

SUPPORTING STATEMENT

A. JUSTIFICATION

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

ACF is seeking renewal authority for its existing information collection effort regarding program improvement plans resulting from title IV-E Foster Care Eligibility Reviews (FCER), re-authorization of the monitoring protocols for the Child and Family Service Reviews (CFSR) including program improvement plans, and re-authorization of the corrective action plan regarding the anti-discrimination enforcement to remove barriers to interethnic foster care placements and adoptions.

Section 474 [42 U.S.C 674] of the Social Security Act (the Act) and 45 CFR 1356.71(i) govern the collection of information for review of Federal payments to States for foster care maintenance. The FCERs ensure that States claim title IV-E funds on behalf of title IV-E eligible children. There is one information collection associated with the title IV-E eligibility reviews: a program improvement plan.

Section 1123A [42 U.S.C. 1320a-1a] of the Act and regulations at 45 CFR 1355.33(b), 45 CFR 1355.33(c) and 45 CFR 1355.35(a) govern the Child and Family Service Reviews (CFSR). Three information collections are associated with the CFSR: a statewide assessment, an on-site review, and a program improvement plan. The CFSR looks at both the outcomes related to safety, permanency and well-being of children served by the child welfare system and at seven systemic factors that support the outcomes.

Section 474 (d) of the Act [42 U.S. C. 671] deploys enforcement provisions (45 CFR 1355.38(b) and (c)) for the requirements at section 471(a)(18) [42 U.S.C. 671], which prohibit the delay or denial of foster and adoptive placements based on the race, color, or national origin of any of the individuals involved. The enforcement provisions require the execution and completion of corrective action plans when a State is in violation of section 471(a)(18).

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Title IV-E Foster Care Eligibility Reviews

Title IV-E FCERs are conducted by Federal and State reviewers to ensure compliance with program eligibility requirements. The reviews assess the title IV-E Foster Care Program, which provides funds to States to assist with the costs of foster care

maintenance for eligible children; administrative expenses to manage the program; and training for staff, foster parents, and private agency staff. The focus of the review is whether a child meets the statutory eligibility requirements for foster care maintenance payments. The review team examines case records, including placement and payment histories, court orders, and other relevant case material, including licensing and provider safety documentation.

If a State is determined to not be in substantial compliance, the State is required to develop and implement a Program Improvement Plan (PIP) to correct the areas of noncompliance. The State has up to one year to complete its PIP. There is no specific format for developing a FCER PIP, however, States are required to identify goals and objectives, and describe activities to achieve these goals and timeframes within which they will be accomplished. If a State has not been in substantial compliance and was required to develop and implement a PIP, it will undergo a secondary review in a year. If the State continues not to be in compliance, a disallowance will be assessed.

For a 3 year period beginning with fiscal year 2003 through fiscal year 2005, there have been 54 reviews conducted. Eighteen States have been required to develop and implement PIPs.

Child and Family Service Reviews

Section 1123A [42 U.S.C. 1320a-1a] of the Act and regulations at 45 CFR 1355.33(b), 45 CFR 1355.33(c) and 45 CFR 1355.35(a) require a review of a State's child welfare program including program performance related to child protective services, foster care, adoption, family preservation and family support, and independent living. In addition to reviewing for the State's substantial conformity with applicable requirements, the CFSRs are designed to help States improve child welfare services and the outcomes for families and children who receive services by identifying strengths and needs within State programs, as well as areas where technical assistance can lead to program improvements. The CFSRs are a collaborative effort between the State and Federal governments. A review team composed of both State and Federal staff conducts the reviews and evaluates State performance. The first round of CFSRs have been conducted in all fifty States, the District of Columbia, and Puerto Rico. The first round ended in March 2004. The next round of on-site reviews will begin in March 2007.

There are three phases included in the CFSR process: the statewide assessment, the on-site review and the program improvement phase. In the first phase of the review which is the six month period prior to the on-site review, the State completes an assessment instrument using statewide aggregate data along with information from other sources such as internal quality assurance activities, focus groups, or surveys to evaluate the programs under review. As part of the second phase, an on-site review instrument is completed for each of the cases reviewed to examine the outcomes of safety, permanency, and well-being for a sample of children and families served by the State.

Also during the on-site review, stakeholder interview guides are used to capture information obtained from both local site and state level stakeholder interviews. In the third phase, if determined not to be in substantial conformity, the State develops a PIP that covers all areas of non-conformity based on information gathered during the first two phases of the CFSR process. The Children's Bureau has developed a standard format that States use to prepare the PIP for submission to the ACF Regional Office. States use of this PIP format facilitates ease of review, approval, and tracking of the implementation of the PIP. All 50 states, Puerto Rico and the District of Columbia were required to complete a PIP after the first round of reviews.

