How Effective Public Managers Tranform Separation of Powers into "Inseparable Powers" in Foster Care Administration Networks

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Results from a four state foster care administration field research study with over 55 key player interviews produced data on what particular networking practices public managers perform that contributes to foster care administration effectiveness. One of these practices was the concept of inseparable powers, whereby the traditional checks and balances roles of the judicial, executive, and legislative branches are slightly altered in eras of state-level foster care administration effectiveness. During a period of inseparable powers, effective public managers work across the state branch boundaries with partners from other branches to produce better foster care outcomes.

Keywords: Networks: Collaboration; Governance; Performance Measurement; Public Management; Foster Care

Researchers have sought better understanding of whether public management networks work, how they work, and whether these networks ultimately improve government. (McGuire & Agranoff, 2011). Referring to the growth of network research in the public administration field, Kapucu (2015) argues that we need more methodological rigor and empirical evidence. This case study on the foster care administration in the United States aims to answer that call of whether utilizing an external network, if at all, can lead public managers to producing better outcomes.

Researchers recognized that public management networks provide value for problem identification, information exchange, and mutual capacity-building (Agranoff, 2007); advanced the understanding that governing by network is the new norm in the public sector (Goldsmith & Eggers, 2004); and connected managerial network to performance (O' Toole & Meier, 2011). In O'Toole (1997) wondered how the increasing role of networking in the public administrative world might affect managerial success.

Utilizing four foster care state cases in the United States, the goal in this paper is to better identify the networking practices public managers perform that leads to effectiveness. One way to measure networking practices is via analyzing external networks, defined here as identifying network formation across the three branches at the state level. This leads to the following research question: Does an external network lead public managers to produce better foster care outcomes? In these U.S. foster care cases, the author tabulated data from the Child Welfare Outcomes Report published by the U.S. Department of Health and Human Services to identify states that produced better foster care outcomes regarding increasing permanency for children in foster care, reducing abuse and/or neglect, and increasing placement stability (U.S. Dept. of HHS, Child welfare outcomes: 2003).

Since outcomes studies of this sort are expensive to conduct, they are not conducted commonly. Furthermore, political scientists have not paid much attention to the United States foster care system, particularly as it relates to outcomes studies. Yet foster care remains a major federal, state, and local program which effects 700,000 persons per year in the care of the U.S. foster care agencies (U.S. Dept. of HHS, Trends, 1). Foster care utilizes approximately $5 billion in federal spending via the U.S. Department of Health and Human Services (U.S. Dept., Fiscal Year 2016, 7) and at least

$4.1 billion in annual state and local spending (Radel, personal communication, 2009).[i] This issue area is extensive enough to understand how public management practices with regards to networking relate to foster care outcomes.

In conjunction with conducting field research in four case states in the United States (Delaware, New York, Michigan, and Rhode Island), this author obtained 57 interviews with key players connected to the foster care issue. There were at least twelve interviews per case state plus others that represented the federal government, foundations, and other foster care generalists. All interviewee data were reviewed to assess external networks in each of the four case states. Although external networks could be identified in a variety of ways, external networks are identified here as network formation across the three branches in each case state. Although these foster care administration cases concern the United States, the findings regarding networking, institutions, inseparable powers, the nexus, and public management are useful when studying other nation-states and their sub-governments. In the second section of this article, an overview of the theoretical background is provided, followed by the data collection and methods in the third section. The fourth section offers findings concerning these public manager practices and the fifth section offers a conclusion regarding public managers and external network formation.

THEORETICAL BACKGROUND

The Role of Public Management Networks in Government Performance

Better public management can play a role in increasing the effectiveness of government (Kaufman, 1967; Moore, 1995; DiIulio, 1994; Kettl and Milward, 1996). Additional research then uncovered ideas about the role of the public manager and the variety of tasks they perform. There is a need for public administration to uncover the ways in which public officials (including public managers) interact with values, structures, regulations, and administration (Mazouz & Rousseau, 2016). Defined as public value pragmatism, public managers were viewed by the value they produced, the context or the nature of the task (Alford & Hughes, 2008). Additional tasks for a public manager included creating and guiding networks of deliberation and delivery as well as maintaining and enhancing the effectiveness of the system. (Bryson, Crosby, & Bloomberg, 2014). One of the practices that these effective public managers performed is networking and collaboration. Kettl (2009) identified public managers as rocket scientists as those who were able to obtain results through interrelated partnerships and those who crafted relationships on trust prior to the need for that trust. Further, these networks were affecting the way government organizations operated and a public official now has less of a monopoly over a public domain (Agranoff, 2004). In addition to the areas of problem identification, identification of extant technologies, enhancement/development of merging technologies, improving knowledge infrastructures, reciprocal strategies and programming, and joint policymaking/programming, public management networks also performed information exchange and mutual capacity building (Agranoff, 2007). Goldsmith and Eggers (2004) recognize how these networks even affected the rise of third-party governance, streamlining processes, technology breakthroughs, and demand for greater choices. Further, in order to establish these collaborative networks, public managers must view government systems from a multijurisdictional strategic perspective, in addition to, transforming their systems into collaborative systems (Abels, 2012).

