a serious safety concern in the home (1 case).
- The agency did not make contact with the family or provide services for an extended period of time after the case was opened (ranging from 12 months to 4 years), although the children remained at home (4 cases).
- The agency did not provide the family with follow-up services after reunification to prevent re-entry into foster care (1 case).

Services provided to the families included, but were not limited to, individual counseling or therapy, post-reunification services, supervised visitation, parent education, child care, mental health evaluations and services, substance abuse evaluations and treatment, medical treatment, medical insurance, transportation, employment assistance, housing assistance, and financial support.

Despite the variation in ratings for this item across the three sites, most stakeholders expressed the opinion that the agency attempts to prevent the removal of children from their homes by providing services to the family while children remain at home. However, some stakeholders expressed concerns about the effectiveness and/or accessibility of services necessary to ensure children's safety in the home. Stakeholders identified mental health services, substance abuse treatment services, and housing as critical services that are not readily available or accessible to families.

***Determination and Discussion:*** Item 3 was assigned an overall rating of Area Needing Improvement because in 39 percent of the cases, reviewers determined that the agency had not made diligent efforts to provide the necessary services to maintain children safely in their own homes.

According to the Statewide Assessment, ADFAN provides a range of services under the "School for Family Life Program" as alternatives to placement. The program provides family workshops focused on preventing the recurrence of child abuse and keeping families together. However, the services and activities are scheduled during regular office hours and, consequently, some families are

unable to participate. The Statewide Assessment also notes that placement-prevention services, such as Corsum and Homebuilders, are offered in the Bayamon and Mayagüez regions, but the financial cost of these services has not allowed further expansion to other regions. The availability of these services in Mayagüez may explain why most cases in that site were rated as a Strength for this item.

#### **Item 4. Risk of harm to child**

Strength       Area Needing Improvement

**Review Findings:** An assessment of item 4 was applicable for 40 cases. Two cases were not applicable for assessment because they were opened due to the child’s behavior and the child was not at risk of harm from guardians or parents. In assessing item 4, reviewers were to determine whether the agency had made, or was making, diligent efforts to reduce the risk of harm to the children involved in each case. The assessment resulted in the following findings:

- Item 4 was rated as a Strength in 30 (75%) of the 40 applicable cases (18 of the 30 cases were foster care cases).
- Item 4 was rated as an Area Needing Improvement in 10 (25%) of the 40 applicable cases (2 of the 10 cases were foster care cases).

Ratings for item 4 differed across CFSR sites. The item was rated as a Strength in 100 percent of Guayama cases and 83 percent of Mayagüez cases, compared to 56 percent of San Juan cases.

Item 4 was rated as a Strength when reviewers determined the following:

- The risk of harm to children was appropriately managed by providing services to families to address risk concerns while the children remain in the home (12 cases).
- The risk of harm to children was appropriately managed by removing the children from home either prior to or during the period under review and providing services to the family (17 cases).
- The risk of harm to children was appropriately addressed by removing the children from the home either prior to or during the period under review and seeking termination of parental rights (TPR) (1 case).

The item was rated as an Area Needing Improvement when reviewers determined the following:

- No services were provided to the family to address risk of harm while children remained in the home (5 cases).
- The services provided were inadequate to address risk of harm due to an insufficient risk assessment process (4 cases).
- Services were provided, but the agency did not monitor the family to assess service participation or results (1 case).

Stakeholders commenting on this issue reported that ADFAN uses a risk assessment tool, but it is not sufficiently comprehensive to capture underlying issues that may contribute to risk of harm to children. Stakeholders also noted that, although risk assessments are routinely conducted as part of the initial investigation, they are rarely conducted on an ongoing basis.

**Determination and Discussion:** Item 4 was assigned an overall rating of Area Needing Improvement because in 25 percent of the applicable cases, reviewers determined that ADFAN had not made concerted efforts to address the risk of harm to children. A key finding was that in five cases, the agency had made no effort to provide services to the family and, in four of cases, the agency had not made contact with the family until the case had been opened for more than a year.

According to the Statewide Assessment, although caseworkers determine children’s safety and potential risk of harm when responding to reports of abuse or neglect, there is no systematic process of supervision to ensure that services provided are effective in reducing risk of harm to the child. The Statewide Assessment also reports that there is no ongoing process of risk assessment to determine the safety status of the child over time.

## II. PERMANENCY

### Permanency Outcome 1

<b>Outcome P1: Children have permanency and stability in their living situations.</b>					
<b>Number of cases reviewed by the team according to degree of outcome achievement:</b>					
	<b>Guayama</b>	<b>Mayagüez</b>	<b>San Juan</b>	<b>Total Number</b>	<b>Total Percentage</b>
Substantially Achieved:	4	1	4	9	45.0
Partially Achieved:	1	5	5	11	55.0
Not Achieved or Addressed:	0	0	0	0	0.0
Not Applicable:	7	6	9	22	
<b>Conformity of Statewide data indicators with national standards:</b>					
	<b>National Standard</b>	<b>State’s Percentage</b>	<b>Meets Standard</b>	<b>Does Not Meet Standard</b>	
Foster care re-entries	8.6 or less	2.4	X		
Length of time to achieve reunification	76.2 or greater	56.1		X	
Length of time to achieve adoption	32.0 or greater	14.9		X	
Stability of foster care placements	86.7 or greater	99.6	X		

## STATUS OF PERMANENCY OUTCOME 1

Puerto Rico did not achieve substantial conformity with Permanency Outcome 1. This determination was based on the following findings:

- The outcome was substantially achieved in 45.0 percent of the cases, which is less than the 90 percent required for substantial conformity.
- The State Data Profile indicates that for fiscal year (FY) 2001, the Commonwealth did not meet the national standards for (1) the percentage of children who were reunified within 12 months of entry into foster care; or (2) the percentage of children discharged to finalized adoptions who were discharged within 24 months of entry into foster care.

However, the State Data Profile indicates that for FY 2001, the Commonwealth met the national standards for (1) the percentage of children who entered foster care who were re-entering within 12 months of a prior foster care episode, and (2) the percentage of children in foster care for less than 12 months who experienced no more than 2 placement settings.

Performance on this outcome varied across the localities included in the onsite CFSR. Reviewers determined that the outcome was substantially achieved in 80 percent of Guayama cases, 44 percent of San Juan cases, and 17 percent of Mayagüez cases.

The case review findings and data provided in the State Data Profile suggest that ADFAN is effective in preventing re-entry of children into foster care and in ensuring placement stability. However, ADFAN is not consistently effective with regard to (1) reunifying children in a timely manner, (2) achieving finalized adoptions in a timely manner, and (3) establishing appropriate permanency goals in a timely manner.

Identified barriers to timely permanency were both court-related and agency-related. Court-related barriers included (1) granting of continuances, (2) delays in changing a permanency goal from reunification to adoption due to a general reluctance to seek termination of parental rights (TPR); (3) lack of understanding by the courts of the provisions of the Adoption and Safe Families Act (ASFA) regarding permanency; and, (4) until just prior to the onsite CFSR, the absence of a Puerto Rico statute that reinforces and requires adherence to the ASFA requirements. The Puerto Rico Court Improvement Project is addressing these barriers as well as the implementation of the new law that is intended to strengthen requirements related to ASFA. Identified agency-related barriers included delays in completing paperwork and filing for TPR (attributed, in part, to an agency reluctance to seek TPR), and not fully exploring permanency alternatives with children and relative or non-relative foster parents.

Findings pertaining to the specific items assessed under Permanency Outcome 1 are presented below.

## Item 5. Foster care re-entries

Strength       Area Needing Improvement

**Review Findings:** Ten of the 20 foster care cases were applicable for an assessment of foster care re-entries because they involved children who entered foster care at some time during the period under review. In assessing this item, reviewers determined whether the entry into foster care during the period under review occurred within 12 months of discharge from a prior foster care episode. The assessment resulted in the following findings:

- Item 5 was rated as a Strength in 9 (90%) of the 10 applicable cases.
- Item 5 was rated as an Area Needing Improvement in 1 (10%) of the 10 applicable cases.

The one case rated as an Area Needing Improvement for this item was in Mayagüez.

Item 5 was rated as a Strength when the child's entry into foster care during the period under review did not take place within 12 months of discharge from a prior episode. One case was rated as an Area Needing Improvement when the child's entry into foster care during the period under review occurred within 12 months of a previous foster care episode.

Most stakeholders commenting on the issue of foster care re-entries during the onsite CFSR expressed the opinion that re-entry into foster care does not happen often. However, some stakeholders suggested that when re-entry does occur, it may be the result of the parent's relapse into substance abuse or to a lack of follow-up services after reunification.

**Determination and Discussion:** Item 5 was assigned an overall rating of Strength based on the following:

- In 90 percent of the applicable cases reviewed, children did not re-enter foster care within 12 months of discharge from a prior episode.
- The data from the State Data Profile indicate that Puerto Rico's re-entry rate for FY 2001 (2.4%) met the national standard of 8.6 percent or less.

According to the Statewide Assessment, Puerto Rico's low rate of foster care re-entry may be attributed to the fact that a caseworker continues to work with the family for a period of 3-6 months after the case is closed in the court system to provide support and counseling services to parents. The Statewide Assessment also suggests that the actual rate of re-entry may be even lower than that indicated by the data. For example, children may be placed under the temporary custody of another agency, such as the Department of Health, due to the need for special services or treatment. When the child completes his/her treatment, they may be returned to ADFAN custody. This would be entered in the system as a new foster care episode.

## Item 6. Stability of foster care placement

Strength       Area Needing Improvement

**Review Findings:** All 20 foster care cases were applicable for an assessment of item 6. In assessing this item, reviewers were to determine whether the child experienced multiple placement settings during the period under review and, if so, whether the changes in placement settings were necessary to achieve the child's permanency goal or meet the child's service needs. The findings of this assessment were the following:

- Item 6 was rated as a Strength in 17 (85%) of the 20 applicable cases.
- Item 6 was rated as an Area Needing Improvement in 3 (15%) of the 20 applicable cases.

Ratings for item 6 varied across the localities included in the onsite CFSR. The item was rated as a Strength in 100 percent of Guayama cases and 89 percent of San Juan cases, compared to 67 percent of Mayagüez cases. Two of the 3 cases rated as an Area Needing Improvement for this item were in Mayagüez.

Additional findings of the case review were the following:

- Children in 11 cases experienced only 1 placement during the period under review (i.e., no placement changes).
- Children in 6 cases experienced 2 placements during the period under review (i.e., one placement change).
- Children in 2 cases experienced 3 placements during the period under review (i.e., two placement changes).
- In 1 case, a child experienced 4 placements during the period under review (i.e., three placement changes).

Item 6 was rated as a Strength when reviewers determined either that the child did not experience a placement change during the period under review (11 cases), or that the placement changes experienced were in the child's best interest (6 cases), such as moving a child to a pre-adoptive home, a therapeutic foster home, or a facility for specialized treatment. The item was rated as an Area Needing Improvement when reviewers determined that the child's placement changes occurred because of: (1) an inappropriate placement due to an insufficient assessments of the child's needs (2 cases); or (2) insufficient placement resources (1 case).

Stakeholders commenting on this issue during the onsite CFSR expressed differing opinions regarding children's stability in foster care. Although many stakeholders voiced concern that children in foster care generally do not experience placement stability, Guayama stakeholders reported that children in foster care in that site do experience stability of placement. These stakeholders noted that when children change placement, it usually is because they have behavior problems. They also indicated, however, that the agency does not provide foster parents with services and supports to prevent a placement disruption when children exhibit behavioral

problems. However, stakeholders in all localities were in general agreement that children placed in foster care with relatives tend to experience fewer placement changes than children in foster care with non-relatives.

Several stakeholders also expressed concern about the use of Mi Casita Feliz (a shelter care facility) as a first placement for all children entering foster care, even infants. Although stakeholders acknowledged that the purpose of the shelter placement is to ensure a comprehensive assessment of children's needs prior to a placement decision, they questioned whether this was an appropriate placement venue for infants or very young children. Stakeholders also noted that the routine use of a shelter as an initial placement contributes to placement instability by creating an additional move for the child.

