

## The Supporting Statement

### Case Plan Information Collection

#### **A. Justification**

##### **1. Circumstances Making the Collection of Information Necessary.**

The case plan information collection is authorized in sections 422(b)(8)(A)(ii) [42 USC 622] and 471(a)(16) [42 USC 671] of the Social Security Act (and defined sections in 475(1), 475(5), and 475(6) [42 USC 675] of the Social Security Act). Federal regulations implementing the statutory provisions are codified at 45 CFR 1356.21(f) and (g). The statutory and regulatory requirements mandate that States develop a case plan and case review system for every child in the foster care system under the care and control of the State. Case plan information collection was approved previously under OMB NO. 0980-0140.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) added a new section 479B to the Act providing authority at 479B(b) for an Indian Tribe, tribal organization or tribal consortia (hereafter “Tribe”) to elect to operate a title IV-E program with an approved title IV-E plan. Tribes are to operate a program “in the same manner” as states and must provide for a case plan for each child and for a case review system.

Applicable Federal statute and regulations can be found at .  
[http://www.acf.hhs.gov/programs/cb/laws\\_policies/cblaws/safe2010draft.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/safe2010draft.htm) and  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_02/45cfr1356\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/45cfr1356_02.html)

##### **2. Purpose and Use of the Information Collection.**

To obtain federal funding for foster care, adoption assistance and certain child welfare services, States and Tribes must implement case plan and case review system procedures that periodically assess the appropriateness of a child’s placement in foster care and reevaluate the services provided to assist the child and family. The case review system assures that each child has a case plan in place that addresses placement in a safe, least restrictive (most family-like) setting available and in close proximity to the parents’ home, consistent with the best interest and special needs of the child until the child can achieve permanency, either reunification with his/her family or in an alternate option such as adoption. Through the case plan and case review system, State child welfare agencies:

- describe the specific services offered and provided to meet the individualized needs of the child and family;
- document compliance with requirements of titles IV-B and IV-E of the Social Security Act (the Act);

- report progress in achieving child safety, permanency and well-being; and
- provide for an assessment of service delivery and timeliness of decision-making.

Case plan information is recorded and maintained by the State or Tribal Child Welfare agency. It is not submitted directly to ACF. During the federal foster care eligibility and child and family services reviews, ACF uses the information to:

- 1.) evaluate a State's or Tribe's efforts to ensure the safety of children and attain permanent living arrangements for children in foster care;
- 2.) determine a State's or Tribe's compliance with titles IV-E and IV-B program requirements;
- 3.) identify State and Tribal practice and systemic issues; and
- 4.) provide technical assistance to a State or tribe for program improvement.

### **3. Use of Improved Information Technology and Burden Reduction.**

The case plan is a written document that provides a narrative description of the child's individualized program of care. Regulations at 45 CFR 1356.21(g) and Section 475(1) of the Social Security Act delineate the specific information that should be addressed in the case plan. ACF does not require a specific record keeping format for the case plan nor does ACF require submission of the document to the federal government. States may maintain case plan information electronically through the Statewide Automated Child Welfare Information System (SACWIS), which is a federally funded and federally supported data automation system or another case management type system. Tribes may also maintain case plan information electronically through a SACWIS or other case management type system.

### **4. Efforts to Identify Duplication and Use of Similar Information.**

No other data source collects similar information.

### **5. Impact on Small Businesses or Other Small Entities.**

This information does not impact small businesses or other small entities. Only State and Tribal child welfare agencies are required to collect and report this information. Reported information is limited to children for whom States have responsibility for placement and care.

### **6. Consequences of Collecting the Information Less Frequently.**

Case plan development occurs continuously throughout a child's tenure in the child welfare system. Case plan and case review procedures are mandated program components for a State or Tribe to receive federal financial participation. Data collection timeframes are prescribed in federal statute and regulation. Legislative

change is the only means to reduce this burden. Case plan development is standard operating procedure for child welfare services and models good practice, as well. Regardless of funding source, states will develop a case plan for each child served. The instrument guides a caseworker's service planning, service provision and case decision-making.

**7. Special Circumstances relating to the Guidelines of 5 CFR 1320.5.**

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

**8. Comments in Response to the federal Register Notice and Efforts to Consult Outside the Agency.**

The Department of Health and Human Services, Administration for Children and Families published a notice (the Department) in the Federal Register, according to the requirements in 5 CFR 1320.8(d), on April 13, 2010 (75 FR 19977). The Department did not receive comments in response to the 60-day Federal Register notice.

**9. Explanation of Any Payment or Gift to Respondents.**

No payments of gifts will be provided to respondents.

**10. Assurance of Confidentiality Provided to Respondents.**

Section 471(a)(8) of the Social Security Act provides safeguards that restrict the use and disclosure of certain information reported in the case plan.