There is precedent for public manager collaboration across agencies when the public managers can overcome impediments to practice. Turf is often cited as a barrier to interagency collaboration (Bardach, 1996; Dryfoos, 1994). Directly connecting managerial network to performance, public managers need to treat networking as a mandatory tool rather than an optional one if time permits (O'Toole & Meier, 2011). Recognizing that there is complexity involved with collaboration, the

factors that can affect a public manager's outcomes include purpose or mission of the collaboration, trust, and perceived legitimacy (O'Leary & Vij, 2012).
Since the literature has acknowledged the value of public manager networks and collaboration, the research question posed here seeks to understand whether the public managers who utilized collaborative external networks produced better foster care outcomes.

Effective Public Managers as Principled Agents

The research question looks at both effective and ineffective public managers and their use of external networking in the foster care cases. This warrants a definition for what sets apart effective public managers from ineffective ones based on existing literature. Moore (1995) argues that a successful public manager works to increase the public value output of government organizations both short term, in addition to, long term.
Effective public employees, including superior public managers, have also been described as principled agents. In response to the principal agent rational choice theory (Dunleavy, 1991; O'Toole, 1996), DiIulio (1994) created the term principled agent. He described principled agents as public employees who "do not shirk, subvert and steal on the job" even when consequences are lacking (p. 281). By also holding a range of positive characteristics as well, these principled agents "strive [work hard and go 'by the book'], support [put public and organizational goals ahead of private goals], and sacrifice [go 'above and beyond the call of duty'] on the job" (p. 281). In essence, a principled agent is a public manager who creates public value (Moore, 1995). Although every public manager is prone to error, a public manager is defined as a principled agent when they have a pattern of operating as such and of creating public value. This definition allows one to identify principled agents operating as effective public managers separately from ineffective public managers, and therefore, evaluating their use of external networks.

State-to-State Effectiveness Studies

There is precedent in the literature for the type of research design utilized in this study. However, due to cost and time, there are a limited number of these public administration and political science state-to-state variance studies that mine variance in government performance among state or city agencies. Examples of existing studies include James Q Wilson's Varieties of Police Behavior (1969) which focused on 8 local police agencies, John J. DiIulio Jr.'s Governing Prisons (1987), which focused on 4 state prison administration systems, Lawrence Mead's From Welfare to Work (1997), and Stephen Kelman's Procurement and Public Management (1990). This study is the first political science state-to-state variance study on the United States foster care. Although the use of networks by public managers has research precedent as outlined above, this type of study to understand the role of external networks by public managers in foster care has no precedent.

DATA COLLECTION AND METHODS: THE CASE OF FOSTER CARE ADMINISTRATION

Case Selection

The four case states in this study (Delaware, New York, Rhode Island, and Michigan) were selected utilizing United States federal foster care data. Delaware and Michigan represented top-performing foster care states and New York and Rhode Island represented bottom-performing foster care states based on this outcomes data. Yin (2012) notes that although multiple case research is harder to pursue, the findings are less prone to error. One type of multiple case design, according to Yin, is intentionally contrasting cases. This foster care administration multiple-case study was crafted with contrasting cases of top and bottom performing states.

There is a United States federal government database that offers foster care performance outcomes on each state within the United States. This dataset, Child Welfare Outcomes 2003: Annual Report, was produced by the U.S. Department of Health and Human Services (HHS), Children's Bureau. This report (U.S. Dept. of HHS, Child welfare outcomes: 2003), which was the latest published data at the time of initial research design,[i] utilized data from the AFCARS Foster Care File and the National Child Abuse and Neglect Data System (AFCARS) (U.S. Dept. of HHS, Adoption, n.d.) and featured seven outcome indicators with submeasurements on each state for the years 2000 to 2003. Outcomes focused on reducing recurrence of child abuse and/or neglect, reducing time in foster care to adoption, reducing institutional placements, reducing time to reunification without increasing reentry, and increasing placement stability (U.S. Dept. of HHS, Child welfare outcomes: 2003).

There was no state that regularly performed in the top five across all outcome measures. Therefore, utilizing this database, the author was able to tabulate several foster care outcomes for all states to determine top and bottom performing states. Because HHS reported the median on each state's individual outcome, the author was able to look for states that consistently performed above or below the median by tabulating the outcomes that specifically related to foster care performance. Top performing states had an overall lower ranking of lower rates of abuse, reduced time in foster care to adoption, reduced institutional placements, etc. Bottom performing states had higher collective overall rates of abuse, increased time in foster care to adoption, and increased institutional placements, etc. The author also reviewed the outcomes data to determine whether foster care caseload size and foster care per capita were related to success. The finding was that this was not related and so this was not a determination in case state selection.

Once outcomes were tabulated across all states, the author ensured that state geographical size was not a predictor of success. After the top-performing and bottom-performing cases were identified, the author then selected one large population state from the top-performing outcomes group (Michigan); one small population state from the top-performing outcomes group (Delaware); one large population state from the bottom-performing outcomes group (New York); and one small population state from the bottom-performing outcomes group (Rhode Island).

<div align="center">Table 1: Case States</div>

	Large Population	**Small Population**
Top Performing	Michigan	Delaware
Bottom Performing	New York	Rhode Island

Strong states, also known as top-performing states, were those that consistently performed above the median across a variety of foster care outcomes, whereas weak states, or bottom-performing states, were those that consistently performed below the median across a variety of foster care outcomes.

The case selection and data for this article is based on data from the original research design of a state-to-state variance study utilized in a four-state foster care public administration study documented in Padot (2015). For full quantitative outcomes data details, please refer to this book.