*Determination and Discussion:* Item 6 was assigned an overall rating of Strength based on the following findings:

- In 85 percent of the applicable cases, reviewers determined that children experienced placement stability or that placement changes promoted attainment of their goals or met their treatment needs.
- Data from the State Data Profile for FY 2001 indicate that the percentage of children experiencing no more than 2 placements in their first 12 months in foster care (99.6%) meets the national standard of 86.7 percent or more.

According to the Statewide Assessment, although data in the State Data Profile indicate compliance with the national standard for this measure, ADFAN is not sure that the percentage is correct. The Statewide Assessment suggests that placement changes are not being routinely entered into the data system and, therefore, placement changes may be more frequent than indicated in the State Data Profile.

The Statewide Assessment identifies the following as common reasons for placement changes:

- The child requires specialized care which cannot be provided where he/she is placed.
- A foster home is closed because of illness or death of foster parent or because of economic conditions.
- The foster parents are unable to manage the child's behavior or meet the child's psychological needs.

#### **Item 7. Permanency goal for child**

Strength       Area Needing Improvement

**Review Findings:** All 20 foster care cases were applicable for an assessment of item 7. In assessing this item, reviewers were to determine whether the agency had established an appropriate permanency goal for the child in a timely manner. The results of this assessment were the following:

- Item 7 was rated as a Strength in 13 (65%) of the 20 applicable cases.
- Item 7 was rated as an Area Needing Improvement in 7 (35%) of the 20 applicable cases.

There were considerable differences across localities with regard to ratings for this item. The item was rated as a Strength in 100 percent of Guayama cases, compared to 56 percent of San Juan cases and 50 percent of Mayagüez cases.

The case review found that the children in the 20 foster care cases had the following permanency goals:

- 3 children had a goal of adoption.
- 10 children had a goal of reunification.
- 5 children had the goal of permanent placement with relatives.
- 1 child had a goal of long-term foster care.
- 1 child had concurrent goals of long-term foster care and adoption.

At the time of the onsite review, 7 of the 20 children in the foster care cases had been in foster care for 15 of the most recent 22 months. TPR had been filed and attained in 2 of the 7 cases. In the remaining 5 cases, no reason was provided in the case files as to why TPR had not been filed.

Item 7 was rated as a Strength when reviewers determined that the child's permanency goal was appropriate and had been established in a timely manner. The item was rated as an Area Needing Improvement when reviewers determined the following:

- The goal is not appropriate given the needs of the child and the circumstances of the case (6 cases).
- The goal is appropriate but was not established in a timely manner (1 case).

Stakeholders commenting on this issue identified several barriers to establishing appropriate permanency goals in a timely manner. One barrier was a lack of understanding of the courts of the ASFA timelines. Another barrier was that, until the week prior to the onsite CFSR, Puerto Rico did not have a Statute that required adherence to ASFA provisions. As a result, many judges require the agency to continue reunification efforts for long periods of time. A third barrier identified by stakeholders was the lack of access to many services or the long waiting lists for services. They noted that because of the lack of services, even when judges are aware of ASFA timeframes, they often do not adhere to them because they do not feel that reasonable efforts have been made to bring about reunification. A fourth barrier identified by stakeholders was the insufficient number of ADFAN attorneys available to provide guidance to caseworkers with respect to the legal processes. Finally, stakeholders noted that ADFAN attorneys are sometimes reluctant to appeal court decisions.

Although a few stakeholders reported that concurrent planning is used to achieve permanency for children, other stakeholders suggested that “true” concurrent planning is not taking place. They suggested that workers view concurrent planning as a process that begins after reunification efforts fail.

**Determination and Discussion:** Item 7 was assigned an overall rating of Area Needing Improvement based on the finding that in 35 percent of the applicable cases, reviewers determined that the agency had not established an appropriate goal for the child in a timely manner.

According to the Statewide Assessment, participants in a permanency focus group (convened during the Commonwealth’s self-assessment process) voiced concerns regarding the Judicial System and the need for judges to adhere to ASFA timeframes. They indicated that permanency reviews are not being completed in a timely manner and it may take years for decisions to be rendered on an appeal of TPR. The Statewide Assessment notes that there are over 3,000 children in the permanent legal custody of ADFAN that have not yet achieved their permanency goals.

The Statewide Assessment also reports that the agency is concerned about the number of children (266) with a permanency goal of long-term foster care. As indicated in the Statewide Assessment, there is a general belief among caseworkers that long-term foster care, while not a permanency goal of first choice, may be the best plan for older teens with behavioral and/or emotional problems.

### **Item 8. Reunification, Guardianship, or Permanent Placement With Relatives**

Strength       Area Needing Improvement

**Review Findings:** Item 8 was applicable for 15 of the 20 foster care cases. In assessing these cases, reviewers were to determine whether the agency had achieved the goal of reunification in a timely manner or, if the goal had not been achieved, whether the agency had made, or was in the process of making, diligent efforts to achieve reunification in a timely manner. The results of this assessment were the following:

- Item 8 was rated as a Strength in 10 (67%) of the 15 applicable cases.
- Item 8 was rated as an Area Needing Improvement in 5 (33%) of the 15 applicable cases.

Ratings for item 8 varied across the localities included in the onsite CFSR. The item was rated as a Strength in 100 percent of applicable Guayama cases, compared to 71 percent of applicable San Juan cases and 40 percent of applicable Mayagüez cases. Three of the five cases rated as an Area Needing Improvement for this item were in Mayagüez.

Ten cases included in this assessment had a goal of reunification. In 7 cases, children were reunified with their parents during the period under review, and in 6 of these cases, reunification occurred within 12 months of the child's entry into foster care. In one of the 3 remaining cases, the child had been in foster care for more than 12 months by the end of the CFSR period under review.

Five cases included in this assessment had a goal of permanent placement with relatives. In 1 case, the child was permanently placed with relatives during the period under review and this goal was achieved within 12 months of the child's entry into foster care. Only 1 of the remaining 4 children had been in foster care for more than 12 months by the end of the CFSR period under review.

Item 8 was rated as a Strength when reviewers determined that the goal had been achieved in a timely manner (8 cases), or that the agency had made, or was making, diligent efforts to achieve the goal in a timely manner (2 cases). In Guayama, where all applicable cases were rated as a Strength, case reviews revealed that (1) services to promote reunification were provided to parents early on in the case and (2) the courts and the local attorney supported reunification efforts and worked with the child welfare agency toward a common goal.

The item was rated as an Area Needing Improvement when reviewers determined that the agency had not made adequate efforts to achieve the goal of permanent placement with relatives in a timely manner (4 cases), or that the agency continued to work toward reunification with the mother even when the mother indicated to the worker that she was not interested in reunification (1 case).

Some stakeholders commenting on this item expressed the opinion that the agency is effective in reunifying children with their families in a timely manner, particularly when assessments are comprehensive and there is adequate housing for the family. In contrast, other stakeholders noted that reunifications are not consistently occurring on a timely basis and that barriers to timely reunification include a scarcity of adequate housing and a lack of services, particularly substance abuse treatment and mental health evaluation and treatment services. Stakeholders suggested that inadequate access to services often results in reunification efforts being extended for long periods of time to ensure that parents have the opportunity to access services. However, several stakeholders reported that because the agency usually is reluctant to seek termination of parental rights, reunification efforts often are continued even when the prognosis for reunification is very low.

***Determination and Discussion:*** Item 8 was assigned an overall rating of Area Needing Improvement based on the following findings:

- Data from the State Data Profile indicate that for FY 2001 the percentage of reunifications occurring within 12 months of entry into foster care (56.1%) did not meet the national standard of 76.2 percent or more.
- In 33 percent of the applicable cases, reviewers determined that the agency had not made diligent efforts to attain the goals of reunification or permanent placement with relatives in a timely manner.

According to the Statewide Assessment, the vast majority of children in foster care in Puerto Rico have reunification or placement with relative as their permanency goal. The Statewide Assessment also notes that the primary barrier to reunification or placement with relatives is the lack of substance abuse treatment and mental health services for parents and children.

### Item 9. Adoption

Strength       Area Needing Improvement

**Review Findings:** Four of the 20 foster care cases were applicable for an assessment of item 9. In assessing this item, reviewers were to determine whether diligent efforts had been, or were being, made to achieve finalized adoptions in a timely manner. The results were the following:

- Item 9 was rated as a Strength in 1 (25%) of the 4 applicable cases.
- Item 9 was rated as an Area Needing Improvement in 3 (75%) of the 4 applicable cases.

The four cases in which the permanency goal was adoption included one case with a concurrent goal of long-term foster care. In 1 case, adoption was finalized during the period under review, and the finalization occurred 27 months after the child’s entry into foster care. All 3 of the remaining children with a permanency goal of adoption were in adoptive placements.

Item 9 was assigned a rating of Strength when reviewers determined that the agency was making active efforts to achieve the adoption within 24 months (1 case). The item was rated as an Area Needing Improvement when reviewers determined that there were both agency and court-related barriers to timely adoption. Agency-related barriers to timely adoption included maintaining a goal of reunification for too long a period of time, failing to complete the necessary paperwork in a timely manner, lack of discussion with foster parents about adoption and adoption subsidies, and/or failure to file for TPR in a timely manner. Court-related barriers to timely adoption included granting of continuances, reluctance to seek TPR, and the lengthy TPR appeals process.

Stakeholders commenting on this item expressed the opinion that the primary barrier to timely adoptions is that neither the agency nor the courts pursue TPR in a timely manner. Stakeholders reported that when children are in stable placements, particularly if the placements are with relatives, ADFAN does not always pursue TPR. However, several stakeholders suggested that 24 months is not enough time to meet all of the legal requirements to complete an adoption, even if the agency and the courts support the efforts. Other stakeholders said that often even when ADFAN pursues TPR for the mother in a timely manner, the agency delays seeking TPR for absent fathers, which contributes to delays in the adoption finalization process.

**Determination and Discussion:** Item 9 was assigned an overall rating of Area Needing Improvement based on the following findings:

- Data from the State Data Profile indicate that the Commonwealth’s percentage of finalized adoptions in FY 2001 occurring within 24 months of removal from home (14.9%) did not meet the national standard of 32.0 percent or more.
- In 75 percent of the applicable cases, reviewers determined that the agency had not made concerted efforts to achieve an adoption in a timely manner.

According to the Statewide Assessment, the following factors contribute to delays in achieving finalized adoptions in a timely manner:

- In Puerto Rico, adoption plans constitute the third option in the Permanency Plan. (The first is reunification and the second is placement with relatives.)
- Caseworkers are not consistently referring cases to the Adoption Units in a timely manner.

### **Item 10. Permanency goal of other planned permanent living arrangement**

Strength       Area Needing Improvement

**Review Findings:** Two cases were applicable for an assessment of item 10. In assessing these cases, reviewers were to determine if the agency had made, or was making, diligent efforts to assist children in attaining their goals related to other planned permanent living arrangements. The result was that both cases (100%) were rated as an Area Needing Improvement.

One case had concurrent goals of adoption and long-term foster care. Reviewers rated this case as an Area Needing Improvement because they determined that the agency was not making concerted efforts to attain either of the goals. The other applicable case was rated as an Area Needing Improvement for this item because reviewers determined that more appropriate permanency goals should have been explored prior to establishing the goal of long-term foster care.

Stakeholders commenting on the issue of alternative planned living arrangements during the onsite CFSR expressed differing opinions. While some stakeholders suggested that the goal is used appropriately for older adolescents, other stakeholders voiced concern that the goal is established even when there is no foster family willing to take the child on a long-term basis. These stakeholders also noted that “long-term” placements often disrupt and cannot be considered “permanent” homes.

**Determination and Discussion:** Item 10 was assigned an overall rating of Area Needing Improvement because in both applicable cases, reviewers determined that the agency had not made concerted efforts to address the children’s needs with respect to other planned permanent living arrangement.

According to the Statewide Assessment, the agency is concerned about the number of children (266) in foster care with a permanency goal of long-term foster care. However, the Statewide Assessment also notes that long-term foster care, while not a permanency goal of first choice, may be the best plan for older adolescents with behavioral or emotional problems.