Anti-Discrimination Enforcement

There is no formal review process for the implementation of section 471(a)(18) which prohibits the delay or denial of foster and adoptive placements based on the race, color, or national origin of any of the individuals involved. States, including entities in the state who receive Federal government funds and who are involved in foster care and adoptive placements, may not deny a person the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin. Additionally, States may not delay or deny placement of a child for adoption or placement into foster care based on the race, color, or national origin of either the adoptive or foster parent or of the child involved.

Federal regulations require a State found to be in violation of section 471(a)(18) of the Act with respect to a person or the State's statutes, regulations, policies, procedures or practices to develop and submit a corrective action plan to ACF. A State has six months to develop, obtain approval of and implement a plan of corrective action after it receives written notification from ACF that it is in violation of section 471(a)(18) of the Act. A corrective plan must identify the issues to be addressed, set forth the steps for taking corrective action, identify any technical assistance needs and sources of technical assistance, and specify the completion date. There is no template for a corrective action plan.

3. Describe whether, and to what extent the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques.

For the CFSR, ACF electronically provides each State data related to each of the outcome areas based on the State's submissions to the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS). This data is used in the formulation of the statewide assessment and sent to a State in advance of the CFSR. The Department provides this information to the States in the appropriate format. States may also draw information from their Statewide Automated Child Welfare Information Systems (SACWIS), provided the State has such a system, in completing the statewide assessment.

During the second round of Child and Family Services Review, scheduled to begin in early 2007, the On-site Review Instrument and the Stakeholder Interview Guide will be automated. Each reviewer will have a tablet personal computer to record and store information.

The general benefits of automating the CFSR instruments include increased efficiency, and a reduction in the costs associated with the collection and analysis of data during the onsite reviews. A wireless network will be used to compile case ratings; and internet access and modem connections will be used to transfer the case ratings from local sites to a central server for data processing to produce site-specific and State level reports.

More specifically, the benefits of the automated system include:

- increased accuracy in completing the instruments through a logic sequence component that will alert reviewers of rating errors, prompt them when a required data field has not been completed, and serve as a preliminary quality assurance check;
- enhanced quality assurance review capability by allowing completed instruments to be transferred to the site leader's laptop for quality assurance review and comment, rather than reviewing multiple hard copies;
- instantaneous reports of site-specific and state-level findings from the review;
- real-time access to data that will become readily available for viewing and downloading by the site leaders so teams can share data across the State;
- reduction in data entry allowing a data file of the instruments to be transferred electronically to the Children's Bureau for preparation of the final report;
- improved archiving of data through a data file that replaces the paper copies of the CFSR instruments, thereby improving the archiving of data; and
- enhanced availability of data that will be in an application that allows easy access to viewing or printing of cases. The data file will eliminate copying and shipping of the instruments to the States following the review.

With regard to all three information collections, PIPs and CAPs are submitted electronically by the States to ACF Regional Offices for review and approval.

4. Describe efforts to identify duplication.

No other data source collects similar information.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This information collection does not impact small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is

not conducted or is conducted less frequently, as well as any technical or legal obstacles to reduce burden.

Foster Care Eligibility Reviews

Federal regulations require the review of the State's compliance with title IV-E eligibility provisions and associated payments at least every three years, and more frequently if a State is found not to be in substantial compliance. A State whose program is not in substantial compliance is required by statute and regulation to complete a program improvement plan. Compliance decisions are made based on information contained in the case record (including court orders and licensure records whether maintained in the case record or separately), provider documentation and payment history. Reviews emphasize accountability with the requirement to complete a PIP when the State is not in compliance. This PIP, unlike the CFSR PIP, does not have a template. It is a plan that a State engages in for up to one year to address the issues that lead to it not being in substantial compliance. It is an essential component in the review process that requires a State agency to engage in corrective action that will lead to a greater degree of compliance with Federal provisions and a reduction in improper payments. Upon completion of a PIP, a secondary review is held subsequently and if the State remains not in compliance, the associated disallowances could be substantial. Therefore, it is important that PIPs be fully implemented both timely and successfully.

Child and Family Services Reviews

Federal statute and regulations require an outcomes-focused monitoring of state child welfare programs that focus on results in the areas of safety, permanency and well-being. These reviews ensure compliance with State plan requirements for title IV-B and IV-E of the Social Security Act as required by section 1123A. A State determined not to be in substantial compliance as a result of a review must develop and implement a PIP. A format is recommended for the CFSR PIP, but it is not mandatory. A State may opt to develop a PIP in its own format. The PIP is a plan that a State engages in for up to two years to address the issues that lead to it not being in substantial compliance.