Data

I conducted field research in 2007-2008 in each of the four case states by visiting the following locations: Detroit; Bronx; Wilmington, DE; Milford, DE; Harlem; Lower Manhattan; Providence, RI; East Providence, RI: Pascoag, RI; and Rensselaer, NY. The purpose of the field research was to conduct interviews and to visit foster care agencies, state level executive, legislative, and judicial branches, and other organizations linked to foster care administration. The field research allowed the author to view child welfare documents, visit institutions, and obtain leads for additional interviews.

I obtained a total of 57 interviews with key players connected to the foster care issue. The goal was to speak with public managers in foster care administration, such as the state foster care program manager and foster care agencies, and then to interview other major key players working on foster care in each case state. There were at least twelve interviews per case state plus others that represented the federal government, foundations, and other foster care generalists. Most of these interviews were elite level interviews, including a Governor; the director of a state health and human services agency; a state cabinet secretary; an HHS federal regional director for foster care; and executive directors of foster care agencies. Interviews reflected a cross-sector approach so that information could be obtained from multiple vantage points. In other words, multiple accounts were utilized in order to build an assessment of a state's foster care system.

Fenno (1978) practiced this type of in-the-field research when he interviewed United States House of Representatives members while they were in their districts. He called his field research interviews exploratory, open-ended, and one in which he integrated the soaking and poking method. This latter method was referred to as simply hanging around the interviewees and institutions in the field. Additionally, according to Yin (1994), these interviews are generally open-ended in cases for which interviewers may seek facts and interviewee's opinions about events.

The interviews conducted for this study followed that rationale in that each interview was open ended and centered on the interviewee's area of expertise in relation to their knowledge and involvement with foster care. Rather than having a fixed set of questions for every interview, the author allowed the interviewees to speak to their specific involvement with foster care or foster care administration. When relevant to the type of interviewee, they were asked about whether and if they had any partners and networks in foster care.

After interview requests were made via e-mail and phone, the author conducted most interviews in person. The length of these in person interviews was 15 minutes to 2 hours, with an average interview length of 1 hour. Furthermore, telephone interviews were conducted based largely on leads identified from field research. In addition to personally conducting all interviews, the author typed or hand-wrote all interview questions and answers. When notes were hand-written, the author later transcribed them into a computer. For phone interviews, interview notes were transcribed at the time of interview.

Sixty-one interviewees were initially invited for a conversation, however, the author declined to interview two people as they were only available outside of this case study timeline. One interviewee did not respond to the repeated interview request and one interviewee declined. Therefore, 57 interviews were completed suggesting an above-average key player response rate. Some

interviewees were willing to disclose additional quotes in exchange for confidentiality or for background data only. See List of Interviewees referred to in this article in Appendix A, with a full list of interviewees in (Padot, 2015).

Previous Findings

One of the variables tested in the Padot (2015) study was whether there were increased levels of public management in the two stronger foster care outcome performing states (Delaware and Michigan), and lower levels of public management in the two weaker foster care outcome performing states (New York and Rhode Island). In that study, increased levels of public management were defined based on public managers who operated as principled agents with lower levels of public management lacking the presence of public manager principled agents.ii The results in the study regarding this public management variable found that increased public management was present in stronger foster care outcome producing states (Delaware and Michigan), with decreased public management in weaker foster care outcome producing states (New York and Rhode Island).

New Data Analysis

There are several ways networks could be defined with regards to these four foster care administration cases. Internal networks are those that are intra-branch, such as the networks that develop inside the foster care administration executive branch. External networks could be measured by the networked relationship between public managers and external non-profits (institutional networks), or between public managers and collaborators in other branches.
This article specifically focuses on that latter type of external network, defined as identifying network formation across the three branches. This occurs when a state-level public manager in the executive branch forms networks with personnel in the state-level legislative or judicial branches. Specifically, the author reviewed interviewee data regarding external networks that related to public managers who developed or did not develop networks across the three branches.

FINDINGS: EXTERNAL NETWORKS BY PUBLIC MANAGERS

This section provides interviewee data from the 57 interviews conducted by the author that relate to the external network patterns of public managers in the four case states. This section offers an overview of how the strong foster care outcome performing states (Delaware and Michigan) are utilizing external networks differently than the weak foster care outcome performing states (Rhode Island and New York).

Delaware

As concluded in the initial published study (Padot, 2015), there were increased levels of public management in the stronger foster care outcome performing state of Delaware. At the Delaware Division of Family Services (DFS), field research uncovered the following beliefs held by workers towards their public managers in this top-performing foster care outcomes state: The Director of the Division of Family Services "legitimately cares about kids" (V. Giampeitro, personal communication, August 24, 2007). "A lot of people move up in [in government] and tend to lose sight of the kids, but that's not true for [John Bates, the Division of Family Services Program

Manager]" (V. Giampeitro, personal communication, August 24, 2007).

Delaware public managers utilized inter-branch networking to achieve better outcomes from foster children. There was an effort by the judiciary and the executive to have a "very improved" relationship with "natural tension [over cases] — and to agree to disagree" (Confidential, personal communication, 2007-2008). Both DFS and the courts debated which of them was responsible for decisions for the child. These two branches of government, the executive and the judicial were wrestling over how to define the best interest of the child. Foster care, then becomes just another issue that can get caught in the gears of a federalist, separation of powers, checks and balances focused U.S. governmental system. The executive branch led by their self-created motto, "Think of the Child First." Whereas, the judicial branch assessed cases by a combination of "the best interest of public safety along with the best interest of the child" (Confidential, personal communication, 2007-2008).