**Permanency Outcome 2**

<b>Outcome P2: The continuity of family relationships and connections is preserved for children.</b>					
<b>Number of cases reviewed by the team according to degree of outcome achievement:</b>					
	<b>Guayama</b>	<b>Mayagüez</b>	<b>San Juan</b>	<b>Total Number</b>	<b>Total Percentage</b>
Substantially Achieved:	4	3	7	14	70.0
Partially Achieved:	1	3	1	5	25.0
Not Achieved or Addressed:	0	0	1	1	5.0
Not Applicable:	7	6	9	22	

**STATUS OF PERMANENCY OUTCOME 2**

Puerto Rico did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 70.0 percent of the cases, which is less than the 90 percent required for substantial conformity.

Performance with respect to achieving Permanency Outcome 2 varied across CFSR sites. The outcome was determined to be substantially achieved in 80 percent of Guayama cases and 78 percent of San Juan cases, compared to 50 percent of Mayagüez cases.

CFSR findings indicate that ADFAN makes concerted efforts to place children in close proximity to their families and to seek relatives as potential placement resources. However, case reviewers determined that the agency was not consistent in its efforts to place siblings together in foster care or to preserve connections between children and their families through frequent visitation or other forms of contact. A key concern identified pertained to the inconsistency in agency efforts to ensure that visitation between parents and children was sufficient to meet the needs of the family and promote attainment of permanency goals.

Findings with regard to the individual items assessed for this outcome are presented below.

### **Item 11. Proximity of foster care placement**

Strength                       Area Needing Improvement

**Review Findings:** All 20 foster care cases were applicable for an assessment of item 11. In assessing item 11, reviewers were to determine whether the child's most recent foster care setting was in close proximity to the child's parents or close relatives.

- Item 11 was rated as a Strength in 17 (85%) of the 20 applicable cases.
- Item 11 was rated as an Area Needing Improvement in 3 (15%) of the 20 applicable cases.

Item 11 was rated as a Strength when reviewers determined the following:

- The child was placed in the same community or region as parents or relatives (16 cases).
- The child's out-of-region placement was necessary to meet the child's needs (1 case) (e.g., relative placement).

The item was rated as an Area Needing Improvement when reviewers determined that the children were not placed in close proximity to parents or close relatives because of a lack of placement resources.

Stakeholders commenting on this item expressed differing opinions. State-level stakeholders noted that, in most regions of the Commonwealth, proximity to parents is problematic at the time of the child's initial placement because all children are sent to a shelter—Mi Casita Feliz—for assessment. This is the only shelter in the Commonwealth and represents a relatively new effort in Puerto Rico designed provide children with necessary assessments and ensure appropriate matching between children and placement resources. Stakeholders reported that once the shelter assessment is completed, children usually are returned to their municipalities for placement.

San Juan stakeholders expressed the opinion that proximity of placement often is not a priority and that children may be placed away from their communities due to placement with relatives or to the need for mental health or other specialized services. In contrast, stakeholders in Guayama and Mayagüez were in general agreement that children are placed in close proximity to parents unless this is contrary to the child's best interests.

***Determination and Discussion:*** Item 11 was assigned an overall rating of Strength because in 85 percent of the cases, reviewers determined that ADFAN had made diligent efforts to ensure that children were placed in foster care placements that were in close proximity to their parents or relatives, or, if not in close proximity, were necessary to meet special needs.

According to the Statewide Assessment, ADFAN policy requires that children be placed in the least restrictive home-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child. However, the Statewide Assessment also notes that some children's special needs require placement outside of their community and in some instances, outside of Puerto Rico.

## **Item 12. Placement with siblings**

Strength       Area Needing Improvement

***Review Findings:*** Seventeen of the 20 foster care cases involved a child with siblings who were in foster care. In assessing item 12, reviewers were to determine whether siblings were, or had been, placed together and, if not, whether the separation was necessary to meet the needs (service or safety needs) of one or more of the children. This assessment resulted in the following findings:

- Item 12 was rated as a Strength in 14 (82%) of the 17 applicable cases.
- Item 12 was rated as an Area Needing Improvement in 3 (18%) of the 17 applicable cases.

In 12 of the 17 applicable cases, the child was in a placement with at least one other sibling, and in 11 of those cases, the child was in a placement with all siblings.

Item 12 was rated as a Strength when reviewers determined that (1) the child was in placement with all of his or her siblings (11 cases), (2) the agency made concerted efforts to place all the siblings together (1 case), or (3) the separation of the siblings was deemed necessary to meet at least one child's safety or treatment needs (2 cases). The item was rated as an Area Needing Improvement in two cases because reviewers determined sibling separation was due to a lack of placement resources. The item was

rated as an Area Needing Improvement in one case when reviewers determined that the agency had not made efforts to reunite siblings who had been initially separated because of behavior problems.

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that ADFAN makes concerted efforts to keep siblings together and that they are usually successful in this effort, particularly when children are placed with relatives. However, stakeholders also noted that there are insufficient placement resources for large sibling groups.

**Determination and Discussion:** Item 12 was assigned an overall rating of Area Needing Improvement based on the finding that in 18 percent of the applicable cases, reviewers determined that ADFAN did not make diligent efforts to place siblings together in foster care whenever possible.

According to the Statewide Assessment, the ADFAN procedures manual for children in foster care mandates that reasonable efforts be made to place siblings together. The Statewide Assessment also notes that when siblings are placed in different homes, the caseworker has the responsibility to ensure that they have contact.

### **Item 13. Visiting with parents and siblings in foster care**

Strength       Area Needing Improvement

**Review Findings:** An assessment of item 13 was applicable for all 20 foster care cases. In assessing this item, reviewers were to determine (1) whether the agency had made, or was making, diligent efforts to facilitate visitation between children in foster care and their parents and siblings in foster care; and (2) whether these visits occurred with sufficient frequency to meet the needs of children and families. The findings of this assessment were the following:

- Item 13 was rated as a Strength in 14 (70%) of the 20 applicable cases.
- Item 13 was rated as an Area Needing Improvement in 6 (30%) of the 20 applicable cases.

Typical visitation between children and their mothers for 19 applicable cases was the following:

- Weekly visits – 4 cases.
- Twice a month visits - 5 cases.
- Monthly visits – 3 cases.
- No visits – 7 cases.

Reviewers determined that the agency had made concerted efforts to promote more frequent visitation in three of the seven cases in which there were no visits between children and their mothers.

Typical visitation between children and their fathers for 16 applicable cases was the following:

- Weekly visits – 4 cases.
- Twice a month visits - 2 cases.
- Monthly visits – 3 cases.
- No visits – 7 cases.

Reviewers determined that the agency had made concerted efforts to promote more frequent visitation in two of the seven cases in which there were no visits between children and their fathers.

An assessment of visitation between siblings was applicable in six cases. Typical visitation between siblings was the following:

- Twice a month visits - 2 cases.
- Monthly visits – 1 case.
- No visits – 3 cases.

Reviewers determined that there was a valid reason for the lack of visitation between siblings in the three cases in which sibling visits did not occur.

Item 13 was rated as a Strength when reviewers determined that the frequency of visitation met the needs of children and parents (12 cases), or that, when visitation was less frequent than needed, the agency made diligent efforts to promote more frequent visitation (2 cases). The item was rated as an Area Needing Improvement in five cases when reviewers determined that the frequency of visitation was not sufficient to meet the needs of the child or promote permanency goals and the agency did not make appropriate efforts to facilitate more frequent visitation between a parent and child. The item was rated as an Area Needing Improvement in one case in which the agency did not promote visitation with the siblings once TPR was attained, even though the adoptive mother was willing to allow sibling contact.

Stakeholders commenting on the extent of visitation between children and their parents and siblings in foster care expressed differing opinions. Some stakeholders reported that visits with parents and siblings in foster care take place on a monthly basis, while other stakeholders reported that ADFAN does not ensure that children are visiting with their parents and siblings. Several stakeholders noted that barriers to frequent parent-child visitation were (1) the fact that visits are usually scheduled during business hours, and (2) the parent's lack of access to transportation.

**Determination and Discussion:** Item 13 was assigned an overall rating of Area Needing Improvement because in 30 percent of the applicable cases, reviewers determined that the agency had not made concerted efforts to ensure that visitation between parents and children and between siblings was of sufficient frequency to meet the needs of the child.

According to the Statewide Assessment, the procedures manual for children in foster care establishes that parents or caretakers have the right to visit their children in foster care. It also establishes that the frequency, duration, and place for visits depend upon the biological parents, the relationship between biological parents and children, and the permanency plan for each child.

#### **Item 14. Preserving connections**

Strength       Area Needing Improvement

**Review Findings:** Item 14 was applicable for assessment in 19 of the 20 foster care cases. One case was not applicable because the reviewers determined that the child did not have significant connections to be maintained upon entering foster care. In assessing item 14, reviewers were to determine whether the agency had made, or was making, diligent efforts to preserve the child's connections to neighborhood, community, heritage, family, faith, and friends while the child was in foster care. The assessment resulted in the following findings:

- Item 14 was rated as a Strength in 16 (84%) of the 19 applicable cases.
- Item 14 was rated as an Area Needing Improvement in 3 (16%) of the 19 applicable cases.

Ratings for this item varied considerably across CFSR sites. The item was rated as a Strength in 100 percent of Guayama cases and 89 percent of San Juan cases, compared to 67 percent of Mayagüez cases.

Reviewers indicated that in 16 of the 19 cases, children's primary connections had been “significantly” preserved while they were in foster care; in 1 of the 19 cases, children’s primary connections had been “partially” preserved; and in 2 of the 19 cases, children’s primary connections were “not at all” preserved.

Item 14 was rated as a Strength when reviewers determined that the agency had made diligent efforts to achieve one or more of the following:

- Preservation of child’s primary connections with extended family or former foster family (14 cases).
- Preservation of the child’s heritage (3 cases).

- Preservation of the child’s religious affiliation (3 cases).
- Preservation of child’s primary connections with school or community (5 cases).

The item was rated as an Area Needing Improvement when reviewers determined that the agency had not made diligent efforts to achieve one or more of the following:

- Preservation of child’s primary connections with extended or former foster family members (3 cases).
- Preservation of the child’s religious affiliation (1 case).
- Preservation of child’s primary connections with school or community (1 case).

Stakeholders commenting on this item during the onsite CFSR expressed differing opinions. While some stakeholders expressed the opinion that ADFAN makes diligent efforts to maintain children’s connections to family and community, others indicated that the agency is not consistent in its efforts to maintain sibling connections when siblings are separated in foster care or by adoption. Other stakeholders indicated that children in foster care often experience multiple school changes and lose their connections to friends and teachers.

**Determination and Discussion:** Item 14 was assigned an overall rating of Area Needing Improvement because in 84 percent of the cases, reviewers determined that the State had not made diligent efforts to preserve children's connections.

**Item 15. Relative placement**

  X   Strength             Area Needing Improvement

**Review Findings:** All 20 foster care cases were applicable for an assessment of item 15. In assessing this item, reviewers were to determine whether the agency had made diligent efforts to locate and assess relatives (both maternal and paternal relatives) as potential placement resources for children in foster care, or whether the child had been placed with a relative without adequate assessment of the home to ensure the child’s safety. The results of this assessment were the following:

- Item 15 was rated as a Strength in 17 (85%) of the 20 applicable cases.
- Item 15 was rated as an Area Needing Improvement in 3 (15%) of the 20 applicable cases.

Ratings for this item varied across CFSR sites. The item was rated as a Strength in 100 percent of Guayama cases and 89 percent of San Juan cases, compared to 67 percent of Mayagüez cases.

Item 15 was rated as a Strength when reviewers determined that ADFAN had made diligent efforts to search for both maternal and paternal relatives whenever possible (17 cases). Relatives were ruled out as potential placement resources when they were unable or unwilling to care for the children or had a criminal record or history of substantiated child maltreatment. The item was rated as an Area Needing Improvement when reviewers determined that the agency had not made diligent efforts to search for either maternal or paternal relatives (2 cases), or a relative's home was not properly assessed prior to placement (1 case).

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that ADFAN makes concerted efforts to seek maternal and paternal relatives as placement resources and that relatives are considered as the first placement option. Several stakeholders noted, however, that there is less of an effort to identify and search for non-custodial fathers.

***Determination and Discussion:*** Item 15 was assigned an overall rating of Strength because in 85 percent of the cases, reviewers determined that the agency had made diligent efforts to locate and assess relatives as potential placement resources.

