

## **THE SUPPORTING STATEMENT**

**A. Justification. Requests for approval shall:**

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

**Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Deficit Reduction Act of 2005 (P.L.109-171) (DRA) amended section 438 of the Social Security Act to authorize two new Court Improvement Program (CIP) grants (42 USC 629h). The new grants include: (1) a grant for data collection and analysis, to help ensure that foster children's needs for safety, permanency and well-being are met in a timely and complete manner (the data collection and analysis grant), and (2) a grant for training judges, attorneys and other legal personnel in child welfare cases and conducting cross-training with child welfare agency staff and contractors (the training grant). The new grants are authorized for \$10 million each for Federal fiscal years 2006 through 2010.

This Program Instruction provides guidance to the State courts on the required content of the Court Improvement Program application as well as the content requirements for the annual program and financial reports for these two new grants. A copy of the statute is attached. There are no regulations for the Court Improvement Program.

Section 438 grants the Secretary authority to require certain information and assurances from the highest State court as part of an application for CIP funds. 45 CFR Part 92 Subpart C specifies requirements for the annual program and financial reports. The financial report is submitted on Standard Form 269, which has been approved by OMB No. 0348-0039.

- 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.**

All of the information submitted is used by the Administration for Children and Families (ACF): (1) to ensure compliance with the statute, and (2) as the basis for determining training and technical assistance needs of the grantees.

Applications submitted by August 1, 2006 were used by ACF as the basis for making Fiscal Year 2006 grant awards. ACF will analyze the State annual reports, to be submitted starting in June 2007, to ensure compliance with the statute and determine training and technical assistance needs.

- 3. Describe whether, and to what extent the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

State courts must submit applications and reports to the appropriate ACF Regional Office via e-mail or compact disk. Applications and reports must be submitted electronically; hard copies only will not be accepted by ACF Regional Office staff.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

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.**

Only the highest court in each State is eligible to submit an application for this grant award. The information required is the absolute minimum necessary for meeting the statutory requirements and providing the information on which the grant award decisions are based.

- 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.**

The application and the annual program and financial reports are each one-time per year requirements. Without the prescribed application, as required by the statute, and the program and financial reports, ACF will be unable to adequately monitor a court's activities to determine that funds are being spent for the purposes for which they were awarded. Annual collection permits the Department to minimally meet its stewardship obligations without overburdening the grantees.

- 7. Explain any special circumstances that require the collection to be conducted in a manner:**
- o requiring respondents to report information to the agency more often than quarterly;**
  - o requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
  - o requiring respondents to submit more than an original and two copies of any document;**
  - o requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
  - o in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

- o requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- o that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- o requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances required in the collection of this information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records, should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.

A Federal Register Notice was published which solicited comments under the Paperwork Reduction Act to ACF on Thursday, April 13, 2006, Volume 71, No. 71, page 19189 (copy attached). No comments were received.

The Children's Bureau convened its annual Meeting of States and Tribes, *Many Paths, One Direction: Strategies for Achieving Lasting Reform in Child Welfare*, June 20 - 22, 2006. This important event explored the many paths that States and Tribes have taken as they have worked to strengthen their child welfare systems - honoring what is best in their systems, while creating innovative approaches to address new challenges. It brought together invited policy makers, State, local, and Tribal child welfare directors and administrators, judges and court improvement personnel, State Liaison Officers, Federal staff, representatives of national organizations, and other partners. Approximately 550 participants attended the conference.

Immediately preceding the Meeting of States and Tribes, on Monday, June 19, 2006, the Children's Bureau convened the annual CIP meeting. State Court Improvement Programs were invited to send up to three representatives to this meeting. There were two sessions on the June 19<sup>th</sup> agenda devoted to technical assistance on the two new CIP grants. In the morning Children's Bureau staff presented an overview of the requirements that are outlined in the Program Instruction. At an evening session immediately following the end of the meeting, staff of the Child Welfare Resource Center on Legal and Judicial Issues (Resource Center) presented an interactive technical assistance program on the two new grants.

To help the State courts begin to think about and plan for the requirements for the two new grants, staff of the Resource Center conducted a series of conference calls with State representatives of the CIP and the regional office staff. These meetings and calls and a CIP list serve have provided opportunities for consultation with the grantees about the application and reporting requirements.

**9. Explain any decision to provide any payment or gift to**

respondents, other than remuneration of contractors or grantees.

No payments, other than a one-time grant award per application, will be made to States.

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

Data in the applications are not confidential.

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 the application requirements.

12. Provide estimates of the hour burden of the collection of information. The statements should:

o Indicate the number of respondents, frequency of the response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

**o If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

**o Provide estimates of annualized cost to the respondents (other than individuals and households) for hour burdens for collection of information identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

The information collection burden hours for each grant listed below are only estimates. These CIP applications will be submitted on an annual grant award basis. The hours per response are based on an average amount of time needed by the States for consultation, coordination, collection of baseline information, and for developing and submitting the required applications. The application is the basis for States to receive funding under Section 438 of the Social Security Act.

The annual financial reports and the program reports will be submitted 90 days after the end of the program period. These reports will provide compliance information, indicate progress with meeting program goals and objectives, and pinpoint technical assistance needs.

The estimated information collection burden hours required to complete the application and the annual program report are based on the assumption that all States will submit applications under this authority. Cost and respondent time are based on experience with prior similar activities and information obtained from potential respondents.

Annual Burden Estimates<sup>1</sup>

INSTRUMENT	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	AVERAGE BURDEN HOURS PER RESPONSE	TOTAL ANNUAL BURDEN HOURS
APPLICATION	52	2	40	4160
ANNUAL PROGRAM REPORT	52	2	36	3744

Estimated Total Annual Burden Hours: 7,904

We estimate that it will take approximately 40 hours for each applicant to complete each one of these applications and approximately 36 hours to complete the annual program report for each grant. We estimate the average hourly wage for staff developing the reports @ \$30/hour. We estimate the total annual cost of both CIP grants to be \$237,120.

- 13. Provide an estimate of the annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items #12 and 14)**

**o The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rates(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collection information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

**o If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the**

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<sup>1</sup> These estimates are based on an assumption that each State will apply for both grants.



reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

o Generally, estimates should not include purchases of equipment, or services made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, or (3) for reasons other than to provide information or keep records for the government.

There are no additional annual direct costs to respondents as a result of this information collection.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from 12, 13, and 14 in a single table.

There are no additional Federal costs as a result of this information collection

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

There are no program changes or adjustments.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information,

**completion of report, publication dates and other actions.**

The Department does not plan to publish the information collected.

- 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.**

The Department will display the expiration date on the Program Instruction. The States will submit the application and annual program report in the format of their choice.

- 18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," on Form OMB 83-I.**

There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods**

The information required to be submitted in the annual application and in the annual program and financial reports does not require the use of statistical methods.