The judicial branch and executive branch started out distrusting each other and disagreeing about how to handle cases, but, at some point, the two branches decided to work together. A trip funded by The Pew Charitable Trusts, became the turning point when leaders in both branches began to build trust. Before the trip, DFS would make decisions about placements unilaterally and ignore the court's viewpoint. The court, on the other hand, had judge's taking an activist role. Some estimated that "approximately half the judges [would] push the envelope" (Confidential, personal communication, 2007-2008). This judicial activism led to an increased focus on the best outcome for the child.

Over time the relationship between the two branches improved, with one employee of one branch stating, "I trust [the other] with my life." (Confidential, personal communication, 2007-2008). The court is now seen as "better than it was 25 years ago" (V. Giampeitro, personal communication, August 24, 2007). Furthermore, the "family court judges are coming off the bench and working to support kids. They worked with a community service organization [Global Youth Help] to provide luggage for kids" (C. Giddens, personal communication, August 15, 2007). Both branches have also launched nongovernmental foster care websites,4 in order to work with more partners, and a showcase of how these public managers went above and beyond akin to principled agents.

Furthermore, the Child Protection Accountability Commission (CPAC) was created by the legislature in the Office of the Child Advocate (Delaware, n.d.) with the goal to "monitor Delaware's child protection system to ensure the health, safety, and well-being of Delaware's abused, neglected, and dependent children" (Delaware, 2007). Rather than having a contentious relationship with other branches, CPAC works with community partners and executive branch partners to ensure children are protected.

In the previous study, I concluded that there were increased levels of public management in the stronger foster care outcome performing state of Delaware, but the data here offers an example of the practices these public managers utilized regarding external networking. One of these practices was the concept of inseparable powers, whereby the traditional checks and balances roles of the judicial, executive, and legislative branches are slightly altered in eras of state-level foster care administration effectiveness. During a period of what the author terms here as inseparable powers, effective public managers work across the state branch boundaries with partners from other branches to produce better foster care outcomes. The results suggest for the case of Delaware that when public managers utilize inseparable powers at the state level, better foster care outcomes are produced.

Michigan

As concluded in the initial study (Padot, 2015), there were increased levels of public management in the stronger foster care outcome performing state of Michigan. Marianne Udow, Director of Department of Health Services (DHS), was viewed as making many improvements and "held on longer than we expected [Udow] to – she only wanted to be there for a short time. She was more responsive than had been the case with previous directors." (J. Zehnder-Merrell, March 18, 2008). Udow pushed Michigan to be a leader in the area of kinship care. She also led a Skillman Foundation project that looked at why there were uneven numbers of minority children in foster care and what DHS practices led to racial inequality. The state foster care public manager, Mary Chaliman, created the Structured Decision-Making Model, which leads caseworkers through a series of decisions for foster care children. This model became a 2003 finalist for the Harvard University Innovations in American Government Awards (Government Innovators Network, 2003) Further, Michigan public managers utilized inseparable powers to achieve better outcomes for foster children. The Michigan judicial system created the Foster Care Review Board (FCRB) to build a better relationship with the community while operating 30 review boards evaluating state foster care case performance. The FCRB is located in the judicial department but is state staffed and operated. Hundreds of citizens serve as volunteers and some are even placed on the board. The FCRB frequently seats seven members surpassing the statute's requirement of five. James Novell, FCRB program manager, said: "We get amazing volunteers. Kids are a sell. We're part of pushing a boulder up a hill. We've made a difference in cases, I'm certain if we weren't involved a case would go differently" (J. Novell, personal communication, March 17, 2008). Although the FCRB recommendations are "advisory only," Novell added that "we've got a lot of action on the last report" (J. Novell, personal communication, March 17, 2008). Novell is also active with creating regional judicial training and serving on an adoption placement committee that meets with both DHS and the courts (J. Novell, personal communication, March 17, 2008). The FCRB is an example of an inseparable powers partnership in which the courts, the Department of Human Services (DHS), and citizens have come together to improve foster care performance.

The agency-judiciary relationship started out problematic, but then improved over time. There was an initial Child and Family Services Review during which DHS did not communicate with the judicial branch that it was going to review performance measurements by going inside the courts. Justice Corrigan said, "The first CFSR took me by surprise" (M. D. Corrigan, personal communication, April 7, 2008). The communication improved over time and DHS began to reach out to the judicial branch. Corrigan stated, "I think now we do have a coordinated strategy—so now we know what's coming. We're better prepared and more organized" (M. D. Corrigan, personal communication, April 7, 2008).

After being elected to the Michigan Supreme Court in 1998, Chief Justice Maura Corrigan served as chief justice from 2001 to 2004 and then again beginning in 2006. It was in her role as chief justice to which she was appointed to the area of children and families. She was the most active chief judge of all the case states studied. Akin to Delaware, Michigan's executive branch public managers reached across the aisle to the judicial branch. DHS director Udow said, "Michigan was fortunate because [Supreme Court chief justice] Maura Corrigan was in office when I came in. She was really engaged in these issues and wanted to make things better" (M. Udow, personal communication, March 18, 2008).

The service on the Pew Commission was what Corrigan said, "stirred my involvement [on foster care]" (M. D. Corrigan, personal communication, April 7, 2008). She also weathered a big media crisis hit related to a number of children in foster care who were missing (M. D. Corrigan, personal communication, April 7, 2008). This crisis motivated Corrigan and her colleagues to create lists in all of Michigan's jurisdictions to track down runaways.

