

SUPPORTING STATEMENT

A. JUSTIFICATION

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

ACF is seeking renewal authority of an information collection involving five separate activities: Foster Care Eligibility Review (foster care review) Program Improvement Plan; Child and Family Services Reviews (CFSR) State agency Statewide Assessment; CFSR On-site Review; CFSR Program Improvement Plan; and the Multi-Ethnic Placement Act (MEPA) Anti-Discrimination Enforcement Corrective Action Plan.

Foster Care Review PIP

Sections 472 [42 U.S.C. 672] and 474 [42 U.S.C 674] of the Social Security Act (the Act) and federal regulations at 45 CFR 1356.71(i) govern the collection of information for review of federal payments to states and tribes (title IV-E agencies) for foster care maintenance. The foster care reviews systematically check title IV-E agency compliance in meeting title IV-E eligibility requirements; validate the accuracy of the agency's claims for reimbursement of title IV-E payment made on behalf of children in foster care; and identify and recover improper payments. Title IV-E agencies that are found not in substantial compliance on a primary foster care eligibility review are required to develop a program improvement plan (PIP).

Child and Family Service Reviews (CFSR)

Section 1123A [42 U.S.C. 1320a-1a] of the Act and regulations at 45 CFR 1355.33(b), 45 CFR 1355.33(c) and 45 CFR 1355.35(a) govern the CFSRs. The CFSR looks at both the outcomes related to safety, permanency and well-being of children served by the child welfare system and at seven systemic factors that support the outcomes. This regulated monitoring process allows the ACF to determine whether states are complying with federal child welfare requirements; determine what is actually happening to children and families; and assist states to enhance their capacity to help children and families achieve positive outcomes. Ultimately, the goal of the reviews is to help states improve child welfare services by identifying their strengths and areas needing improvement.

Three information collections are associated with the CFSR: a statewide assessment, which is the state's evaluation of its performance on CFSR outcomes and systemic factors and is used to guide the focus of the onsite review; an on-site review, which involves case record reviews and a joint federal-state team interviewing stakeholders in the state to inform the Children's Bureau's (CB) determination of the state's functioning on the seven systemic factors; and a program improvement plan, which addresses areas in which states are found to be out of conformity with any one of the seven outcomes or

seven systemic factors under review.

MEPA Anti-Discrimination Enforcement Corrective Action Plan

Section 474(d) of the Act [42 U.S.C 674] deploys enforcement provisions (45 CFR 1355.38(b) and (c)) for the requirements at section 471(a)(18) [42 U.S.C 671], which prohibit the delay or denial of foster and adoptive placements based on the race, color, or national origin of any of the individuals involved. The enforcement provisions include the execution and completion of corrective action plans when a state is in violation of section 471(a)(18) of the 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.**

Foster Care Review PIPs

This information collection is used by ACF to help title IV-E agencies determined non-compliant in foster care reviews to correct program deficiencies and to strengthen program operations. Experience has demonstrated that development and implementation of a PIP is a critical key to identifying reasons why program deficiencies occur and motivating title IV-E agencies to do something about correcting identified problems. Federal regulations at 45 CFR 1356.71 mandate the foster care reviews. The foster care reviews systematically check title IV-E agency compliance in meeting title IV-E eligibility requirements; validate the accuracy of the agency's claims for reimbursement of title IV-E payments made on behalf of children in foster care and identify and recover improper payments. The foster care program is authorized by title IV-E of the Social Security Act, as amended (42 USC 670 *et seq.*) to help states and tribes care for children eligible for the former Aid to Families with Dependent Children (AFDC) program in effect in the state's 1996 title IV-A plan, administer the program, and provide training for agency staff and foster parents. Title IV-E of the Act includes requirements defining circumstances under which the title IV-E agency can claim foster care maintenance payments for eligible children and mandates specific procedural protections for children in foster care. Applicable program regulations are located at 45 CFR 1355 and 1356. Title IV-E foster care funds are provided to the 50 States, the District of Columbia, Puerto Rico, and federally-recognized Indian Tribes, Indian Tribal organizations and tribal consortia with approved title IV-E plans.

Title IV-E agencies not meeting the compliance threshold for the foster care reviews are required to develop and implement a PIP and undergo a more extensive, secondary level of program review. The title IV-E agency has one year to complete its PIP, unless an extension is granted. There is no specific format for developing a PIP; however, the PIP must be designed to lead to measurable changes in program operations and must identify specific action steps developed to attain desired outcomes and correct program deficiencies.

Foster care reviews, coupled with program improvement efforts, are used by ACF to ensure fiscal accountability, improve child welfare practice and support the goals of child safety, permanency, and well-being. Each eligibility review specifies the number of cases in error, underlying error causes and amount of payment in error determined from the examination of a sample drawn from the title IV-E agency's overall title IV-E caseload for an identified six-month period. Each eligibility review also details the strengths and weaknesses of the specific title IV-E agency's program and identifies technical assistance for program improvement. Federal oversight, when linked to appropriate technical assistance and planning, can stimulate title IV-E agencies to create system reforms through a more structured and measurable approach. A systematic approach to reform is likely to result in long-lasting, meaningful improvements.

Child and Family Service Reviews

Section 1123A [42 U.S.C. 1320a-1a] of the Act and regulations at 45 CFR 1355.33(b), 45 CFR 1355.33(c) and 45 CFR 1355.35(a) require a review of a state's child welfare program including program performance related to child protective services, foster care, adoption, family preservation and family support, and independent living. In addition to reviewing for the state's substantial conformity with applicable requirements, the CFSRs are designed to help states improve child welfare services and the outcomes for families and children who receive services by identifying strengths and needs within state programs, as well as areas where technical assistance can lead to program improvements. The CFSRs are a collaborative effort between the state and federal governments. Joint state and federal teams conduct and participate in the reviews of state performance. The first two rounds of CFSRs have been conducted in all fifty states, the District of Columbia, and Puerto Rico. The first round ended in March 2004 and the second in 2010.