According to the Statewide Assessment, the ADFAN procedures manual for foster care services establishes placement with relatives as the second option in the permanency plans (the first being reunification). The Statewide Assessment also notes that ADFAN regards placements with non-custodial parents as foster care. Custody is retained by ADFAN while the non-custodial parent undergoes a background screening and home study to ascertain his/her suitability.

#### **Item 16. Relationship of child in care with parents**

\_\_\_\_\_ Strength      X Area Needing Improvement

***Review Findings:*** An assessment of item 16 was applicable for 19 of the 20 foster care cases. One case was considered not applicable because parental rights had been terminated prior to the period under review and parents were no longer involved with the child. In assessing this item, reviewers were to determine whether the agency had made diligent efforts to support or maintain the bond between children in foster care and their mothers and fathers. The results of this assessment were the following:

- Item 16 was rated as a Strength in 11 (58%) of the 19 applicable cases.
- Item 16 was rated as an Area Needing Improvement in 8 (42%) of the 19 applicable cases.

This item was rated as a Strength when reviewers determined that ADFAN promoted the parent-child relationship by facilitating and encouraging frequent visitation/contact or made active efforts to promote bonding or continued involvement. The item was rated as an

Area Needing Improvement when reviewers determined that ADFAN had not made diligent efforts to promote the child’s relationship with the mother (3 cases), the father (1 case), or with both parents (4 cases).

**Determination and Discussion:** Item 16 was assigned an overall rating of Area Needing Improvement because reviewers determined that in 42 percent of the applicable cases, the agency had not made concerted efforts to support the parent-child relationships of children in foster care.

### III. CHILD AND FAMILY WELL-BEING

#### Well-Being Outcome 1

<b>Outcome WB1: Families have enhanced capacity to provide for their children’s needs.</b>					
<b>Number of cases reviewed by the team according to degree of outcome achievement:</b>					
	<b>Guayama</b>	<b>Mayagüez</b>	<b>San Juan</b>	<b>Total Number</b>	<b>Total Percentage</b>
Substantially Achieved:	6	4	4	14	33.3
Partially Achieved:	6	6	4	16	38.1
Not Achieved or Addressed:	0	2	10	12	28.6
Not Applicable:	0	0	0		

#### STATUS OF WELL-BEING OUTCOME 1

Puerto Rico did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that the outcome was rated as substantially achieved in 33.3 percent of the cases reviewed, which is less than the 90 percent required for substantial conformity.

Performance on this outcome varied across CFSR sites. The outcomes was determined to be substantially achieved in 50 percent of Guayama cases, compared to 33 percent of Mayagüez cases and 22 percent of San Juan cases.

A key finding was that all indicators for this item were rated as areas needing improvement. The CFSR case reviews revealed that ADFAN was not consistently effective with regard to (1) assessing needs and providing services to children, parents, and foster

parents; (2) involving children and parents in case planning; and (3) establishing face-to-face contact between caseworkers and children and parents that was of sufficient frequency and quality to ensure children's safety and/or promote attainment of case goals.

Findings pertaining to the specific items assessed under Well-Being Outcome 1 are presented and discussed below.

### **Item 17. Needs and services of child, parents, foster parents**

Strength       Area Needing Improvement

**Review Findings:** An assessment of item 17 was applicable for all 42 cases. In assessing this item, reviewers were to determine whether the agency had (1) adequately assessed the needs of children, parents, and foster parents; and (2) provided the services necessary to meet those needs. The results were the following:

- Item 17 was rated as a Strength in 19 (45%) of the 42 cases (9 of the 19 cases were foster care cases).
- Item 17 was rated as an Area Needing Improvement in 23 (55%) of the 42 cases (11 of the 23 cases were foster care cases).

Ratings for this item did not differ substantively as a function of type of case (i.e., foster care case or in-home services case). However, the item was rated as a Strength in 58 percent of Mayagüez cases and 50 percent of Guayama cases, compared to 33 percent of San Juan cases.

Item 17 was rated as a Strength when reviewers determined that the needs of children, parents, and foster parents had been adequately assessed and that identified service needs had been met. The item was rated as an Area Needing Improvement when reviewers determined one or more of the following:

- Services provided to the children were not appropriate to meet the child's needs (10 cases).
- Children's needs were not assessed (7 cases).
- Children's service needs were not met (10 cases).
- Parents' needs were not assessed (11 cases).
- Parents' service needs were not met (16 cases).
- Foster parent's needs were not assessed (4 cases).
- Foster parent's service needs were not met (5 cases).

Most stakeholders expressed the opinion that ADFAN is effective in meeting the children and families' immediate needs, but that the scarcity of resources prevents the agency from providing comprehensive services such as assessment and treatment for mental health and substance abuse. Stakeholders also noted that high caseloads are a significant barrier to caseworkers' ability to meet service needs of children, parents, and foster parents.

Although most local-level stakeholders commented favorably on the availability of independent living services in their localities, some State-level stakeholders expressed the opinion that youth are not being adequately prepared for independent living. However, State-level stakeholders noted that every region has its own Independent Living Program unit and services provided include independent /transitional housing, budgeting, and computer camps. Also, in an effort to provide long-term connections for youth in independent living situations, ADFAN is currently recruiting a pool of "Family" Mentors to provide resource families so that youth will have connections within their communities.

***Determination and Discussion:*** Item 17 was assigned an overall rating of Area Needing Improvement because in 55 percent of the cases, reviewers determined that ADFAN had not adequately assessed and/or addressed the service needs of children, parents, and foster parents.

According to the Statewide Assessment, ADFAN policy requires the development and documentation of an Individualized Service Plan (ISP) for each family receiving child welfare services. The ISP is to be developed jointly by the family, the social worker, and service providers involved with the family. The service plan includes the identification of strengths, risks, and the provision of services. It also identifies educational, mental and physical health needs.

### **Item 18. Child and family involvement in case planning**

Strength       Area Needing Improvement

***Review Findings:*** An assessment of item 18 was applicable for all 42 cases. In assessing this item, reviewers were to determine whether parents (including pre-adoptive parents or permanent caregivers) and children (if age-appropriate) had been involved in the case planning process, and if not, whether their involvement was contrary to the child's best interest. A determination of involvement in case planning required that a parent or child had actively participated in identifying the services and goals included in the case plan. This assessment produced the following findings:

- Item 18 was rated as a Strength in 17 (40%) of the 42 cases (8 of the 17 cases were foster care cases).

- Item 18 was rated as an Area Needing Improvement in 25 (60%) of the 42 cases (12 of the 25 cases were foster care cases).

Ratings for this item did not differ substantively as a function of type of case (i.e., foster care case or in-home services case). However, the item was rated as a Strength in 66 percent of Guayama cases, compared to 41 percent of Mayagüez cases and 22 percent of San Juan cases.

Item 18 was rated as a Strength when reviewers determined that all appropriate parties had actively participated in the case planning process. The item was rated as an Area Needing Improvement when reviewers determined one or more of the following:

- Mothers who should have been involved in case planning were not involved (11 cases).
- Fathers who should have been involved in case planning were not involved (12 cases).
- Children who were old enough to have been involved in case planning were not involved (14 cases).
- There was no current case plan in the child's file (8 cases).

Stakeholders commenting on this item during the onsite CFSR expressed differing opinions. While some stakeholders suggested that ADFAN is not consistent in involving children and parents in the case-planning process, others (particularly in Guayama) reported that involvement of mothers and children in the development of the case plan is a fairly routine practice. However, there was general agreement among stakeholders in all three sites that ADFAN is not consistent in its efforts to engage or involve fathers in the case-planning process.

***Determination and Discussion:*** Item 18 was assigned an overall rating of Area Needing Improvement based on the finding that in 60 percent of the cases, reviewers determined that ADFAN had not made diligent efforts to involve parents and/or children in the case planning process.

According to the Statewide Assessment, the ADFAN procedures manual for foster care services requires the caseworker to discuss with the parents or caretakers the temporary nature of foster care placements and their obligation to participate in the services planning process. It also is mandated that the child be included in the development of the services plan, when appropriate. However, the Statewide Assessment notes that ADFAN does not have a protocol in place to monitor compliance with these requirements.

As noted in the Statewide Assessment, the findings of surveys administered to caseworkers and family technicians in three ADFAN regions indicated that only 35 percent of parents participate in the development of Family Services Plan. The Statewide Assessment reports that ADFAN has identified strategies to address the lack of parent and child engagement with case planning, including (1) training, (2) more active use of the National Resource Centers, and (3) the promotion of Family Conferencing.

## Item 19. Worker visits with child

\_\_\_\_ Strength      \_\_X\_\_ Area Needing Improvement

**Review Findings:** All 42 cases were applicable for an assessment of item 19. In conducting this assessment, reviewers were to determine whether the frequency of visits between caseworkers and children was sufficient to ensure adequate monitoring of the child's safety and well-being, and whether visits focused on issues pertinent to case planning, service delivery, and goal attainment. The results of the assessment were the following:

- Item 19 was rated as a Strength in 23 (55%) of the 42 cases (12 of the 23 cases were foster care cases).
- Item 19 was rated as an Area Needing Improvement in 19 (45%) of the 42 cases (8 of the 19 cases were foster care cases).

Ratings for this item did not vary substantively as a function of type of case. Differences in ratings across CFSR sites, however, were considerable. The item was rated as a Strength in 100 percent of Guayama cases, compared to 50 percent of Mayagüez cases and 28 percent of San Juan cases.

Reviewers noted the following with respect to frequency of caseworker visits with children for the 20 foster care cases:

- In 2 cases, visits typically occurred weekly.
- In 2 cases, visits typically occurred twice a month.
- In 9 cases, visits typically occurred once a month.
- In 6 cases, visits typically occurred less than monthly.
- In 1 case, no visits occurred.

Reviewers noted the following with respect to frequency of caseworker visits with children for the 22 in-home services cases:

- In 1 case, visits typically occurred weekly.
- In 2 cases, visits typically occurred twice a month.
- In 9 cases, visits typically occurred once a month.
- In 9 cases, visits typically occurred less than monthly.
- In 1 case, no visits occurred.

Item 19 was rated as a Strength when reviewers determined that the frequency and quality of visits between caseworkers and children was sufficient to ensure adequate monitoring of the child's safety and well-being and promote attainment of case goals. The item was rated as an Area Needing Improvement when reviewers determined the following:

- The frequency of caseworker visits was not sufficient to meet the needs of the child, but when visits did occur, they focused on issues pertinent to case planning, service delivery, and goal attainment (12 cases).
- The frequency of caseworker visits was not sufficient to meet the needs of the child, and the visits did not focus on issues pertinent to case planning, service delivery, and goal attainment (5 cases).
- The frequency of the caseworker’s visits was sufficient to meet the needs of the child but the visits did not focus on issues pertinent to case planning, service delivery, and goal attainment (1 case).
- The caseworker never visited the child during the period under review (1 case).

Stakeholders commenting on the issue of worker contacts with children were in general agreement that the frequency of face-to-face contact between caseworkers and the children in their caseloads often is not sufficient to meet the children’s needs. A few stakeholders suggested that caseworkers attempt to maintain contact through telephone calls, but others reported that caseworkers only make telephone contact if there is a problem. Several stakeholders voiced concern that some caseworkers have not made contact with some of the children in their caseloads for “years.”

***Determination and Discussion:*** Item 19 was assigned an overall rating of Area Needing Improvement based on the finding that in 45 percent of the cases, reviewers determined that caseworker visits with children were not of sufficient frequency and/or quality to ensure children’s safety and well-being.

These findings are not consistent with the requirements of ADFAN policy. According to the Statewide Assessment, ADFAN requires frequent contact between caseworkers and children in foster care, although the frequency of contact depends largely on the needs of the child and the family. As established by ADFAN, the “standard” frequency of worker contact with children is:

- Face to face - once a month;
- Visits to home - once a month;
- Children in foster care - once a month;
- Pre-adoptive homes - once a month; and
- Institutional placement - twice a month

The Statewide Assessment also identified several barriers to frequent contacts between caseworkers and children, including (1) high caseloads, (2) staff turn-over, (3) frequent court hearings, and (4) lack of transportation.