Serving on the Pew Commission allowed Corrigan to meet with executive and judicial branch executives from many states to solve the problem of court delays. She found the main lesson from

the Pew Commission to be the "silo effect," in that these branches operated in silos in child welfare instead of partnering across branches (M. Udow, personal communication, March 18, 2008). These branch leaders also learned that the leadership at the top of each branch was responsible for the partnerships.

In 2005, Corrigan was part of the leadership for a National Center for State Courts conference, which worked to improve child welfare in the states. Each state organized a group to focus on cross-branch collaboration and then a federal bill was passed so that funding was tied to collaboration. United States Senator Charles Grassley from Iowa was a champion for this legislation. In 2007, there was a follow-up meeting to review the performance of the state's success (M. D. Corrigan, personal communication, April 7, 2008). Corrigan's leadership resulted in national impact.

As she watched the judicial and executive branch relationships develop, Michigan's state foster care manager Chaliman (M. Chaliman, personal communication, March 18, 2008) said:

Udow really strengthened our relationship with Maura Corrigan and really ran with youth issues, kids exiting the system. We had legislation to have a task force and she was a very no-nonsense director. [Udow] even brought in the National Governors Association.

Corrigan and Udow led an effort to present before the National Governors Association (M. D. Corrigan, personal communication, April 7, 2008). Corrigan noted, "getting into the organization is greater than getting an individual governor to buy in" (M. D. Corrigan, personal communication, April 7, 2008). They also were members of a task force dealing with children aging out of foster care. This resulted in them both changing their belief that children should age out at a later age, and their care be extended until age 22. Corrigan (M. D. Corrigan, personal communication, April 7, 2008) said:

A lot of work in the area of adoption [is about how] to take kids to permanency—we have organized teams into 13 large jurisdictions to crash the dockets there. We're taking identified adoptive parents and marrying them to the children. This is a collaboration with DHS—we've called it the adoption forum. We're moving more children to adoption and older children to adoption quickly.

When the author asked about whether DHS and the courts ever disagreed on case placements, the response was unusual. Corrigan appeared surprised by the question. Unlike the Rhode Island courts, Michigan courts worked alongside DHS on foster care placements.

Corrigan said, "I frankly don't want judges to jeopardize IV-E5 dollars—don't touch a placement, that's DHS's call" (M. D. Corrigan, personal communication, April 7, 2008). Corrigan noted that her philosophy stemmed from both the Family to Family Model and the Jim Casey Youth Opportunities Initiative.

These Michigan courts were aware that their placement decisions for these children would directly affect how much money the state would receive from the Title IV-E federal dollars. One interviewee said, "We had some courts send some kids home and then re-remove them so that they could make the proper IV-E budget. Some courts push their weight around" (Confidential, personal communication, 2007-2008). The Michigan courts partnered with the executive branch to do what was best for the children, including the funding of their care.

Another initiative Justice Corrigan launched was to ensure that there was an in-person meeting for all foster children and their lawyers. Previously, Corrigan found that when she asked children if they had met their lawyers, they would say no. So, she reorganized the mechanism by which lawyers were assigned and then held lawyers to a higher standard. Gayle Robbert of the Lansing Foster Care Review Board commented, "Lawyers seeing their children didn't happen before. That has improved. One of the Supreme Court justices is very interested, that's why this has improved. She wanted [the attorneys] to come into compliance" (G. Robbert, personal communication, August

8, 2008). Corrigan (M. D. Corrigan, personal communication, April 7, 2008) noted, "I ask kids now if they know their lawyer, [and] they say yes. I want to stand up and cheer." Once a new chief judge was hired, they had the authority to reassign the children and youth area to a new judge, however, the chief judge decided to keep Corrigan in charge of that area. Justice Corrigan said, "If I left, do I think things would be different? I sure do" (M. D. Corrigan, personal communication, April 7, 2008).

There were also numerous examples in Michigan of inseparable powers between the executive branch and the legislative branch, and in some cases even integrating the judicial branch. Public managers utilized inseparable powers to achieve better outcomes for foster children. When former ACCESS nonprofit creator and now Michigan Department of Human Services Director Ishmael Ahmed took office in September 2007, he made it a priority to build a relationship with the legislature. Ahmed (I. Ahmed, personal communication, March 18, 2008) said: "I came with a legislative relationship because I used to have to lobby with both [the] federal and state [governments]. I had a relationship with legislature on both sides of the aisle." Ahmed was focused on continuing his relationship with the legislature and believed that the legislature was taking the Children's Rights lawsuit against their state seriously.

The Michigan state foster care manager, Mary Chaliman, said, "I think foster care has [received] attention no matter the budget cuts" (M. Chaliman, personal communication, March 18, 2008). Both a Justice of the Michigan Supreme Court Maura Corrigan (Judicial Branch) and DHS Director Marianne Udow (Executive Branch) were heavily involved in the Jim Casey Youth Opportunities Initiative that resulted in a partnership with the legislative branch. Corrigan even recruited foster children to testify in support of the bill before the legislature. Corrigan (M. D. Corrigan, personal communication, April 7, 2008) said:

> We had a five-bill package pass in the Senate 48–0, [meaning] it has five different reforms in foster care. It's now in the house, now waiting for a vote on the floor. Kids believe they have a future. This is getting through to kids. [A] marvelous partnership.

