

1 Supporting Statement A

Indian Child Welfare Assistance Report, 25 CFR 23

OMB Control Number 1076-0131

Terms of Clearance: None.

This revision would update the Indian Child Welfare Assistance (ICWA) report form to better define the information needed.

Justification

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

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, by 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.

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. BIA uses this information to monitor ICWA services provided through the Tribal Priority Allocations, and to determine the extent of service needs for local Indian communities. The administering agency or tribe uses the information to review program implementation and performance, to identify program service population, as well as to make determinations regarding future regulatory revisions. The information collected is useful for budgetary purposes and/or to for response to inquiries from other Federal agencies. The Government Accountability 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. Specifically, the form requests:

- *Whether there is a tribal or state agreement regarding child welfare or assistance in*

place. This information will identify all coordination and service provision activity between tribes and states, and essentially informs the Bureau of case management activities.

- *The number of ICWA notifications received and processed.* This information enables the Bureau to gather important nationwide data linking court proceedings related to American Indian adoptions and foster care placements. It will also give the Bureau record-keeping capability for future reference for adoption proceedings.
- *The number of children placed through other programs.* BIA needs this information because it enables the Bureau to track placement activity, including placement arrangements of other native children; this information can assist in addressing permanency on a comprehensive level.
- *The number of child placements involving substance abuse information.* Substance abuse is a critical occurrence involving some Indian children in Indian Country. Complete and accurate data will assist in documenting need and promote justification for increased funding to assist in handling and addressing child protection.
- *The number of children whose primary case plans fall into different categories.* Case planning requires periodic and frequent monitoring. This data will ensure that American Indian children receive frequent checks via social services and the court systems via coordination with the Bureau's social service programs.
- *The number of cases transferred to courts.* BIA needs this information because this will ensure that proper protocols are followed, periodic court proceedings are held pursuant to the Child Assistance existing regulations, and that proper care and supervision has been authorized by the court.

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.

BIA will make forms available to be electronically filled by tribes on its website at: <http://www.bia.gov/WhoWeAre/BIA/OIS/HumanServices/index.htm>

Additionally, tribes may establish a system or process that enables them to easily provide the summary of reporting indicated, and may submit their reports via facsimile or email to BIA Central Office.

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 information collection is the only one of its type. This is the only program of its type that is offered solely to all Indian tribes to operate Indian Child Welfare Act programs. 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 and tribal organizations are the only entities that may elect to operate this program. The Bureau of Indian Affairs is not authorized to provide direct services to meet their specific needs. Under P.L. 93-638, tribes 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. Although the number of tribes have increased, the funding available for this program has not increased since the non-competitive process was instituted in FY 1994. It is widely believed that the limited funding available for this program is inadequate for the number of programs funded and the number of children and families who need to be served. If the collection were conducted on less than a quarterly cycle, no current information regarding the implementation of the program would exist. Additionally, tribal service providers and the BIA 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.**

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 three 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.

A 60-day comment period was announced in the Federal Register on June 8, 2011, (76 FR 33340), giving interested parties an additional opportunity to comment on the form. We did not receive any comments on this information collection in response to the Federal Register notice.

We consulted with the following representative for input on the burden imposed by this information collection: Ms. Norma Merriman, Human Services Group Leader, Cherokee Nation, P. O. Box 948, Tahlequah, OK 74465, Telephone (918) 456-0671. Overall, Ms. Merriman stated that the form was easy to complete; she also said the Cherokee Nation collects this

information as a rule anyway. For further information, she can be contacted at the above referenced address.

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

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.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and 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 under "Annual Cost to Federal Government."**

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 x 30 minutes = 1,072 hours.

The total annual cost burden for respondents or record keepers from the collection is estimated to be \$33,629.*

*We are estimating salary using Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2011 (released June 8, 2011), USDL 11-0849, Table 1, All Workers category (\$20.91/hour x 1.5 for benefits for tribal employees or \$31.47/hour). The 1.5 multiplier is derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— September 2010 (released December 8, 2010), USDL 10-1687. See www.bls.gov/news.release/pdf/ecec.pdf.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * **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 for form processing). 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.

Based on the 2011 General Schedule Pay scale, the estimated annual cost to the Federal government for this collection is estimated as \$ 16,253. There are 12 staff whose wages average \$33.86/hour (salary & benefits) for 40 hours, or $12 \times \$33.86 \times 40 = \$16,253$.*

*These hourly salary figures are based on the *Salary Table 2011-GS Rates Frozen at 2010 Levels* for GS 9/5, at \$22.57, incorporating a 1.5 multiplier for benefits for a total of \$33.86. See, 2010 General Schedule (Base) www.opm.gov/oqa/10tables/indexGS.asp. The 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— September 2010 (released December 8, 2010), USDL 10-1687. See www.bls.gov/news.release/pdf/ecec.pdf.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

There are no program changes or adjustments as part of this revision. Changes were made to the form to facilitate continuity of data collection and gathering. Additionally, some new line items requesting more specific information (e.g., what types of substances are involved in substance abuse cases) were added to further promote cohesiveness in streamlining data collection activities as compared to the old form. The Instructions and “definitions” were added to help address and clarify the actual form wherein the data collection activity occurs. This is a national data collection activity and the new information activity added to the form will only further ensure that appropriate data is collected by the Bureau of Indian Affairs. These changes to the form do not result in an changes to the hour burden because we estimate that the increase in time to fill out the additional information requested by the revised form is balanced out by the decrease in time resulting from the reorganization and addition of categories, which make the revised form easier to understand at a glance.

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.

We intend to display the OMB Control Number and the expiration date.

18. Explain each exception to the topics of the certification statement identified in

"Certification for Paperwork Reduction Act Submissions."

We are not seeking any exceptions.