## Item 20. Worker visits with parents

\_\_\_\_ Strength      \_\_X\_\_ Area Needing Improvement

**Review Findings:** An assessment of item 20 was applicable for all 42 cases. Reviewers were to assess whether the caseworker's face-to-face contact with the children's mothers and fathers was of sufficient frequency and quality to promote attainment of case goals and/or ensure the children's safety and well being. The results of this assessment were the following:

- Item 20 was rated as a Strength in 20 (48%) of the 42 cases (9 of the 20 cases were foster care cases).
- Item 20 was rated as an Area Needing Improvement in 22 (52%) of the 42 cases (11 of the 22 cases were foster care cases).

Ratings for caseworker visits with parents did not differ substantially as a function of type of case. However, there was variation in ratings across CFSR sites. The item was rated as a Strength in 83 percent of Guayama cases, compared to 42 percent of Mayagüez cases and 28 percent of San Juan cases.

Typical patterns of caseworker visits with mothers were the following (40 applicable cases):

- Weekly visits – 3 cases (2 of which were foster care cases).
- Twice a month visits - 5 cases (3 of which were foster care cases).
- Monthly visits – 18 cases (8 of which were foster care cases).
- Less than monthly visits – 13 cases (5 of which were foster care cases).
- No visits – 1 case (which was not a foster care case).

Typical patterns of caseworker visits with fathers were the following (24 applicable cases):

- Twice a month visits - 2 cases (1 of which was a foster care case).
- Monthly visits - 3 cases (1 of which was a foster care case).
- Less than monthly visits – 14 cases (9 of which were foster care cases).
- No visits – 5 cases (2 of which were foster care cases).

Item 20 was rated as a Strength when reviewers determined that visits occurred with sufficient frequency to meet the needs of parents and children, and that visits focused on issues pertinent to case planning, service delivery, and goal attainment. The item was rated as an Area Needing Improvement when reviewers determined the following:

- Visits were not occurring with sufficient frequency, but when they did occur they focused on substantive issues pertaining to the case (12 cases).

- Visits were not occurring with sufficient frequency, nor did they focus on substantive issues pertaining to the case (4 cases).
- Visits were occurring with sufficient frequency, but did not focus on substantive issues pertaining to the case (3 cases).
- The caseworker never visited either parent during the CFSR period under review (3 cases).

Stakeholders commenting on this item expressed the opinion that the frequency and quality of worker visits with parents were insufficient to meet the needs of the children and parents and achieve case goals. High caseloads were cited as a barrier to more frequent and higher quality face-to-face contacts.

**Determination and Discussion:** Item 20 was assigned an overall rating of Area Needing Improvement because in 52 percent of the applicable cases, reviewers determined that the frequency and/or quality of caseworker visits with parents were not sufficient to monitor the safety and well-being of the child or promote attainment of case goals.

According to the Statewide Assessment, Puerto Rico has not established a special policy regarding contacts between caseworkers (or other service providers) and the parents of the children in their caseloads.

**Well-Being Outcome 2**

<b>Outcome WB2: Children receive appropriate services to meet their educational needs.</b>					
<b>Number of cases reviewed by the team according to degree of outcome achievement:</b>					
	<b>Guayama</b>	<b>Mayagüez</b>	<b>San Juan</b>	<b>Total Number</b>	<b>Total Percentage</b>
Substantially Achieved:	6	8	10	24	77.4
Partially Achieved:	1	0	1	2	6.5
Not Achieved or Addressed:	0	1	4	5	16.1
Not Applicable:	5	3	3	11	

**STATUS OF WELL-BEING OUTCOME 2**

Puerto Rico did not achieve substantial conformity with Well-Being Outcome 2. This determination was based on the finding that the outcome was substantially achieved in 77.4 percent of the cases reviewed, which does not meet the 90 percent required for substantial conformity.

A key CFSR finding was that ADFAN does not effectively assess children's educational needs and provide appropriate services to meet those needs.

The findings for the item assessed for Well Being Outcome 2 are presented below.

### **Item 21. Educational needs of the child**

Strength       Area Needing Improvement

**Review Findings:** An assessment of item 21 was applicable for 31 of the 42 cases reviewed. Cases that were not applicable for assessment included those in which the children were not of school age or did not have education-related needs. In assessing this item, reviewers were to determine whether children's educational needs were appropriately assessed and whether services were provided to meet those needs. The results of this assessment were the following:

- Item 21 was rated as a Strength in 24 (77%) of the 31 applicable cases (12 of the 24 cases were foster care cases).
  - Item 21 was rated as an Area Needing Improvement in 7 (23%) of the 31 applicable cases (3 of the 7 cases were foster care cases).
- Ratings for this item did not differ substantially either as a function of type of case or across CFSR sites.

Item 21 was rated as a Strength when reviewers determined that all educational needs were assessed and addressed as appropriate. The item was rated as an Area Needing Improvement when reviewers determined that educational needs were not assessed (3 cases) or that services were not provided to address all identified educational needs (4 cases). In three cases, one of the children in the family was not attending school and the agency did not address this issue.

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that ADFAN makes concerted efforts to meet the educational needs of children and youth and that it collaborates with the schools to assess needs and provide services when necessary. Some stakeholders also reported that foster parents play a significant role in advocating for children's educational rights and accessing education-related services. Despite these positive perceptions, a few stakeholders expressed concern about the fact that children experience multiple school changes while in foster care, and that enrollment often is delayed when the change occurs in the middle of a school year. State-level stakeholders said that workshops conducted by ADFAN with school personnel have resulted in a greater awareness of the need to enroll foster care children in a timely manner.

**Determination and Discussion:** Item 21 was assigned an overall rating of Area Needing Improvement because in 23 percent of the applicable cases, reviewers determined that the agency had not made diligent efforts to meet the educational needs of children.

According to the Statewide Assessment, caseworkers are expected to advocate for children to obtain needed educational services. This includes ensuring that evaluation/testing is conducted (when needed), appropriate school training is received, and specialized services are provided. The Statewide Assessment notes that caseworkers also are required to participate in Individual Educational Plans (IEP) and in meetings with the foster children receiving educational services and are required to maintain a copy of the plan in the child’s record. Additionally, foster parents have a responsibility to ensure that the educational needs of the children are consistently assessed and met. P.L. 51-Special Education Law guarantees the right to education for children with special needs placed in institutional settings. This law also allows for these children to have a “special” foster parent to represent and advocate on their behalf. However, as noted in the Statewide Assessment, ADFAN does not have a Quality Assurance Review process in place to ascertain whether the educational needs of children in foster care are being met.

**Well-Being Outcome 3**

<b>Outcome WB3: Children receive adequate services to meet their physical and mental health needs.</b>					
<b>Number of cases reviewed by the team according to degree of outcome achievement:</b>					
	<b>Guayama</b>	<b>Mayagüez</b>	<b>San Juan</b>	<b>Total Number</b>	<b>Total Percentage</b>
Substantially Achieved:	10	5	5	20	51.2
Partially Achieved:	0	6	7	13	33.3
Not Achieved or Addressed:	0	1	5	6	15.4
Not Applicable:	2	0	1	3	

**STATUS OF WELL-BEING OUTCOME 3**

Puerto Rico did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in 51.2 percent of the 39 applicable cases, which is less than the 90 percent required for substantial conformity.

Performance on this outcome varied considerably across CFSR sites. The outcome was determined to be substantially achieved in 100 percent of Guayama cases, compared to 45 percent of Mayagüez cases and 29 percent of San Juan cases.

A key CFSR finding is that ADFAN is not consistent in meeting the physical health needs of children in both foster care and in-home services cases. Case review findings also indicate that ADFAN is not consistently effective in meeting children’s mental health needs, particularly children in the in-home services cases.

Findings pertaining to the specific items assessed under Well-Being Outcome 3 are presented and discussed below.

### **Item 22. Physical health of the child**

Strength       Area Needing Improvement

**Review Findings:** An assessment of item 22 was applicable for 36 of the 42 cases reviewed. Cases that were not applicable were in-home services cases in which physical health concerns were not an issue. In assessing this item, reviewers were to determine whether (1) children's physical health needs had been appropriately assessed, and (2) the services designed to meet those needs had been, or were being, provided. The findings of this assessment were the following:

- Item 22 was rated as a Strength in 27 (75%) of the 36 applicable cases (16 of the 27 cases were foster care cases).
- Item 22 was rated as an Area Needing Improvement in 9 (25%) of the 36 applicable cases (4 of the 9 cases were foster care cases).

Ratings for this item did not differ substantively as a function of type of case, but differed across CFSR sites. The item was rated as a Strength in 100 percent of applicable Guayama cases, compared to 75 percent of applicable San Juan cases and 55 percent of applicable Mayagüez cases.

Item 22 was rated as a Strength when reviewers determined that children's health needs were routinely assessed and services provided as needed. The item was rated as an Area Needing Improvement when reviewers determined the following:

- The child did not receive appropriate screenings and preventive care (5 cases).
- The child did not receive treatment for identified medical and/or dental needs (3 cases).
- The child did not receive a medical examination for a case involving physical abuse (1 case).

Stakeholders commenting on this item during the onsite CFSR expressed the opinion that ADFAN generally is effective in assessing and meeting children’s physical health needs. They noted that children in foster care receive initial screenings and annual physical exams that include dental and eye exams. Stakeholders also reported that children receive a medical card shortly after entering foster care that provides them with access to a full array of services through the managed care system. However, several stakeholders

reported that some health care and dental providers do not participate in the managed care system, which makes it difficult to access needed services. San Juan and Mayagüez stakeholders reported difficulties in those locations with regard to accessing dental services through managed care. However, Guayama stakeholders indicated that dental as well as medical services are readily accessible. State-level stakeholders said that there is an established Office of Ombudsman for Health Services to ensure that children’s rights to health services are upheld.

*Determination and Discussion:* Item 22 was assigned an overall rating of Area Needing Improvement based on the finding that in 25 percent of the applicable cases, reviewers determined that the agency had not adequately addressed children’s health needs.

According to the Statewide Assessment, ADFAN’s policy requires that all children receive a medical examination the day after coming into custody. However, the agency does not have a tracking system to follow up on medical examinations. The Statewide Assessment also notes that all children in foster care are entitled to free health services through the State Managed Health Care System. If there are special health conditions not covered by the Health Plans, the Department of the Family will pay for the services. The health needs of the children are assessed and the plan is revised every 6 months. When children need to receive treatment or therapy that is not available in Puerto Rico and must travel elsewhere in the United States for medical attention, the Commonwealth covers the expense.

### **Item 23. Mental health of the child**

Strength       Area Needing Improvement

**Review Findings:** An assessment of item 23 was applicable for 32 of the 42 cases reviewed. Cases that were not applicable were those in which the child was too young for an assessment of mental health needs or in-home cases in which the child’s mental health needs were not relevant to the agency’s contact with the family. In assessing this item, reviewers were to determine whether (1) mental health needs had been appropriately assessed and (2) appropriate services to address those needs had been offered or provided. The findings of this assessment were the following:

- Item 23 was rated as a Strength in 18 (56%) of the 32 applicable cases (10 of the 19 cases were foster care cases).
- Item 23 was rated as an Area Needing Improvement in 14 (44%) of the 32 applicable cases (6 of the 14 cases were foster care cases).

Ratings for this item varied slightly as a function of case type. The item was rated as a Strength in 63 percent of applicable foster care cases compared to 50 percent of applicable in-home services cases. In addition, the item was rated as a Strength in 100 percent of applicable Guayama cases, compared to 73 percent of applicable Mayagüez cases, and 21 percent of applicable San Juan cases.

Reviewers determined that children’s mental health needs were “significantly” assessed in 20 cases, “partially” assessed in 3 cases, and “not at all” assessed in 8 cases (one case was not applicable for assessment). Reviewers determined that identified mental health service needs were “significantly met” in 11 cases, “partially met” in 6 cases, and “not at all met” in 9 cases.

Item 23 was rated as a Strength when reviewers noted that children’s mental health needs were "significantly" or “partially” assessed, and mental health needs, if relevant, were “significantly” met. The item was rated as an Area Needing Improvement when reviewers determined the following:

- The child did not receive a formal mental health assessment and there was evidence that a mental health assessment was warranted (7 cases).
- The child did not receive services to address identified mental health needs (6 cases).
- The child’s mental health needs had not been assessed in a timely manner (1 case).