The bills focused on subsidized guardianship, concurrent planning, and lawyer ad litem notifications (J. Novell, personal communication, March 17, 2008). Another bill "would shift the burden back on the state to terminate rights. It gives the state more time to think about it and expands the options available for the child." (M. D. Corrigan, personal communication, April 7, 2008).

In this Michigan case, public managers again utilized what the author terms inseparable powers to achieve better outcomes for foster children. Like, Delaware, the state of Michigan had higher foster care outcomes and also utilized inseparable powers via state-level cross-branch collaboration.

Rhode Island

As hypothesized and concluded in the initial study, there were decreased levels of public management in the weaker foster care outcome performing state of Rhode Island. Field research uncovered negative attitudes toward public managers. When the author asked one Rhode Island foster care agency ... if she had brought up some of the problems stemming from various stipend rates across the state, she said "I have gotten nowhere on legitimate issues" (H. Mulligan, personal communication, February 11, 2008). A chief casework supervisor for the Department of Children, Youth, and Families, Maureen Robbins, reported that the DCYF leadership proposed giving each caseworker a "$4,000 bonus per year in return for no limits on caseloads" (M. Robbins, personal communication, January 24, 2008). The deal was struck which resulted in poor care for foster children as caseworkers could barely supervise their existing caseloads, let alone the new case overloads.

Further, public managers in this case did not utilize inseparable powers to achieve better outcomes for foster children. In Delaware, the judicial and executive branches are in natural tension and work in tandem to determine the best action plan for the foster child. In Rhode Island, the courts and the agency work against each other by wrestling over control of case outcomes. According to the Rhode Island Department of Children, Youth, and Families (DCYF) policy officer in central management, there is a "lot of animosity between the family courts and the state. There is a fight going on" (D. Hultine, personal communication, January 23, 2008). Dana Mullen is the permanency program manager for Children's Friend and Service who believed improving the court system should be the number one priority. The author asked her about the family court and the state's relationship, and she replied, "or the lack . . . of a relationship?" (D. Mullen, personal communication, February 5, 2008). She added, "We need to have a more collaborative relationship, better communication with [the court system]. They need to [better] understand what we're up against" (D. Mullen, personal communication, February 5, 2008).

In Rhode Island, the courts and DCYF ignore each other's rulings. The two cannot agree on whether 19-year olds are under the jurisdiction of DCYF or the judicial branch. During field research, in order to save money, the legislature ended state jurisdiction of children at age 18, and then determined that DCYF would provide services to existing children in care up until age 21. The DCYF public policy officer said, "The court is upset they no longer have jurisdiction, so they're saying it's prescriptive, which only applies to kids going forward not 19-year-olds currently under their jurisdiction" (D. Hultine, personal communication, January 23, 2008). Although the legislature objected, the court took jurisdiction over any older children already in state care. During January 2008 field research, the issue remained unsettled as to what branch was responsible for these 18 to 21-year olds.

The current DCYF director at the time of field research, Patricia Martinez, noted that she has reached out to the family court. Director Martinez said, "We have a better relationship with the family courts. I meet with the chief judge once a month. I also pick up the phone and say, 'Your Honor, I don't think that's the best placement for that particular child.' " (P. Martinez, personal communication, February 5, 2008). However, tension lingers between the agency and the court.

The DCYF senior casework supervisor Philip Steiner noted, "The family court still orders things that it thinks kids will need, regardless of whether they can be provided to them" (P. Steiner, personal communication, January 24, 2008). Dana Mullen, the permanency program manager for Children's Friend and Service stated, "One of the things we're trying to do is get buy-in from the court system. You can be advocating for one permanency plan and the judge out of nowhere rules otherwise and there's no debating it once that's made" (D. Mullen, personal communication, February 5, 2008).

Lisa Guillette of the Rhode Island Foster Parents Association6 said, "We can't count on Rhode Island family court to make appropriate decisions. Foster parents have a right to be heard in court, but [they] can't be. There's no oversight by family court" (Guillette, 2008).

Maureen Robbins, Chief Casework Supervisor stated, "We need to open up the cases to hold the judges accountable. Child deaths are sometimes the court's fault. Judges order certain kids into certain foster care placements over the heads of the agency" (M. Robbins, personal communication, January 24, 2008). The family court chief judge is jokingly referred to as "Judge Jeremiah for life" because judges receive lifetime appointments with no accountability (M. Robbins, personal communication, January 24, 2008).

Interbranch conflict over the control of foster care policy further undermines any progress in this area generally, and the well-being of specific children. The state of Rhode Island had lower foster care outcomes and, also, utilized separated powers, whereby there is increased tension between the branches rather than state-level cross-branch collaboration as shown in Delaware and Michigan via inseparable powers.

New York

As concluded in the initial study, there were decreased levels of public management in the stronger foster care outcome performing state of New York. Nick Pirro, who was a former president of the New York State Association of Counties and a former president of the County Executives Association, said there was "very little involvement by the state" on foster care (N. Pirro, personal communication, October 14, 2008).

Further, public managers did not utilize inseparable powers to achieve better outcomes for foster children. New York, identified as a weaker foster care outcome state showed some signs of improvement within New York City, the major hub of foster care activity in the state. This occurred during field research based on changing foster care administrations.

With that being said, there were still zero examples from case state interviewees suggesting incorporation of inseparable powers as improvements began to take hold. Secondly, the state operated in a vacuum of separated powers in that there were zero examples from the field research or case state interviewees suggesting the utilization of inseparable powers. Unlike Rhode Island, there was no evidence of major inter-branch fighting, however, nor were there examples of the utilization of inseparable powers to achieve outcomes.

