



APPENDIX K: LEGISLATOR GUIDE TO THE THREE-BRANCH APPROACH

These resources are intended for use by legislators and legislative staff who are participating in a state three-branch approach to address a systemic problem facing vulnerable children and families. The three-branch approach is a coordinated, nonpartisan, cross-jurisdictional effort to improve outcomes for children and families.

Background

All three branches of state government play significant roles in setting the legal and policy framework for state child welfare systems. In the executive branch, the governor's office has primary responsibility for setting a vision and statewide priorities; state and county executive branch agencies implement that vision through their child protection and child welfare systems. The legislative branch develops the policy framework for child protection, represents constituents' interests, appropriates funding for child welfare and related public systems and provides oversight of the executive branch. The judicial branch makes critical child protection decisions, including when children should remain at home or be placed in an alternative setting, when they can safely be reunited with their families and when parents must participate in treatment plans for mental health or substance abuse, among other concerns.

In recent years, several states have developed cross-branch collaborations after recognizing that no single branch of government can reform child- and family-serving systems in isolation. States that have taken this approach have benefited from mutual education and cross-training as well as a deliberative planning process to address the most pressing issues facing children and families.

Structure of a Three-Branch Approach

- **Core team.** A three-branch initiative's core team consists of representatives from the executive, legislative and judicial branches of state government.
- **Implementation team.** Implementation teams can consist of additional members of the executive branch (human services, health, education, criminal justice, public safety, workforce and behavioral health), the legislative branch and the judicial branch as well as other key stakeholders).
- **Extended team.** Extended implementation teams can consist of advocates and constituents, child welfare agency supervisors and staff, business leaders and other private-sector representatives, legal representation and members of the faith community.

Together, all three branches:

- Develop a coordinated strategic plan to achieve a common goal.
- Participate in implementing and monitoring that strategic plan.
- Periodically meet to assess progress, address challenges and communicate needs.
- Educate peers on the mission, purpose and goals of the initiative.
- Recruit leaders from their branch to participate in the larger implementation and extended teams.

The Legislative Role in the Three-Branch Approach

Legislators and legislative staff at all levels are key members of three-branch initiatives. They include relevant legislative committee chairs and members, legislators engaged in task forces or other work on child welfare, appropriations and budget committee members, legislative staff on child welfare- or budget-related committees, interim committees, task forces and study committees. Specific roles for core team legislators and legislative staff include:

- **Enacting legislation.** The legislative branch takes a lead role in drafting legislation resulting from the three-branch initiative, shepherding it through committee, gaining support from other legislators and championing the legislation when it comes to a vote. [See National Conference of State Legislatures Child Welfare](#) for child welfare legislative enactments in the areas of child abuse, child fatality/near fatality, foster care, adoption, kinship, child welfare workforce, older youth transitioning out of care, disproportionality and disparity in child welfare, Indian child welfare, funding, collaboration, prevention, treatment, training, siblings, health, education of children in foster care, state response to the federal Preventing Sex Trafficking Act of 2014 and Family First Prevention Services Act of 2018 and much more.
- **Authorizing funding.** Legislators are responsible for adequately funding the initiative through the state appropriations process.
- **Galvanizing support among legislative stakeholders and constituents.** Legislators are responsible for building understanding and consensus among legislators and community members for proposed legislation resulting from the initiative.
- **Educating the extended team on the political landscape.** Legislators are directly accountable to their constituents and understand the environment in which local service providers operate. In a three-branch approach, legislators can use this knowledge to inform their team of what can be done at the local level.
- **Leading the three-branch effort.** Most three-branch initiatives have been led by the executive branch, but at least one state team had a legislator and legislative staffer be the team leads on the core team responsible for convening and scheduling meetings, reaching out to key stakeholders and leading development of the strategic plan.

The following checklist provides useful tips for helping legislators and legislative staff be successful members of a three-branch approach.

Engage colleagues within the legislative branch.