A PIP is an essential component in the review process that requires a State agency to engage in corrective action in its child welfare program and the systems that support the program so that the State will achieve better outcomes related to safety, permanency and well-being for children. A State identifies what activities it will engage in to improve the quality of its program and what level of improvement in outcomes it plans on achieving. Therefore, it is important that PIPs be fully implemented both timely and successfully. The associated penalty for not being in substantial conformity with Federal provisions and standards is suspended pending completion of a PIP. Failure to engage in the PIP process or to successfully complete a PIP will result in the suspended penalties being

taken. States found to be in compliance will be reviewed every 5 years, while States not in compliance will be reviewed 2 years after completion of a PIP.

The consequences to the Federal programs, if the reviews are not conducted, would be the inability to review and monitor critical outcomes for children and families served through the State child welfare system; an inability to review a State's compliance with State plan requirements of both titles IV-B and IV-E; a missed opportunity to formulate new policies and procedures that impact program operation, thus resulting in improved outcomes; and the inability to safeguard funds appropriated by Congress for these programs. Reduction of this burden could only come in the form of a legislative change.

Anti-Discrimination Enforcement

Federal statute and regulation prohibit discrimination based on the race, color, or national origin of persons seeking the opportunity to become a foster or adoptive parent, or the child who may be placed with that person. Delaying or denying a placement based on those criteria may deny a child an opportunity for a permanent home. If a State, or an entity in the State receiving funds for foster or adoptive placements, is found to have violated a person's civil rights on the basis of race, color or national origin, then the State must develop and implement a Corrective Action Plan (CAP). CAPs are required by Federal law (section 474 (d) of the Act [42 U.S. C. 671]) and regulations (section 471(a) (18) [42 U.S.C. 671] with enforcement provisions at 45 CFR 1355.38(b) and (c) that address the issues underlying the discriminatory action. There are also financial penalties associated with the discrimination. The amount of the penalties could be significant and are levied on the State or on the entity who engaged in such discrimination. Consequences to the Federal programs if the CAP is not developed and implemented leads to a non-compliance with Federal statute with the possibility of continued discrimination that might require remedy under other Federal laws for the aggrieved individual(s). A CAP provides an opportunity to address the deficiencies in a State's programs and/or policies, or for the entity to correct program deficiencies. Without this attention to corrective action, there is a much greater likelihood that discrimination will continue.

7. Explain any special circumstances.

There are no special circumstances required in the collection of this information in a manner other than required by OMB.

8. Efforts to solicit comments on the information collection prior to submission to OMB.

ACF published a notice in the Federal Register on June 22, 2006, soliciting comment on the information collection. There were no comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gifts will be provided to any respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.

The State child welfare agency is the respondent; therefore no assurance is needed as the information collected is for the respondent's use in making programmatic and systemic improvements. As a public agency, any information regarding the State child welfare agency's performance is public domain. Moreover, OMB instructed us to require States to make public the findings of the reviews. Thus, we place final reports on our website for public inspection and review. Information from the respondent and the State obtained through interviews with children, parents, foster parents, agency workers, and other stakeholders is subject to the confidentiality requirements and protections set forth at 45 CFR 205.50.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature in this collection.

12. Provide estimates of the hour burden of the collection of information. Provide estimates of annualized cost to the respondents for hour burdens for collection of information identifying and using appropriate wage rate categories.

Information collection related to title IV-E Foster Care Eligibility Review

Collection	Number of Respondents	Number of Responses	Average Burden Hours Per Response	Total Burden Hours
45 CFR 1356.71(i) Program Improvement Plan	7	1	90	630

Title IV-E Eligibility reviews take place once every three years. This estimate presumes that one-third of the States will be reviewed each year and that one third of the States

reviewed will be required to develop program improvement plans. This is consistent with our experience to date.

We estimate the annual cost of completing program improvement plans for title IV-E eligibility reviews to be \$12,600 (630 hours at \$20.00/hour = \$12,600), or \$1,800 per State.

Information collections related to the Child and Family Services Review

Collection	Number of Respondents	Number of Responses	Average Burden Hours Per Response	Total Burden Hours
45 CFR 1355.33(b) Statewide Assessment	13	1	240	3,120
45 CFR 1355.33(c) On-Site Review	13	1	1,170	15,210
45 CFR 1355.35(a) Program Improvement Plan	13	1	240	3,120

Estimated Total Annual Burden Hours: 21,450

We estimate we will review an average of 13 States per year over the next three fiscal years (2007, 2008 and 2009). Our experience to date indicates that every State reviewed will be required to complete a program improvement plan.

We estimate the annual cost of completing a statewide assessment phase of the CFSR to be \$62,400 (3,120 hours at \$20.00/hour = \$62,400), or \$4,800 per State.

We estimate the annual cost of completing the on-site review phase of the CFSR to be \$304,200 (15,210 hours at \$20.00/hour = \$304,200), or \$23,400 per State.

We estimate the annual cost of completing the program improvement plan phase of the CFSR to be \$62,400 (3,120 hours at \$20.00/hour = \$62,400), or \$4,800 per State.