CONCLUSION

The findings in the case studies show that public managers in the strong foster-care outcome producing states (Michigan and Delaware) utilized what the author terms inseparable powers, whereby the traditional checks and balances roles of the judicial, executive, and legislative branches are slightly altered in eras of state-level foster care administration effectiveness. When public managers utilize inseparable powers at the state level, better foster care outcomes are produced. Whereas, the public managers in the weak foster-care outcome producing states (Rhode Island and New York) utilized separated powers, which occurs when there is fighting between the branches or no cross-branch collaboration at all.

The public managers in all four cases had the same inter-branch institutions (executive, legislative, and judicial) in their states; however, in the strong states, the public managers made the choice to work across the institutional lines. The various branches could serve as natural institutional boundaries or could become boundaryless dependent on the public manager's desire. The public managers in strong states choose inseparable powers.

Lynn (1981) notes that there are three blurry areas: where policy ends and administration starts, where the Congressional role ends and the executive branch and its' administration starts, or where the federal government ends and the state and local administration starts. This notion that branches are separate, that public managers operate within silos, that policy is solely administered by the executive, has long been challenged. Lynn, along with his co-author Bertelli, (2006) continued to wrestle with the role of a public administrator in relation to the separation of powers. Although their premise reflects on the role of a public administrator, rather than more specifically a public manager, the concept that the separation of powers is an integral part of understanding public administration has precedent.

Rohr (1986) recognized that public administrators have multiple branches to interact with in order to obtain their outcomes. Although he was speaking about the federal government, there are implications here for the three branches at the state level as well:

Rather than wait to be captured now by Congress, now by presidents, now by the courts, statesmanlike administrators might consider delivering their agencies for a time to a constitutional master of their own choosing. Which master the administrators would favor and for how long would depend on the administrators' judgment of which branch of government needs to be

strengthened to maintain the correct constitutional balance and to achieve the appointed ends stated so elegantly in the Constitution's preamble. (p. 89)

In these four foster care cases, statesmanlike administrators (public managers) chose to function cross-branch to produce better foster care outcomes. At the state level in the case of foster care administration, separated powers operating in silos led to worse outcomes. The traditional checks and balances roles of the judicial, executive, and legislative branches are slightly altered in eras of state-level foster care administration effectiveness.

Although this study concentrates on 4 case states, there is some evidence to believe that the findings would be applicable to other states as well. During the author's 2017 interview with the former Chief Judge of the City of Richmond in Virginia, Anne Holton, she noted that she "started out without a lot" of relationships with the executive branch child welfare services agency and then "we reached out to our city child welfare folks and they were a very regular part [of the conversation]" (A. Holton, personal communication, June 7, 2017). She added "there was a lot of rock and roll to our relationship and social services had a lot of challenges" but "we worked together more and more closely over time" (A. Holton, personal communication, June 7, 2017). Holton's judicial partnership with the executive branch's child welfare agency resulted in a caseload drop of "800 something to 200 kids in foster care" (A. Holton, personal communication, June 7, 2017). In other words, this trend of networking in the form of inseparable powers in foster care administration may reach beyond the four case states studied.

Further, the non-partisan United States National Governors Association, which serves as a conduit for the nation's governors, has recognized and championed the utilization of some version of inseparable powers. The U.S. National Governors Association Center for Best Practices, representing state governors, along with the United States National Conference of State Legislatures (National, 2019), representing state legislators, have co-hosted The Three Branch Institute on Child Social and Emotional Well-Being (NGA Center, 2014). The states selected for the program are given the task of improving foster care by integrating and aligning the work of all three branches of government (NGA Center, 2013). The U.S. National Governors Association and the U.S. National Conference of State Legislatures have recognized the value of working across branches at the intersection of the nexus.

This external networks study focusing on collaboration across the branches offers several implications for future research in that: 1) these networks do not develop naturally, but are cultivated by those with often competing goals 2) complexity may arise as boundaries are movable, and 3) qualitative studies providing details on institutional boundaries can complement other forms of network research, such as social network analysis.

The public management literature has alluded to a type of external networking by managers as upward networking. Van Den Bekerom, Schalk, and Torenvlied (2017), recognize upward networking as one in which a manger conducts networking with superiors and politically necessary people. The challenge this presents for public managers is to determine the correct amount of effort to put into developing these external networks and to operate in an environment where the goals across branches may be in competition at times. Further, these partnerships do not naturally develop but take effort on the part of public managers to cultivate relationships despite inherent tensions. This suggests that nexus research may benefit from assessing the efforts involved to create inseparable powers.

More so, this challenge of working across the nexus on wicked problems, or what can be referred to as complex problems, extends well beyond these United States cases (Rittel & Webber, 1973). This research utilizes the term wickedness to encompass all the challenges associated with practicing across a nexus (Kirschke, Zhang, & Meyer, 2018). In a global context, wicked problems often need thoughtful solutions that integrate a multitude of necessary partners across boundaries to implement the solution. Wilson promulgated this concept of boundaries in government by recognizing that boundaries needed to be drawn in government (Wilson, 1887). However, a

continued research question remains as to how boundaries should be drawn in government, with or without external partners, and under what conditions to obtain optimal outcomes. Kettl (2006) notes that the field of public administration has had boundaries on its' mind. When boundaries are movable, complexity may arise. Whereas, some systems behave in predictable ways, complex systems have many connections and interdependencies and behave in unpredictable ways (Barbrook-Johnson, 2018). This foster care administration case attests to that in that as the effective public managers chose to change the institutional boundaries, they were able to intersect effectively at the nexus. When public managers chose to maintain institutional boundaries, there was less complexity, but also less effectiveness.