Stakeholders commenting on this item identified the following concerns regarding mental health assessments and services: (1) existing mental health services are of poor quality and often consist of only providing prescription medications without concurrent therapy; (2) there is a lack of services for children and youth who have experienced trauma, depression, grief, and/or loss; (3) there are long waiting lists for psychological or psychiatric evaluations; and (4) emergency mental health services are difficult to access through the managed care system. Stakeholders noted that when children are placed in *Mi Casita Feliz* shelter at the time they enter foster care, they receive a mental health evaluation if it is deemed necessary.

***Determination and Discussion:*** Item 23 was assigned an overall rating of Area Needing Improvement based on the finding that in 44 percent of the applicable cases, reviewers determined that the agency had not made sufficient efforts to address the mental health needs of children.

According to the Statewide Assessment, ADFAN is committed to monitoring the effectiveness of services provided to children to address their mental health needs (i.e., grief, loss, the impact of previous trauma associated with abuse, neglect, substance abuse, and/or domestic violence). This comprises multiple actions and involves consistently requesting, reviewing, and monitoring all sources of relevant information, including plans, counseling progress notes, prescribed medications, and any psychological evaluations performed. The Statewide Assessment notes that ADFAN has taken action to specifically address the mental health needs of children

who are victims of sexual abuse through a service contract with the Carlos Albizu University. As noted in the Statewide Assessment, however, mental health services to address special needs are very limited.

**SECTION 2: SYSTEMIC FACTORS**

**IV. STATEWIDE INFORMATION SYSTEM**

<b>Rating of Review Team Regarding Substantial Conformity</b>				
	<b>Not in Substantial Conformity</b>		<b>Substantial Conformity</b>	
Rating	1	2X	3	4

Puerto Rico did not achieve substantial conformity with the systemic factor of Statewide Information System. Information pertaining to the item addressed for this factor is provided below.

**Item 24. State is operating a Statewide information system that, at a minimum, can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding months, has been) in foster care.**

Strength       Area Needing Improvement

Item 24 is rated as an Area Needing Improvement because Puerto Rico does not have a Commonwealth-wide information system that can accurately, readily, and reliably report on the status, location, goals, and characteristics of all children in foster care.

According to the Statewide Assessment, ADFAN does not have an automated child welfare information system. Most data are collected manually and do not meet the day-to-day information needs of caseworkers, supervisors, and central level administrators. The Statewide Assessment notes, however, that Puerto Rico does have a State Information System (SIS), that is designed to meet minimal reporting requirements of the Federal Adoption and Foster Care Analysis and Reporting System (AFCARS). As reported in the Statewide Assessment, a Technology Plan has been submitted to the Commonwealth’s Office of Management and Budget for the development of the ADFAN Technological Infrastructure that will integrate all phases in the life of a case and interface with other systems that provide services to the same families.

Stakeholders commenting on this item during the onsite CFSR were in agreement that Puerto Rico does not have an information system that can readily identify the status, demographic characteristics, location, and goals for the placement of every child in foster care. Stakeholders said that most of this information is included in the case files and caseworkers send a report on a monthly basis to the central office. However, stakeholders noted that there are no procedures for confirming the accuracy and reliability of these data. Stakeholders also reported that most local offices lack sufficient computer equipment, which affects the accuracy of the data because workers cannot verify what is entered into their system.

**V. CASE REVIEW SYSTEM**

Rating of Review Team Regarding Substantial Conformity				
	Not in Substantial Conformity		Substantial Conformity	
Rating	1	2 X	3	4

Puerto Rico is not in substantial conformity with the systemic factor of Case Review System. Information pertaining to the items assessed for this factor is provided below.

**Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child’s parent(s) that includes the required provisions.**

Strength       Area Needing Improvement

Item 25 was rated as an Area Needing improvement because the CFSR found that ADFAN is inconsistent with regard to involving parents in developing the child’s case plan.

According to the Statewide Assessment, ADFAN requires the development and documentation of an Individualized Service Plan (ISP) for each family receiving child welfare services, and requires that the plan be developed by the Family Planning Team, which is to be composed of family members, caseworkers, and other service providers. The ISP must be reviewed and updated by the Family Planning Team at least every 6 months.

The Statewide Assessment also notes that there is no protocol for monitoring compliance with these requirements. In fact, an assessment of 134 protective services cases revealed that ISP's are not always developed in a timely manner and needs assessments were missing in about 30 percent of the cases. In addition, the Statewide Assessment reports that parents of children in foster care are not fully involved in the development of the case plan. The Statewide Assessment indicates that Family Conferencing is an effective strategy for increasing parental involvement, although currently it is not widely used in the Commonwealth.

Stakeholders commenting on case plans and the case planning process during the onsite CFSR were in general agreement that children have case plans. However, some State-level stakeholders said that a study conducted of case files as part of the Court Improvement Project (CIP) showed that plans are not revised to reflect the family's current situation.

There was variation across CFSR sites with respect to stakeholder opinions regarding the involvement of parents and children in the case-planning process. Although Guayama stakeholders reported that parents are involved in the case planning process both initially and on an ongoing basis, some stakeholders in the other CFSR sites expressed the opinion that parents are not routinely involved in case planning. The case reviews found that parents and age-appropriate children were involved in the case planning process in only 40 percent of the cases.

**Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.**

Strength       Area Needing Improvement

Item 26 was rated as an Area Needing Improvement because the CFSR identified inconsistencies in conducting the 6-month reviews across the Commonwealth. In addition, agency policy does not require ongoing reviews over the life of a case, and the court will often close the court case before the child's permanency goal has been achieved.

According to the Statewide Assessment, the Puerto Rico Law for the Safeguard of Children in the 21<sup>st</sup> Century (Law 342) requires that each of the 10 ADFAN regions must establish a Review Board, comprising 5 to 12 members representing the Department of the Family, Mental Health Anti-Addiction Administration, Department of Education, Housing Administration, a private entity, and the community. The Review Board is responsible for ensuring that each child has a permanency plan and that it is reviewed every 6 months until the goal is achieved. The Review Board also is responsible for ensuring that parents or responsible parties participate in the review process. Recommendations of the Review Board are submitted to the Court as part of the Permanency Plan. In addition to

the Review Board, the Puerto Rico Judicial System schedules the review of cases every 3 months for children under temporary custody. Cases under permanent custody are not reviewed again, once they are closed and filed, unless ADFAN requests that they are re-opened.

The Statewide Assessment notes that to ensure timely reviews, a Regional Coordinator prepares a monthly list that identifies children who are eligible for review. Then 2 months before the review, the names are sent to the corresponding Regional Office so that they may prepare the plan and necessary forms, which are to be discussed with the parents and reviewed by the local and regional supervisor.

Stakeholders commenting on this item during the onsite CFSR expressed differing opinions. State-level stakeholders suggested that San Juan may be the only region of the Commonwealth where the Review Board actually operates as required. They noted that a Commonwealth-wide study conducted by the Court Improvement Program found that only a few of the cases reviewed had a 6-month review by a Review Board. San Juan stakeholders generally agreed that a Review Board review occurs every 6 months on all foster care cases, and that the Review Board makes recommendations to the courts based on the review findings. While some stakeholders in Mayagüez and Guayama suggested that 6-month reviews are occurring consistently, others questioned the consistency of this process. However, stakeholders in both Guayama and Mayagüez reported that caseworkers are not invited to Review Board reviews and rarely attend and that foster parents are not invited to the reviews. These stakeholders suggested that the absence of foster parents and caseworkers results in reviews that are not based on complete information about the case.

**Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.**

Strength       Area Needing Improvement

Item 27 was rated as an Area Needing Improvement because permanency hearings are not routinely held every 12 months and the court maintains a practice of closing the court case before a child's permanency goal is achieved.

According to the Statewide Assessment, Puerto Rico has been struggling to improve compliance with the 12-month permanency hearing requirement. The Statewide Assessment notes that although there have been continuous efforts between ADFAN and State Courts to provide training and support to courts on ASFA requirements, additional efforts are needed to ensure compliance with

ASFA. The Statewide Assessment also reports that participants in a permanency focus group convened for the Commonwealth’s self-assessment voiced concerns regarding the Judicial System and the need for judges to adhere to ASFA timeframes. They indicated that permanency hearings are not being held in a timely manner. Finally, the Statewide Assessment notes that there are over 3,000 children in the permanent legal custody of ADFAN who have not yet achieved their permanency goals.

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that permanency hearings are not being held in a timely manner. A key concern identified by stakeholders is that when permanent custody is granted to ADFAN, the court no longer holds permanency hearings and closes the court case. In Puerto Rico, permanent custody is established when parents maintain parental rights but the court and the agency determine that the child is likely to remain in foster care for a long period of time. Another concern identified by stakeholders was that the courts had not received training on the types of hearings that are to be conducted under ASFA. However, several stakeholders reported that this type of training has recently been implemented as part of the Court Improvement Program (CIP). In addition, stakeholders reported that ADFAN and the CIP are implementing a plan to have court cases of children in ADFAN custody re-opened so that permanency hearings can be held. According to ADFAN stakeholders, these cases have already been identified and court dates are being set.

**Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.**

Strength       Area Needing Improvement

This item is rated as an Area Needing Improvement because the CFSR found that there is not a consistent and routine process for filing for termination of parental rights for children in care for 15 of the most recent 22 months as provided in ASFA, and cases are not routinely reviewed for the appropriateness of TPR. In addition, after the court case is closed, it must be reopened by the court in order for the Child Welfare agency to file for TPR. This results in considerable delays in achieving permanency for children.

According to the Statewide Assessment, Puerto Rico’s law provides for a process for filing for TPR when children have been in foster care for 12 of the most recent 22 months or when the court has determined that reasonable efforts to reunify the child are not necessary due to the circumstances of the case. However, the Statewide Assessment identifies several reasons that the court accepts as appropriate for not seeking TPR, including the following: the family has made substantial progress towards achievement of reunification; there is an attachment to the biological family that, if broken, would be irreparably detrimental to the child as documented by a qualified therapist; and the child has a permanency goal of independent living and is receiving Independent Living

Program services. The Statewide Assessment also notes that ADFAN caseworkers and judges “struggle” over the issue of substance abuse treatment and how long a period of time is necessary to allow for rehabilitation before seeking TPR.

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that neither the agency nor the courts are routinely seeking TPR in accordance with ASFA provisions, and that both the courts and the agency support families’ continuing efforts toward reunification, even in situations where the prognosis for reunification is low. Stakeholders noted that the lack of services in many areas results in judges ruling that reasonable efforts have not been made to promote reunification. Stakeholders also noted that most judges are not familiar with the ASFA provisions regarding TPR, although it was noted that training is being provided to court personnel on ASFA.

Additional barriers to TPR identified by stakeholders included: an insufficient number of agency attorneys to handle the number of cases requiring TPR; crowded court dockets that result in delayed TPR hearings; workers that do not complete paperwork in a timely manner because of high caseload demands; and inconsistent efforts to locate non-custodial parents early on in the life of the case.

**Item 29. Provides a process for foster parents, preadoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.**

Strength       Area Needing Improvement

Item 29 is rated as an Area Needing Improvement because the CFSR found that there is no formal process for notifying foster parents, pre-adoptive parents, and relative caregivers about case hearings and reviews or for providing them with the opportunity to be heard during reviews and hearings.

Stakeholders commenting on this item during the onsite CFSR were in general agreement that foster parents are not notified on a consistent basis about court hearings. In fact, some stakeholders expressed the opinion that having foster parents present during a court hearing would result in a violation of confidentiality. Other stakeholders reported that foster parents must have a child placed with them for a year before they are permitted to provide information to the court regarding the child’s status. Stakeholders also said that foster parents are not invited to Review Board reviews and do not attend those reviews. State-level stakeholders noted that Puerto Rico’s CIP is in the process of developing court and agency procedures that will include provisions for notifying foster parents of hearings and reviews and will incorporate a checklist indicating whether or not caretakers have been notified of the hearings and reviews.

**VI. QUALITY ASSURANCE SYSTEM**

Rating of Review Team Regarding Substantial Conformity				
	Not in Substantial Conformity		Substantial Conformity	
Rating	1	2 X	3	4

Puerto Rico is not in substantial conformity with the systemic factor of Quality Assurance System. Information pertaining to the items assessed for this factor is provided below.