For all three phases, we estimate the cost of the CFSR to be \$33,000 per State.

Information collection related to Corrective Action Plans (Anti-discrimination Enforcement)

Collection	Number of Respondents	Number of Responses	Average Burden Hours Per Response	Total Burden Hours
1355.38(b) and (c) Corrective Action Plan	1	1	780	780

Over the past three fiscal years there has been one State that has been required to develop and complete an approved Corrective Action Plan related to anti-discrimination enforcement. The figure here is based on the premise that the number of States found or alleged to have compliance issues since the information collection was initially authorized will continue to remain low. Each case must be handled slightly differently depending on the circumstances involved.

We estimate the annual cost of completing corrective action plans for section 471(a)(18) violations to be \$15,600 (780 hours at \$20.00/hour = \$15,600), or \$15,600 per State.

13. Provide an estimate of the annual cost burden to respondents or record keepers resulting from the collection of information.

There are no costs to respondents or record keepers not covered in items 12 or 14.

14. Provide estimates of annualized cost to the Federal Government.

Title IV-E Foster Care Reviews

We estimate an annual cost of \$25,200 to the Federal government as a result of the title IV-E eligibility reviews (120 hours x 7 reviews per year x \$30.00/hr = \$25,200). This estimate consists of Regional and Central Office staff time for reviewing, approving and monitoring State progress in implementing the PIPs.

Child and Family Services Reviews

The cost to the Federal government as a result of the CFSTRs includes both Federal staff time and contract costs. For Federal staff time, we estimate an annual cost of \$46,800

(120 hours x 13 reviews per year x \$30.00/hr = \$46,800). This estimate consists of Regional and Central Office staff time for reviewing, approving and monitoring State progress in implementing the PIPs.

There are three five-year contracts for CFSR related activities. These contracts are the Child Welfare Review Project, the State Team Training Project, and the Child Welfare Monitoring Project. The estimated annual costs for each contract includes labor and other direct costs (i.e., travel and per diem, meetings, honoraria/consultants, telephone, postage/delivery, reproduction, supplies/equipment, and warehouse expenses). The estimated annual cost for each contract is shown in the following chart:

Estimated Annual CFSR Contract Costs

	Child Welfare Review Project	State Team Training Project	Child Welfare Monitoring	Contract Costs of the CFSR
Five-year Contract Amount	\$12,290,547	\$6,817,662	\$7,000,000	\$26,108,209
Annual Contract Cost	\$2,458,109	\$1,363,532	\$1,400,000	\$5,221,641

The total annual cost to the Federal government for the CFSR is \$5,268,441 (\$46,800 staff time and \$5,221,641 in contracts).

Anti-Discrimination Enforcement

We estimate an annual cost of \$3,600 to the Federal government primarily for staff time as a result of reviewing approving and monitoring existing and new anti-discrimination corrective action plans (120 hours x 1 review per year x \$30.00/hr = \$3,600).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

We have adjusted the number of respondents based on experience gained since the initial authorization of the information collection and our expectations for future activity. The number of respondents for the title IV-E eligibility review program improvement plans are relatively fixed at 7 per year. The number of respondents for the CFSRs are likewise relatively fixed at an average of 13 per year over the three year life of the authorization. It is anticipated that the number of anti-discrimination corrective action plans will remain low so we used 1 per year as an estimate.

16. Outline plans for tabulation and publication.

We publish final reports and program improvement plans resulting from the title IV-E eligibility reviews on the Children's Bureau website. There is no requirement in the statute or regulations for publication.

Section 479A of the Act requires that the Department of Health and Human Services (HHS) publish an annual report to Congress on the performance of each State on each outcome measure. Information from the CFSR with a particular focus on the statewide data profile (see section 3 of this document), a component of the assessment phase of the review process, is compiled in summary format and submitted to Congress and shared with all interested parties. Additionally, ACF publishes each State's assessment, final report and PIP on its website.

There are no regulatory or statutory requirements to publish any corrective action plans that might be completed regarding the corrective action plan for anti-discrimination enforcement.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There is no standardized format issued to States to use in developing a FCER PIP, they develop their own; therefore, there is no document upon which to display a valid OMB control number and an expiration date. Regulations at 45 CFR 1356.71(i) govern the collection of information.

In regard to the CFSR, the Department will display the OMB number and expiration date on the Assessment and On-Site review instruments and the template for the PIP.

There is no standardized form issued to States to use in developing a corrective action plan; therefore, there is no document upon which to display a valid OKB control number and an expiration date. Regulations at 45 CFR 1355.38(b) and (c) detail the requirements and timelines required to be addressed in a PIP.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

These information collections do not lend themselves to the use of statistical methods as they are either the review of case records, and/or client/stakeholder interviews, or corrective action plans.