Finally, this external networks study has implications for other forms of network research, such as the growing interdisciplinary field of social network analysis. The SNA field has focused on new methods and approaches among actors in networks (Butts, 2008) and the conversation specifically points to the need for more qualitative methods to balance the traditional quantitative-driven social network analysis literature (Schipper & Spekkink, 2015). This four-state foster care study suggests that qualitative case studies could offer insight regarding the role's institutions play when crafting SNA. Ward, Stovel, and Sacks (2011) notes that network analysis is able to perform a needed task in the social sciences which is to assess the patterns of influence among people and institutions. Institutional boundaries and boundaryless institutions are important when recognizing relationships among actors in that the structures can aid or hinder the development of networks.

ACKNOWLEDGEMENTS

APPENDIX A: LIST of INTERVIEWS

Interviewees listed here may have been utilized for quotes, off-the-record data, and/or background data only.

Ahmed, I. (2008, March 18). Director. Department of Human Services. Michigan. Personal interview. Lansing, Michigan.

Chaliman, M. (2008, March 18). Foster Care Program Manager. Department of Human Services. Michigan. Personal interview. Lansing, Michigan.

Corrigan, M. D. (2008, April 7). Justice of the Supreme Court. Michigan; Chief Justice of the Supreme Court. Michigan. Phone interview.

Giampeitro, V. (2007, August 24). Program Director. Children and Families First. Personal interview. Wilmington, Delaware.

Giddens, C. (2007, August 15). Director. Division of Family Services. Delaware. Personal interview, Wilmington, Delaware.

Guillette, L. (2008, January 23). Executive Director. Rhode Island Foster Parents Association. Personal interview. East Providence, Rhode Island.

Holton, A. (2017, June 7). Former Juvenile and Domestic Relations District Court Chief Judge, City of Richmond. Former Secretary of Education, State of Virginia. Brief personal interview. Philadelphia, Pennsylvania.

Hultine, D. (2008, January 23). Policy. Central Management. Department of Children, Youth and Families. Personal interview. Providence, Rhode Island.

Martinez, P. (2008, February 5). Director. Department of Children, Youth and Families. Rhode Island. Phone interview.

Mullen, D. (2008, February 5). Permanency Program Manager. Children's Friend and Service. Providence, Rhode Island. Phone interview.

Mulligan, H. (2008, February 11). Foster Care Recruiter. St. Mary's Home for Children. North Providence, Rhode Island. Phone interview.

Novell, J. (2008, March 17). Program Manager. Foster Care Review Board. Courts. Michigan. Personal interview. Detroit, Michigan.

Pirro, N. (2008, October 14). Former Onondaga County Executive. Syracuse, New York area; Former President of the New York State Association of Counties; Former President of County Executive Association for New York; Former Chairman of the Onondaga Legislature. Phone interview.

Radel, L. (2009, August 25). Senior Social Scientist. U.S. Department of Health and Human Services. Office of the Assistant Secretary for Planning and Evaluation. Division of Children and Youth Policy. E-mail correspondence.

Robbert, G. (2008, August 8). Program Representative. Lansing Foster Care Review Board. Courts. Michigan. Phone interview.

Robbins, M. (2008, January 24). Chief Casework Supervisor. Adoption and Foster Care Preparation and Support Unit. Department of Children, Youth and Families. Personal Interview. Providence, Rhode Island.

Steiner, P. (2008, January 24). Senior Casework Supervisor. Adoption and Foster Care Preparation and Support Unit. Department of Children, Youth and Families. Personal interview. Providence, Rhode Island.

Udow, M. (2008, March 18). Director. Department of Human Services. Michigan; Director. Center for Healthcare Quality and Transformation. Personal interview. Ann Arbor. Michigan.

Zehnder-Merrell, J. (2008, March 18). Kids Count in Michigan. Senior Research Associate. Michigan League for Human Services. Personal interview. Lansing. Michigan.

NOTES

1. "Title IV-E Foster Care FY 2007 Expenditures as Reported by States, May 2, 2008," provided in August 25, 2009 e-mail to author by Laura Radel, U.S. Department of Health and Human Services. Note: The $4.1 billion mentioned here only refers to the HHS reported amount of state spending (including local spending) on foster care. State and local spending is significantly higher when including foster care expenses for non-Title IV-E eligible claims. HHS does not report overall data for state/local funded foster care, which is non-Title IV-E eligible.

2. This remained the latest available comprehensive data until September 3, 2008, when the U.S. Department of Health and Human Services released the "Child Welfare Outcomes 2002–2005: Report to Congress." The most recent published report, "Child Welfare Outcomes 2015: Report to Congress," was released June 13, 2018. There is a significant delay from the year of the data collection to the report release date.

3. See earlier definition regarding principled agent theory.

4. During the period of field research, one of these websites was www.delawaregirlsinitiative.org.

5. Corrigan is referring to Title IV-E, an open-ended entitlement, which is the primary vehicle for federal reimbursement to states for a portion of their foster care costs.

6. After field research was completed, the Rhode Island Foster Parents Association was renamed Foster Forward.

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