**Item 30. The State has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.**

  X   Strength             Area Needing Improvement

Item 30 is rated as a Strength because Puerto Rico has developed and implemented safety standards for all foster and adoptive homes.

According to the Statewide Assessment, Puerto Rico has implemented regulations, standards, and procedures for all foster homes, whether licensed (homes with 3 or more children) or certified (homes with up to 2 children). The licensing and certification process is monitored by the substitute care and licensing units located in each of the Regional Offices. However, the Statewide Assessment also notes that current operational manuals, policies and administrative practices must be updated to ensure uniform and standardized application.

Most stakeholders commenting on this item during the onsite CFSR reported that the foster parent licensing unit monitors the quality of foster homes and provides ongoing training to foster parents. Stakeholders indicated that safety standards, established through licensing, provide that foster parents cannot use physical discipline, isolation, or food restrictions to discipline children in their care. Stakeholders also reported that, based on the provisions of a mental health law in Puerto Rico, physical restraints on children can be used only within certain guidelines and under approved conditions. A stakeholder noted that some court cases in Puerto Rico have established rights of children in foster care, including provisions for reporting that they have been maltreated in care.

**Item 31. The State is operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.**

Strength       Area Needing Improvement

Item 31 is rated as an Area Needing Improvement because Puerto Rico does not have an identifiable quality assurance system.

According to the Statewide Assessment, Puerto Rico does not have an identifiable, on-going quality assurance (QA) system. However, the Statewide Assessment notes that the Office of Planning, Evaluation and Development, established in February 2001, is responsible for the evaluation, measurement, and assessment of data, regional services, performance indicators, Federal programs, program productivity and responsiveness, special studies, and compliance with Federal regulations. In addition, external sources of QA include: Permanency Planning Review Boards (1 per region), Citizens' Advisory Board for Child Protection (1 per region), and Multidisciplinary Teams (MPTs). However, the Statewide Assessment also indicates that surveys administered as part of the Statewide Assessment process revealed that only 5 of the 10 regions have an MPT in place, and members of the team were from the same agency rather than representing multiple disciplines.

Most stakeholders commenting on this item during the onsite CFSR expressed the opinion that Puerto Rico does not have an identifiable quality assurance system. Stakeholders reported that, most case-level QA is conducted by supervisors and there are no procedures for monitoring the supervisory review process. However, stakeholders noted that Puerto Rico has recently identified a staff person to direct QA activities for ADFAN and is currently working with the University of Puerto Rico to design a QA system. Stakeholders indicate that ADFAN plans to move all of the disparate monitoring functions that currently exist within ADFAN to a central QA unit.

**VII. TRAINING**

<b>Rating of Review Team Regarding Substantial Conformity</b>	
<b>Not in Substantial Conformity</b>	<b>Substantial Conformity</b>

Rating	1X	2	3	4
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Puerto Rico did not achieve substantial conformity with the systemic factor of Training. Information pertaining to the items assessed for this factor is provided below.

**Item 32. The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.**

Strength       Area Needing Improvement

Item 32 is rated as an Area Needing Improvement because there is not a required pre-service training program for child welfare agency staff.

According to the Statewide Assessment, required pre-service training for new ADFAN staff was discontinued in 1995. At present, new employees receive general information orientations prior to initiating their work, but these activities are not integrated into a uniform pre-service training plan and their focus is on information sharing rather than skill building.

Stakeholders commenting on initial staff training during the onsite CFSR were in agreement that current training efforts are insufficient to meet the needs of the workers. Stakeholders reported that the University of Puerto Rico is currently working with ADFAN to develop a professional Child Welfare Certification that will include training on the Generalist Practice Model – Centered on the Family (GPM), a risk assessment component, and a quality assurance process. Although a large number of supervisors and direct service staff have been trained on the model thus far, stakeholders noted that the GPM has not yet been established as a mandated pre-service training program for all newly hired staff. Stakeholders also reported that a newly formed training office within ADFAN will implement a training plan for all staff, although this is not yet fully functional.

Despite the lack of State-mandated new-worker training, stakeholders in Mayagüez and San Juan reported that caseworkers in those localities receive pre-service training, although the training is not comprehensive and much of it involves shadowing more experienced workers.

**Item 33. The State provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.**

Strength       Area Needing Improvement

Item 33 is rated as an Area Needing Improvement because the agency does not have an ongoing training program and does not require staff to participate in ongoing training.

The Statewide Assessment reports that currently, ADFAN plans to implement the "Generalist Practice Model - Centered on the Family" (GPM), which will establish uniform procedures and ensure the effectiveness of services being provided. According to the Statewide Assessment, the GPM training has been provided to 100 supervisors during 2002, with the expectation that they would provide training in their respective regions. During early 2003, 1,600 direct service staff and supervisors from all 10 regions were expected to be trained on the GPM. As noted in the Statewide Assessment, other training sessions and workshops have been made available on topics such as judicial processes, permanency plans, sexual abuse, patient's rights and supervision, rules and regulations, and basic skills and strategies. In addition, Institutional Abuse Units developed and provided the "Indicators and Prevention of Institutional Child Abuse and Neglect" workshops.

Stakeholders commenting on ongoing staff training during the onsite CFPSR were in general agreement that there are no agency requirements for on-going training. However, Mayagüez stakeholders reported that ongoing training is offered at the local level a few times a year, although space is limited.

**Item 34. The State provides training for current or prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.**

Strength       Area Needing Improvement

Item 34 was rated as an Area Needing Improvement because although Puerto Rico is in the process of implementing a training program for foster parents, currently ADFAN has no formal training process for current or prospective foster parents.

According to the Statewide Assessment, ADFAN provides prospective foster parents with different orientation activities regarding agency procedures, foster parent's responsibilities, and licensing requirements. However, a uniform training program is not provided at the entry level. The Statewide Assessment notes, however, that a pre-service training program for foster parents has been prepared by San Agustín del Coquí (SAC), but it is not yet in full operation. Recently approved Regulation for Licensing and Supervision of Foster Homes Number 6476 establishes that foster parents shall be required to take a minimum of 15 hours of training per year in the area of child development. SAC developed 12 modules offered at 90 minute workshops. The objective is to provide a minimum of 18 hours per year for the "seasoned" foster parent and 35 for new foster parents. However, at present, the SAC Modules for foster parents are not being offered consistently in all 10 regional offices.

Regarding training for adoptive parents, the Statewide Assessment noted that the integrated training plan for adoptive parents is still under development. Information in the Statewide Assessment indicates that during the last 3 years, pre- and post-adoptive parents have received training in the following areas: parenting, discipline, emotional development, special needs, and adoption legal process and responsibilities. In addition, during fiscal year 2001-2002, the "Families in Group Support Module" was modified and adapted for pre- and post-adoptive parents. Fifteen employees from the Adoption Units received the "train-the-trainer" modules, and will provide the training to adoptive parents during the supervision phase of the adoption process.

Some stakeholders commenting on this item during the onsite CFSR noted that, although ADFAN is working on implementing a training requirement for foster parents, current ADFAN policy does not mandate training for foster parents prior to having a child placed in their home. Stakeholders expressed the opinion that only about one-third of the foster parents in Puerto Rico have received training.

Stakeholders at the CFSR sites, however, indicated that training is available for foster parents in those sites, although training is not required prior to the placement of a child in a foster home. For example, San Juan stakeholders reported that licensed foster parents receive training once a month after children are placed in the home. However, they were in agreement that children are placed in foster family homes prior to foster parents' participation in training. In addition, stakeholders noted that training for adoptive parents is not consistently available in all regions of the Commonwealth.

## VIII. SERVICE ARRAY

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
		1X	2	3

Puerto Rico did not achieve substantial conformity with the systemic factor of Service Array. Information pertaining to the items assessed for this factor is presented below.

**Item 35. The State has in place an array of services that assess the strengths and needs of children and families and determine other service needs, address the needs of families in addition to individual children in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.**

Strength       Area Needing Improvement

Item 35 is rated as an Area Needing Improvement because there are many critical services that are not available to children and families and the scarcity of these services is a barrier to achieving children's permanency goals in a timely manner.

According to the Statewide Assessment, a variety of services are offered in Puerto Rico by both public and private entities. Reunification services are offered by direct service workers at the local offices, the Integrated Service Centers (ISC), and three community-based organizations. In addition, "Mi Casita Feliz" (My Happy Home), established in 2002, is a shelter facility where children are initially placed when they are removed from their homes and where they receive evaluations and medical screenings that serve to guide placement decisions and case planning. However, the Statewide Assessment identifies the following service gaps: occupational therapy, respite care, public housing, Section 8 housing, housing for large family groups, vocational schools, evaluations for special education, mental health and medical services and trained/specialized foster homes.

Stakeholders commenting on the issue of service array during the onsite CFSR expressed the opinion that there are not enough

services available to meet the needs of children and families. Stakeholders expressed concern about the lack of mental health evaluation and treatment services, housing, transportation, respite care, sexual abuse treatment services, therapeutic foster homes, substance abuse treatment services, and domestic violence treatment services. Stakeholders also noted that many of the services that are available are of questionable quality. Several stakeholders suggested that the lack of services is a significant concern to judges in making decisions regarding seeking TPR. However, stakeholders praised the Family Reunification Program provided by SAC. Other services praised by stakeholders included services for pregnant teens and single mothers and Home-Builders family preservation services, although stakeholders noted that the availability of these services is limited.

**Item 36. The services in item 35 are accessible to families and children in all political jurisdictions covered in the State’s CFSP.**

Strength       Area Needing Improvement

Item 36 is rated as an Area Needing Improvement because the CFSR found that some critical services are not available in rural areas of the Commonwealth and, that in some communities where services are available, there are long waiting lists for families to access the services.

According to the Statewide Assessment, services are more prevalent in the metropolitan areas and municipalities with larger populations than they are in more rural areas because services in these areas are supported with municipal funds and donations as well as Commonwealth and/or Federal funds. The Statewide Assessment indicates that although reunification, family preservation, and permanency services exist throughout the Commonwealth, availability and accessibility vary from one region to the other.

Stakeholders interviewed during the onsite CFSR were in general agreement that there are critical service gaps throughout the Commonwealth, but that the greatest service gaps are in the rural regions. In addition, stakeholders noted that even in regions where services are available, there often are long waiting lists to access the services. For example, stakeholders reported that in most areas, children and families must wait 6 to 8 months for mental health services.

**Item 37. The services in item 35 can be individualized to meet the unique needs of children and families served by the agency.**

Strength       Area Needing Improvement

Item 37 is rated as an Area Needing Improvement because the CFSR found that the scarcity of services hinders the agency’s ability to meet the individual and unique needs of the children and families throughout the Commonwealth.

Stakeholders commenting on this issue noted that there is difficulty individualizing services in Puerto Rico due primarily to the scarcity of services, but also to a lack of sufficient flexible funding. Some stakeholders noted that workers tend to refer all families for the same services rather than having the flexibility to respond to the unique needs of individual families and children. Stakeholders reported that local offices do not have the flexibility to offer children highly specialized services and must justify providing these services to the Central Office on a case-by-case basis. Finally, several stakeholders said that because of their high caseloads, workers are unable to fully assess service needs and explore available options to meet those needs.

**IX. AGENCY RESPONSIVENESS TO THE COMMUNITY**

Rating of Review Team Regarding Substantial Conformity				
	Not in Substantial Conformity		Substantial Conformity	
Rating	1	2	3 X	4

Puerto Rico is in substantial conformity with the systemic factor of Agency Responsiveness to the Community. Information pertaining to the items assessed for this factor is provided below.

**Item 38. In implementing the provisions of the CFSP, the State engages in ongoing consultation with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child and family-serving agencies and includes the major concerns of these representatives in the goals and objectives of the CFSP.**

Strength                       Area Needing Improvement

This item is rated as a Strength because the CFSR found that ADFAN engages a number of community providers as well as public and private entities in the discussion and resolution of child welfare issues and in developing the goals and objectives of the Child and Family Services Plan (CFSP).