**11. Justification for Sensitive Questions.**

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

**12. Estimates of Annualized Burden Hours and Costs.**

ANNUAL BURDEN ESTIMATES

<b>Instrument</b>	<b>Number of Respondents</b>	<b>Number of Responses Per Respondent</b>	<b>Average Burden Hours Per Response</b>	<b>Total Burden Hours</b>
Case Plan	603,453	1	4.79	2,891,169

Estimated Total Annual Burden Hours: 2,891,169

ACF estimates that 20 Tribes with an average of 50 children (a total of 1,000 children) in each program will operate a Tribal Title IV-E program. The child count has been

distributed into each of the 4 categories below based on a similar distribution of the number of children in a State Title IV-E program. Therefore, 23% (or 230 children) were added to Group A children; 15% (or 150 children) were added to Group B children; 48% (or 480 children) were added to Group C; and 14% (or 140 children) were added to Group D children.

For each child in foster care, an initial case plan is completed within 60 days of the date the child is in foster care. The case plan is updated as often as necessary, but at least every 6 months for the duration of the child’s stay in foster care. The number of respondents is 603,453 which is the sum of four groups of children who were in foster care during a given period in our data collection timeline.

Group A children require an initial case plan which requires an estimated 4.5 hours to complete (137,435 children X 4.5 hours estimated per plan per child = 618,458 hours).

Group B children are those children with a six-month anniversary during the year who require an on-going case plan (91,130 children X 2.5 hours estimated per plan per child = 227,825 hours).

Group C children are those children with two six-month anniversaries during the year who require two on-going case plans (289,665 children X 2.5 hours estimated per plan per child X 2.5 plans per child = 1,448,325 hours).

Group D children are those children who required an initial case plan (4.5 hours) and had a six-month anniversary (requiring a plan that takes an estimated 2.5 hours) during the year (85,223 children X (4.5 hour estimated initial plan + 2.5 hour estimated ongoing plan) = 596,561 hours.)

Therefore, summing the four groups, the total burden hours are 2,891,169. The four groups of respondents are not equally weighted because of the difference in group sizes. The average burden hours per response are 4.79. This figure is the estimated average hours for respondents in each group over the total respondents (2,891,169/ 603,453).

To get the average burden hours per response:

Group	Number of Children	Hours	Average Burden Hour (Hours/# children)
A	137,435	618,458	
B	91,130	227,825	
C	289,665	1,448,325	
D	85,223	596,561	
Total	603,453	2,891,169	4.79 hours

To get the average annual cost for each group:

Group	Cost per hour	Hours	Cost per Group
A	\$15.00	618,458	\$9,276,870
B	\$15.00	227,825	\$3,417,375
C	\$15.00	1,448,325	\$21,724,875
D	\$15.00	596,561	\$8,948,415
Total Cost for All Groups			\$43,367,535

**13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers.**

There is no annual cost burden for respondents resulting from this information collection.

**14. Annualized Cost to the Federal Government.**

The cost for the Federal government is 50% of a State Tribal child welfare agency’s annualized administrative costs claimed for developing case plans, or \$21,683,767.

**15. Explanation for Program Changes or Adjustments**

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) added a new section 479B to the Act providing authority at 479B(b) for an Indian Tribe, tribal organization or tribal consortia (hereafter “Tribe”) to elect to operate a title IV-E program with an approved title IV-E plan. Tribes are to operate a program “in the same manner” as states and must provide for a case plan for each child and for a case review system. The number of respondents was increased to reflect anticipated Tribal participation in the program. In addition, the estimated annual cost for recordkeeping was adjusted to reflect an decrease in the number of respondents and burden hours that resulted from refining the type of plan (initial and/or ongoing) based on the number of children in State child welfare systems, when the child entered the State child welfare system during our reporting period and a decrease of the length of time children are staying in out of home placements. The net effect was a decrease in the number of respondents. See Question #12 above for how numbers were computed for Tribal children and then added to the numbers of children in State child welfare.

The burden hours also reflect programmatic changes with additions to Section 457(1) of the Act which added requirements at:

- (G) A plan for ensuring the educational stability of the child while in foster care, including--
  - (i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the

proximity to the school in which the child is enrolled at the time of placement; and

(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

In regards to the requirements for a transition plan for youth section, the Patient Protection and Affordable Care Act (Public Law 111-148) amended the Social Security Act at section 475(H) by adding a requirement effective October 1, 2010 that in developing the transition plan it also “... *includes information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State law, and is as detailed as the child may elect.*”

ACF estimates an average of an extra half hour per case plan to meet these additional requirements.

**16. Plans for Tabulation and Publication and Project Time Schedule.**

The Department does not plan to publish the information collected.

**17. Reason(s) Display of OMB Expiration Date is Inappropriate.**

There is no standardized form issued to States for submitting case plan information to the Department. The OMB approval number is displayed at 45 CFR 1356.21.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions.**

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

**B. Statistical Methods (used for collection of information employing statistical methods.**

The case plan information collection does not require the use of statistical methods. Such methods will not reduce the reporting burden for respondents or improve the accuracy of results.