- Host meetings to build rapport and a shared sense of the problem among legislators.
- Hold a joint hearing or briefing for the full legislative body.
- Develop talking points, data and fact sheets to share with other legislators and legislative staff on related committees, such as health, education, judiciary, public safety or mental health and appropriations.
- Engage colleagues in informal or private meetings over meals.
- Develop a legislative action plan to clarify the legislature's role in the state's three-branch approach.
- Mandate and develop legislative children's caucuses that can hold a series of educational meetings on child welfare during the legislative session.

**Engage the executive branch.**

- Schedule a meeting with the governor, lieutenant governor or first spouse.
- Invite state agency leaders to testify at legislative hearings.
- Partner with state agencies (child welfare, health, behavioral health, human services) to review data.
- Participate in legislator “ride-alongs,” or spend a day with a caseworker.
- Establish a three-branch policy or implementation work group to examine and develop policies, plan for implementation and be responsible for oversight of the initiative.
- Assist with development and engagement of the implementation and extended teams.

Engage the judicial branch.

- Provide opportunities for judges to interact with legislative staff to ensure that legislation is helpful and not an obstacle.
- Host cross-branch training sessions and judicial roundtables.
- Visit courts, as appropriate.

Review existing state policies, procedures and laws.

- Create an interim study committee to examine existing policies, processes and standards in child welfare and to identify gaps in services or service delivery and conflicting policies and procedures.
- Learn about promising, evidence-based practices, and assess what could be implemented in your state.
- Consider other oversight mechanisms that already exist.
- Map current structures of child welfare-related oversight mechanisms and review, such as child death review, citizen foster care review and children’s ombudsman processes.
- Review funding mechanisms for child welfare services.
- Learn how the child welfare system works; learn the perspectives of frontline caseworkers, birth parents, foster parents, youth in foster care, kinship caregivers, providers, the faith community, schools, judges, health/mental health and law enforcement.

Examine needs across the state.

- Consult with community providers and agencies to learn about the needs of families at risk of child welfare involvement.
- Examine the services available in your state that support and stabilize families.
- Hold local or regional listening sessions to learn from families, providers, county workers and other community members.
- Ensure that families, children and youth have a voice in system reform; invite them to plan and participate in hearings, listening sessions, meetings, task forces and work groups.
- Learn about the role of trauma in children’s lives and how trauma-informed care and practices can have a positive impact on children and families.

Review data.

- Partner with the state's child welfare agency, state health and public health agencies, mental health, education, law enforcement, Temporary Assistance for Needy Families and other safety net systems to explore child welfare-related data.
- Identify key data-related questions to be answered, the sources for those data and how to access the data.
- Review data sharing across agencies, including challenges and potential solutions.

Enact legislation.

- Enact legislation based on the issue your state's three-branch approach will address.
- Mandate pilot projects to test evidence-based and trauma-informed strategies in urban and rural areas of the state and with different populations, including by age; consider piloting projects to connect with families not known to the child welfare system but deemed at risk by other systems, such as law enforcement, health care providers and educators.
- Require evidence-based practices.
- Mandate data sharing across jurisdictions and agencies.
- Focus on the youngest children — one year of age and younger — who are most at risk of entry into foster care. Work with your child welfare agency to plan policies, services and programs that target this population.

Develop and strengthen the three-branch approach's infrastructure.

- Develop the implementation and extended teams; invite legislators and legislative staff to be active members.
- Determine the appropriate long-term home for three-branch work, if appropriate, when the current initiative is completed.
- Create a charter and scope of work for short- and long-term three-branch goals.
- Be proactive; do not wait for the executive branch or core team lead to assign tasks or ask how you would like to participate.



Three-Branch Approach Legislator Action Template

State: _____

Name: _____

Team Lead: _____

Contact (Phone/Email): _____

These are goals from your state strategic plan:

Measurable outcome/ performance indicator	Legislative action steps	Partners to work with	Time frame
GOAL 1			
GOAL 2			
GOAL 3			
GOAL 4			