According to the Statewide Assessment, the CFSP for FY 2000 through FY 2004 was developed with the participation of ADFAN specialists in social work that represent all services areas of the agency as well as the Associate Directors of the ten regional offices and other agencies (Support Projects). The Statewide Assessment also notes that ADFAN implemented an ongoing process of consultation and coordination with the external community of stakeholders to ensure the participation of a broad spectrum of public and private agencies as well as representation from culturally diverse populations. The process also includes input from representatives of other Commonwealth- and federally-funded programs such as: the Department of Education, Public Health, Law Enforcement and the Judicial Branch. In October 2002, ADFAN implemented the Puerto Rico Council of Stakeholders. The Council includes private citizens, public and private agency representatives, advocates, foster and biological parents, social workers, lawyers, media writers, medical doctors, guidance counselors, educators, university faculty, and staff.

Stakeholders commenting on this issue during the onsite CFSR were in general agreement that ADFAN makes concerted efforts to engage in ongoing consultation with stakeholders. Local-level stakeholders noted that the agency seeks input from community groups to identify needs, develop agency goals, and provide services. State-level stakeholders reported efforts to consult with other agencies and stakeholders including the Department of Health and the University of Puerto Rico. Stakeholders reported that ADFAN has developed an interagency stakeholders committee to provide input into child welfare agency activities, and that the CIP group and Children's Justice group are viewed by ADFAN as forums for collaboration on areas of mutual concern. Stakeholders also noted that ADFAN has recently formed an interagency committee to consult and work on the new child welfare law that was enacted in Puerto Rico on August 1, 2003. There also was a major effort among various community agencies to eradicate the child abuse and neglect investigations backlog.

**Item 39. The agency develops, in consultation with these representatives, annual reports of progress and services delivered pursuant to the CFSP.**

Strength       Area Needing Improvement

Item 39 is rated as an Area Needing Improvement because there is not a recognized process for soliciting and using the input of external stakeholders in developing the Child and Family Services Plan, although ADFAN is in the process of creating opportunities for that purpose.

According to the Statewide Assessment, ADFAN is making efforts to involve external constituencies more actively and consistently in the development of the Commonwealth's Child and Family Services Plan. It was noted in the Statewide Assessment that the Puerto Rico Council of Stakeholders has agreed to work collaboratively with ADFAN to meet this objective.

Although stakeholders commenting on this issue noted that ADFAN solicits input from stakeholders including service providers, review boards, the Department of Health, and the Council of Stakeholders, they indicated that there is a need for a more structured process to solicit and obtain external input and recommendations. Some of the interagency forums, such as the stakeholders group, are relatively new and there has not yet been an opportunity to use them for formal input into the CFSP planning process, although that is ADFAN's intent.

**Item 40. The State's services under the CFSP are coordinated with services or benefits of other Federal or federally assisted programs serving the same population.**

Strength       Area Needing Improvement

Item 40 is rated as a Strength because the CFSR found that Puerto Rico has creatively assembled and accessed resources from various public and private agencies serving families in an effort to meet children's and parents' service needs despite the scarcity of services throughout the Commonwealth. Also, Puerto Rico has assembled a Stakeholders' Council, and one of its main purposes is to facilitate the coordination of services.

As noted in the Statewide Assessment, while ADFAN has implemented many efforts to facilitate the coordination of services in some areas of the Commonwealth, the Puerto Rico Council of Stakeholders provided feedback indicating that further coordination is still needed in order to address on-going service needs island-wide.

Stakeholders commenting on this issue during the onsite CFSR were in general agreement that there are efforts by ADFAN to coordinate services with Federal or federally-assisted programs including the Departments of Health and Education and the Court Improvement Project. Stakeholders also noted that a new Child Protection Law has been passed that mandates coordination with community stakeholders. However, some stakeholders expressed concern that although there are existing collaborations with stakeholders and inter-agency groups already in place, there is a need to formalize the procedures for collaboration and coordination. Stakeholders also expressed concern that the level of cooperation and coordination between ADFAN and the Courts is not as strong as

it should be. However, stakeholders also noted that the CIP and the collaboration on the new child welfare law were beginning to change that situation. An example of this cooperation and collaboration is the re-opening of all foster care cases in which permanent custody has been granted to ADFAN. This represents a joint effort to review the permanency status of these children and a mutual recognition of the need to comply with ASFA requirements.

Stakeholders also noted that there is an opportunity for further collaboration with the Department of Health to resolve issues and concerns regarding increased access of children to physical and mental health services.

**X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION**

Rating of Review Team Regarding Substantial Conformity			
Rating	Not in Substantial Conformity		Substantial Conformity
	1	2	3
			4 X

Puerto Rico achieved substantial conformity with the systemic factor pertaining to Foster and Adoptive Parent Licensing, Recruitment and Retention. Information pertaining to the items assess for this factor is presented below.

**Item 41. The State has implemented standards for foster family homes and child care institutions which are reasonably in accord with recommended national standards.**

Strength       Area Needing Improvement

Item 41 is rated as a Strength because Puerto Rico has implemented licensing and certification standards for foster and adoptive homes, which are in accord with the recommended national standards.

According to the Statewide Assessment, child-care licensing regulation requires a full home study and documented health certificates, criminal background checks, First Aid certification, income verification, and three letters of recommendation.

State-level stakeholders commenting on this item reported that there are standards in place. Stakeholders reported that Puerto Rico issues provisional authorizations to new foster parents that allows the agency to evaluate their performance with children for the first 6 months, but that requirements for a provisional authorization are the same as those for full licensure. The only difference in provisional and full licensure is that the agency uses the first 6 months to observe the care provided to children by the foster family.

Stakeholders reported that foster parents can either be licensed or certified. Both require the same safety standards, but are approved in different manners. Certification is granted more quickly because an agency worker conducts the assessment and the approval. To be licensed, a State office must provide inspections and provide documented approval. A stakeholder noted that the licensing division was separated from ADFAN so that it could be a regulatory division and there would be no conflict of interest.

**Item 42. The standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-E or IV-B funds.**

Strength       Area Needing Improvement

Item 42 is rated as a Strength because all licensing and certification standards are equally applied to foster and adoptive homes, whether relative or non-relative.

According to the Statewide Assessment, Puerto Rico’s Public Law 3 requires that all persons and establishments providing child care must have a license. However, persons caring for one or two children are exempt from licensure, but subject to certification. Standards and procedures are required to be equally applied to all foster and adoptive homes as well as child care institutions.

As noted in the Statewide Assessment, studies completed for the Statewide Assessment indicated that “the majority of the foster homes comply (to some extent) with the requirements” but that there are inconsistencies in the licensing and certification process.

Stakeholders commenting on this issue for the onsite CFSR indicated that the standards for foster families are applied equally to all licensed and certified homes, with the only difference being the number of children in the home. Stakeholders also noted that relative foster homes are certified rather than licensed. The basic difference is the expediency in approving these homes. Licensed homes are approved at the regional level by the Licensing unit, which is a separate administration within the agency. This unit also licenses and completes investigations of adult homes, child care centers, institutions, etc. Therefore, the licensing process takes much longer, while the certification of homes is done at the local level, applying the same standards.

**Item 43. The State complies with Federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.**

Strength       Area Needing Improvement

Item 43 is rated as a Strength because all licensing and certification standards require criminal background screenings, which are renewed every 6 months.

According to the Statewide Assessment, all foster and adoptive families in Puerto Rico must have a criminal background clearance. In addition, all prospective foster and adoptive parents should be cleared through the Child Abuse and Neglect Central Registry as established by Law. However, due to the Central Registry being essentially a manual system, not all foster and adoptive families are cleared for child abuse and neglect histories. Corrective actions are being considered in that respect by the foster care staff.

Most stakeholders commenting on this issue during the onsite CFSR noted that criminal background and child abuse/ neglect registry checks are completed for all licensed and certified relative and non-relative placements. State-level stakeholders noted that families are expected to go to the police department to initiate the criminal background checking procedure. Fingerprinting is completed through the Immigration Department. Other safety assurances include monthly visits by licensing staff, the issuance of a 6 month provisional authorization rather than a full license, while the placement is being closely monitored.

**Item 44. The State has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.**

Strength       Area Needing Improvement

Item 44 is rated as a Strength because ADFAN does have in place a recruitment process for foster and adoptive parents that reflect the ethnicity of the children to be placed.

According to the Statewide Assessment, recruitment is tailored to the individual needs of the regions. All recruitment material and recruitment activities are targeted to neighborhoods and communities reflective of the ethnic background of the children being placed.

Stakeholders commenting on the issue of recruitment during the onsite CFSR noted that most recruitment efforts have involved media promotions, church visits, community fairs, and civic clubs as well as relying on word of mouth. Stakeholders agreed that recruiting families that reflect the ethnic and racial diversity of children in the Commonwealth's child welfare system has not been a problem. Several stakeholders were in general agreement that there is a critical shortage of foster family homes and that in the past the agency has not been successful in its recruitment efforts. However, to address the need for a more structured and consistent recruitment process, ADFAN has rather recently created Substitute Care Units at each of the ten Regional Offices. These units are a component of the Assistant Administration for Substitute Care and Adoption. This unit is specifically charged with the recruitment, training and support of foster homes. One of its main projects is the mass recruitment of therapeutic foster homes in an effort to respond to the special needs of the children in care.

Stakeholders reported that the recruitment of adoptive parents is a formalized process, specifically assigned to the adoption units. Recruitment efforts include media publications; adoption fairs, and presentations at churches and government agencies. Stakeholders indicated that there are three Adoption Peer groups that assist in the recruitment and training of adoptive homes. One stakeholder estimated that there is a pool of about 300 approved adoptive homes in the Commonwealth.

**Item 45. The State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.**

Strength                       Area Needing Improvement

Item 45 is rated as Strength because the CFSR found that the agency has established a process for cross-jurisdictional adoption placements.

According to the Statewide Assessment, Puerto Rico has instituted Interstate Compact for the Placement of Children legislation. In addition, ADFAN occasionally seeks inter-jurisdictional placement for children in foster care.

Stakeholders commenting on this issue reported that the agency uses inter-jurisdictional resources to place children out of State for adoption and relative placement. Stakeholders also reported that ADFAN is working with AdoptUSKids to list children from Puerto Rico. Stakeholders also noted that ADFAN has established a process for considering inquiries from adoptive families outside of Puerto Rico. The process requires that all Puerto Rico licensing standards and safety guidelines be met. Home studies are requested

from the receiving State. Once children have been identified, trial supervised visits are scheduled; ADFAN staff visits the prospective adoptive home, and meets with the receiving state's adoption agency. The adoption is finalized based on receiving the Commonwealth's judicial system finalization papers. Post-adoption supervision is provided jointly by receiving state and ADFAN for a period of 6-12 months. During that period of time, ADFAN staff visits the family once or twice a year.

## XI. DETERMINATION OF SUBSTANTIAL CONFORMITY

For each outcome and systemic factor listed below, mark “Y” where the State is determined to be in substantial conformity and “N” where the State is determined not to be in substantial conformity. For each outcome or systemic factor marked “N,” place a check beside the performance indicator, listed by item number in this form, that has been determined to be an area needing improvement.

### Safety

  N   Outcome S1

       Item 1  
  x   Item 2

  N   Outcome S2

  x   Item 3  
  x   Item 4

### Permanency

  N   Outcome P1

       Item 5  
       Item 6  
  x   Item 7  
  x   Item 8  
  x   Item 9  
  x   Item 10

  N   Outcome P2

       Item 11  
  x   Item 12  
  x   Item 13  
  x   Item 14  
       Item 15  
  x   Item 16

### Child and Family Well-Being

  N   Outcome WB1

  x   Item 17  
  x   Item 18  
  x   Item 19  
  x   Item 20

  N   Outcome WB2

  x   Item 21

  N   Outcome WB3

  x   Item 22  
  x   Item 23

### Systemic Factors

  N   Statewide Information System

  x   Item 24

  N   Case Review System

  x   Item 25  
  x   Item 26  
  x   Item 27  
  x   Item 28  
  x   Item 29

  N   Quality Assurance System

       Item 30  
  x   Item 31

  N   Training

  x   Item 32  
  x   Item 33  
  x   Item 34

  N   Service Array

  x   Item 35  
  x   Item 36  
  x   Item 37

  Y   Agency Responsiveness to the Community

       Item 38  
       Item 39  
       Item 40

  Y   Foster and Adoptive Parent Licensing, Recruitment, and Retention

       Item 41  
       Item 42  
       Item 43  
       Item 44  
       Item 45