

1 Supporting Statement for Paperwork Reduction Act Submissions
Indian Child Welfare Assistance Annual Report, 25 CFR 23
OMB Control Number 1076-0131

Note: The proposed notice awaited signature for several weeks, therefore, did not move forward in a timely manner. The Division of Human Services intends to begin renewal activities 12 months in advance of next expiration date.

TERMS OF CLEARANCE: None.

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

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.

Under 25 CFR 23.47, Indian tribes are required to collect selected data on Indian child welfare cases and submit them to the Bureau of Indian Affairs (Bureau) for consolidation. This data is useful on a local level, to the tribes and tribal organizations that collect it, for case management purposes, and on a nationwide basis for planning and budgetary purposes. In addition, this data provides baseline data for performance goals outlined in the Bureau's strategic plan and assists the Bureau in setting and measuring performance goals. Attached are copies of Public Law 95-608, Indian Child Welfare Act of 1978 and 25 CFR Part 23 – Indian Child Welfare Act.

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. (Be specific. If this collection is a form or a questionnaire, every question needs to be justified.)

This information is collected through the use of a consolidated caseload form by tribal ICWA program directors, who are responsible for providing the Indian child welfare services. The information is used for the purpose of monitoring ICWA services provided through the Tribal Priority Allocations, and determining the extent of service needs for local Indian communities. This information collection is the only one of its type. The information is used by the administering agency or tribe to review program implementation and performance, to identify program service population, as well as to make determinations regarding regulatory revisions.

The information collected is useful for budgetary purposes and/or to for response to inquiries from other Federal agencies. The Government Accounting Office (GAO), for instance, has requested the referenced data to identify factors that influence placement decisions of Indian children subject under the ICWA, particularly as they relate to the Adoption and Safe Family Act's goal of safety, permanency, and well being. The information collected was also helpful in assisting GAO in determining delays in the placement of Indian children in foster and/or adoptive homes and how delays, if they occurred, have affected their experience in the child welfare system.

- The top three lines identify the program, form, report year, OMB Control Number and Expiration date.
- The first column identifies the kind of information that is needed, such as are the number of tribal/state welfare agreements; where placements have been made, the placement situations, number of parental terminations, number of Indian children/families receiving services, number who are eligible but receive no services, number who are referred to other agencies/services, how many referrals involve drug and substance abuse, number of reunifications of child and family.
- Four columns allow quarterly totals to be entered.
- Another column shows the yearly totals.
- The final 2 lines identify the preparer and the appropriate telephone number.

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 (and specifically how this collection meets GPEA requirements.)

This information collection activity does not involve the use of technology to collect the information or reduce the burden. The Bureau is under a court order to stay disconnected from the Internet. This does not preclude the tribal organizations from setting up a system that will enable them to easily provide the summary of reporting indicators. In addition, lack of funding prevents the Bureau from establishing a fully electronic system. Paper copies will continue to be made available to requesters. Tribes can request and obtain paper copies through commercial mail or by facsimile.

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.

This is the only program of its type that is offered solely to Indian families and children who have no alternative means to obtain child welfare services. The information collection is specific to the tribe's grant and consolidates case data into totals for use by the tribe and Bureau.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Indian tribes and tribal organizations are considered small governmental jurisdictions or small entities as defined under the Regulatory Flexibility Act. Tribes that have elected to operate this program in lieu of direct services from the Bureau have the flexibility to modify their contract for the ICWA grant to meet their specific needs. Tribes also have the operational flexibility to determine how often they will report, but no less than quarterly.

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 reducing burden.

The Indian child welfare program is no longer funded through a competitive grant process; it is now part of the tribes' Tribal Priority Allocation base. The limited funding available for this program is inadequate for the number of programs funded. If the collection were conducted on less than a quarterly cycle, no accurate information regarding the implementation of the program would exist. Additionally, service providers and the agency would have dated information regarding the need for program services, potentially resulting in understatement of program service needs.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * 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;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * 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
- * requiring respondents to submit proprietary trade secrets, 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 exceptions to referenced regulations. Information is reported on a quarterly and annual basis. Speed of reporting is not a factor. Only one copy of the report is required. The information does not include statistics; rather, it is a summary of progress in meeting annual service goals and objectives. Information collected is not confidential as clients are not required to sign a service application. Trade secrets are not a factor in the information collection.

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 in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

The Federal Register 60 day notice was published on January 15, 2008 (73 FR 2519). No comments were received regarding the attached copy of the Federal Register notice.

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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Ms. Evelyn Roanhorse, Regional Social Worker, Bureau of Indian Affairs, Western Regional Office, P.O. Box 10, Phoenix, AZ 85001, Telephone (606) -708-0614 can be contacted concerning the burden estimate.

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 may preclude consultation in a specific situation. These circumstances should be explained.

The collection of information activity is the same as in the prior period. The existing program has not been revised. Notwithstanding, continued budget cuts to this program have eroded the present social service staff to 3 FTEs at the Central Office and 12 FTE at the regional office levels, which does not allow much individual consultation with representatives of those from whom information is obtained or those who must compile records. However, this does not preclude ongoing consultation with tribal or agency programs when this form is completed nor when the form is discussed at various social service meetings conducted during the course of each fiscal year by each of the twelve regional offices.

9. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. The respondents of this information collection will not receive any payments or gifts for providing this information.**

We do not provide payment or a gift to respondents for completing this form.

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

There is no assurance of confidentiality provided to respondents concerning this information collection as the information is considered public and does not contain case information about individual clients.

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 information collection.

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

- * Indicate the number of respondents, frequency of 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.**

There are 536 respondents submitting the form quarterly for an annual total of 2,144 responses to this collection, which is a reflection of the number of active grants for program services. We estimate that the respondent will spend ½ hour providing the information. Therefore, the annual hourly burden is $2,144 \times 30 \text{ minutes} = 1,072 \text{ hours}$

- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and then aggregate the hour burdens. ***
Provide estimates of annualized cost to respondents for the hour burdens for collections 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 total annual cost burden for respondents or record keepers from the collection is estimated to be \$22,008.16. We estimate that the salary will be \$18.32/hour + \$2.21 required benefits for total cost of \$20.53 (many are not full time and would not have other benefits); therefore, we multiplied the hours (1072) by \$20.53/hour = \$22,008.16 cost burden, annually. We used as our source: USDL: 07-1434, dated June 2007, table 5 for all workers.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or record

keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * **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 [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- * **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the 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.**
- * **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

The annual cost burden to respondents from total capital and startup costs is estimated to be zero because ICWA funding covers administrative costs. The funding also covers operation, maintenance and purchased services.

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 Items 12, 13, and 14 in a single table.

Based on the 2007 General Schedule Pay scale, the estimated annual cost to the Federal government for this collection is estimated as \$16,632.00. There are 12 staff @ \$34.65/hour (salary & benefits) for 40 hours, or $12 \times \$34.65 \times 40 = \$16,632.00$

15. Explain the reasons for any program changes or adjustments.

The data is all program change because the collection expired during the renewal process.

16. For collections of information whose results will 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.

There are no plans to publish the results of this collection of information. However, a summary may be used for budget justification.

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 OMB approved Control Number and expiration date will be displayed on the form.

18. Explain each exception to the certification statement identified in 5 CFR 1320.9 (hourly and cost burden) and 5 CFR 1320.8(b)(3) (the questions we ask commenters to address).

There are no exceptions.