

# Supporting Statement A

## Indian Child Welfare Quarterly and Annual Report

OMB Control Number 1076-0131

**Terms of Clearance:** None.

### General Instructions

A completed Supporting Statement A 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 below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

### Specific Instructions

#### 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 and child abuse and neglect cases, and submit them to the Bureau of Indian Affairs (BIA) 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 BIA’s strategic plan and assists the BIA 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.**

The new revised form has two parts: Part A—Indian Child Welfare Act Data, and Part B—Tribal Child Abuse and Neglect Data.

Part A requests information on activities under the Indian Child Welfare Act (ICWA). Part A has been shortened, removing categories listed on the previous form which the ICWA Workgroup (which is comprised of BIA regional staff and tribes) have identified as not useful

(for example, extensive information on placement, number of placements involving substance abuse and treatment/permanency planning information have been replaced with requests for the number of child abuse and neglect reports received involving substance abuse). In addition, some categories have been expanded to more fully capture child welfare needs in Indian Country (for example, tribes will provide the total number of ICWA notifications and provide the action taken). These changes will allow better monitoring of child welfare cases, and ensure that Indian children are receiving adequate services. The information in Part A of the proposed form 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.

Part B asks for information on tribal child abuse and neglect data. The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (Pub. L. 99-570; 25 U.S.C. § 2434) and 25 C.F.R. §23.47(c)(1)(iv) require the collection of child abuse statistical reports and related information. Currently, child abuse and neglect data is being collected by BIA regional offices using different forms; there is no one standardized federal form used to collect this data. Part B will eliminate the use of different forms, and ensure that child abuse and neglect data is being captured accurately and uniformly. A tribe is required to fill out Part B only if it runs its own child protection program. Not every tribe runs its own child protection program (some tribal child protection programs are managed by the State where the tribe is located). Those tribes whose child protection programs are administered by the State are not required to complete Part B. The instructions for the form make clear that the tribe is not required to fill out Part B if their tribe does not run their own child protection program. Part B of the form would be filled out by the tribal child welfare director, if the tribe has its own child protection program.

BIA uses this information to monitor ICWA and child welfare 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. This information is valuable for planning and budgeting for child welfare services in Indian Country to have comprehensive child welfare data – both ICWA and tribal child abuse/neglect data collected on one form.

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 the number of notifications that resulted in action being taken and what that action was.* 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 funding source of any resulting placements.* BIA needs this information because it enables the BIA to track placement activity, including placement arrangements of other native children; this information can assist in addressing permanency on a comprehensive level.
- *The total number of tribal child abuse or neglect reports, the number which were substantiated, a breakdown of the numbers for physical abuse, neglect, or sexual abuse reports, number of reports involving siblings, numbers of resulting foster care placements, and the numbers resulting in referrals to social services.* BIA needs this information in order to document need, determine what services are needed and justify funding for child protection services.
- *The number of child abuse and neglect reports involving substance abuse or domestic violence.* Substance abuse is a critical occurrence involving some Indian children in Indian Country. Domestic violence is often a factor in child abuse and neglect cases. 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 cases resulting in referrals to court.* 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 of the Indian Child Welfare Data in Part A of the form 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. This information

collection in Part B- Tribal Child Abuse and Neglect Data is currently being collected by some Bureau of Indian Affairs Regions on forms that vary by Region. The proposed new form – Part B will replace those forms.

**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 the Indian Self-Determination and Education Assistance Act of 1975(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 has increased, the funding available for this program has not increased since the non-competitive process was instituted in Fiscal Year (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.**

A 60-day notice for public comments was published in the Federal Register on September 8, 2014 (79 FR 53206). No comments were received in response to this 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.**

**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.**

The BIA consulted with the following two representatives for input regarding the content of the new revised Indian Child Welfare Report form and the burden imposed by this information collection:

Mr. Terry Cross, Tribal Social Services, San Carlos Apache Tribe, PO Box 0, San Carlos, AZ 85550; Telephone: (928) 475-2313; Fax: (928) 475-2342. Mr. Cross said that he likes the proposed form because it is condensed.

Ms. Lari Ann Northcutt, Choctaw Nation of Oklahoma, PO Box 1210, Durant, OK 74702; Telephone: (580) 924-8280. Ms. Northcutt said that she does not have any suggestions on changes to the form, but she has a comment about changing the form in general. She said that

she has spent some time with her IT (Information Technology) department on developing the on-line records management system to pull the data for the existing BIA reporting form. She said that it was time-consuming to pull this information by hand-counting from monthly reports so she decided to reproduce the existing BIA report so it could be generated from their online system. If changes are made to the existing report, she will have to wait for IT to make the changes in order to pull the correct information.

Based on the feedback received, BIA did not make any additional changes to the form.

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

No payments or gifts are provided to respondents.

**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 included in the information collected.

**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.**

We anticipate receiving approximately 2,944 responses (536 respondents for Part A and 200 for Part B, submitting quarterly reports each year) at 15 minutes per response, totaling 736 annual burden hours or the amount equivalent to \$22,625 (rounded).

Information Collection	Annual Number of Respondents	Frequency of Responses	Annual Number of Responses	Completion Time per Response	Total Annual Burden Hours	Hourly Rate w/ Benefits (1.4 multiplier)*	\$ Value of Annual Burden Hours
Part A – Indian Child Welfare Act Data	536	4	2,144	15 minutes	536 hours	\$30.74	\$ 16,476.64
Part B – Tribal Abuse and Neglect Data	200	4	800	15 minutes	200 hours	\$30.74	\$6,148.00
<b>Totals</b>	<b>736</b>		<b>2,944</b>		<b>736 hours</b>		<b>\$22,625</b>

\*To obtain the hourly rate for tribal government employees, we used **\$21.96**, the wages and salaries figure for all workers from BLS Release USDL 14-1075, *Employer Costs for Employee Compensation—March 2014 (released June 11, 2014)* Table 1, *Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group*. To account for benefits, we then multiplied this rate by 1.4, to obtain a total rate of **\$30.74**.

**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 2014 General Schedule Pay scale, the estimated annual cost to the Federal government for this collection is estimated as \$16,416. There are 12 staff whose wages average \$34.20/hour (salary & benefits) for 40 hours, or  $12 \times \$34.20 \times 40 = \$16,416$ .\*

\*These hourly salary figures are based on the *Salary Table 2014-GS* for GS 9/5, at \$22.80, incorporating a 1.5 multiplier for benefits for a total of \$34.20. See, 2014 General Schedule (Base) [http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS_h.pdf). The 1.5 multiplier is derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2014 (released June 11, 2014), USDL 14-1075.

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

Program changes were made to the form to reduce which is now, Part A – Indian Child Welfare Act (ICWA) data, and adds a new section, Part B – Tribal Child Abuse Neglect data. Part A has been simplified to include fewer categories that were no longer considered useful for planning purposes, based on feedback from the ICWA Workgroup. The changes to Part A result in a decrease in hourly burden of 536 (1,072 – 536). Part B is a new section, which only applies to tribes that operate child protection programs. The addition of this section results in an increase in hourly burden of 200.

Overall, these changes reduce the total hourly burden by 336 (1,702 – 736) for this information collection.

**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."**

There are no exceptions.