There are two stages in the CFSR process: the statewide assessment and the on-site review. States that are determined not in substantial conformity must also engage in subsequent program improvement. In the first stage of the review, which is the six-month period prior to on-site reviews, the state completes an assessment instrument evaluating its performance on the review items. This information is used to guide the on-site review and informs ACF's determination of substantial conformity with systemic factors based on federal requirements that provide the foundation for States to help children achieve positive outcomes.

As part of the second stage, ACF gathers information from the state about its case review processes to determine and verify the type of on-site review that will be conducted. Depending on the information collected, the state will be approved to conduct its own case reviews for use in ACF's substantial conformity determinations or the state will be scheduled for a more traditional CFSR. Additionally, an on-site review instrument is completed for each of the cases reviewed to examine the outcomes of safety, permanency, and well-being for a sample of children and families served by the state. Also during the on-site review, the review team captures information from stakeholders

to determine the extent to which the federally required systemic factors are functioning.

If a state is determined not to be in substantial conformity, the state engages in up to two years of corrective action through the development of a program improvement plan (PIP) that covers the areas of non-conformity based on information gathered during the first two phases of the CFSR process.

In addition to using the information for decisions of substantial conformity with federal requirements, ACF publishes publicly an aggregate analysis of information across all states and all cases reviewed during the round. ACF also uses this analysis and analysis of trends as seen through the CFSRs to inform its policy, program and budget decisions.

MEPA Anti-Discrimination Enforcement Corrective Action Plan

This plan is used by title IV-E agencies to define their corrective action strategies and for ACF to monitor their progress in complying with section 471(a)(18) of the Act which prohibits discrimination on the basis of race, color, or national origin per MEPA.

3. Describe whether, and to what extent the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques.

For the foster care reviews, the regulations at 45 CFR 1356.71(i) delineate the specific information that must be addressed by the title IV-E agency in its PIP. The ACF does not require a specific record keeping format for the PIP nor does it specify the manner in which the title IV-E agency submits the document to ACF. Electronic transmissions are strongly encouraged and supported through communication between ACF and the title IV-E agencies.

For the CFSR, the ACF electronically provides each State data related to each of the outcome areas based on the State's electronic submissions to the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS). This data is used in the formulation of the statewide assessment and sent to a State in advance of the CFSR. States submit their statewide assessment to ACF electronically.

The On-site Review Instrument and the Stakeholder Interview Guide are automated with security features to allow CB and the states to input information directly into a database. Review teams access the Instrument and Guide via a web-based portal (website) to record and store review information. The automation of this information collection creates efficiencies, facilitates data quality checks, allows real time access to data and supports the generation of summary and analytical reports.

For the MEPA Anti-Discrimination Enforcement Corrective Action Plan, title IV-E agencies are encouraged to submit plans in an electronic format.

4. Describe efforts to identify duplication.

No other data collection duplicates the information required by this information collection.

However, to reduce burden, the CFSR statewide assessment is being more closely coordinated by the Child and Family Services Plan (CFSP). The CFSP is a five-year strategic plan that sets the stage for states to accomplish the vision and goals they have for strengthening the state's overall child welfare system. The APSRs are annual updates to a CFSP (45 CFR 1357.15 and 45 CFR 1357.16). Previously, the CFSP submission was separate from the statewide assessment although states were to provide information on progress on CFSR PIPs in the APSRs. In the third round of reviews, ACF will more fully integrate the CFSP and the APSRs with the CFSR statewide assessment process to reduce states' burden and align federal planning and monitoring efforts. In the new statewide assessment process, states will be able to refer to their CFSP/APSR and update information only as needed.

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.

This information collection does not impact small businesses or other small entities.

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.

Foster Care Review PIPs

Federal regulations require the review of the title IV-E agency's compliance with title IV-E eligibility provisions and associated payments at least every three years, and more frequently if a title IV-E agency is found not in compliance. Title IV-E agencies not in compliance are required by federal regulations to complete a PIP to correct the areas of non-compliance, to improve performance on future reviews and strengthen overall program operation. The PIP must identify specific action steps needed to accomplish desired outcomes and correct program deficiencies. Each action strategy must have a projected completion date that does not extend more than one year from the date the PIP is approved by ACF. This assures proper attention is given to correcting deficiencies in a timely manner.

Through the PIP process title IV-E agencies can strategically identify and redirect resources to effectuate systemic changes that lead to effective child welfare systems and improved services to children and families. If a title IV-E agency refuses to engage in the PIP planning and implementation process, ACF is authorized to immediately conduct a secondary IV-E review of a substantially larger number of the title IV-E agency's foster care cases which can result in a geometrically larger financial penalty than was taken as a result of the primary IV-E review. The PIP is required by federal

regulations at 45 CFR 1356.71(i). Legislative change is the only means to reduce or eliminate this burden.

Child and Family Service Reviews

Federal statute and regulations require an outcomes-focused monitoring of state child welfare programs that focuses on results in the areas of safety, permanency and well-being. These reviews ensure compliance with state plan requirements for title IV-B and IV-E of the Social Security Act as required by section 1123A.

The consequences to the federal programs, if the reviews are not conducted, would be the inability to review and monitor critical outcomes for children and families served through the State child welfare system; an inability to review a State's compliance with State plan requirements of both titles IV-B and IV-E; a missed opportunity to formulate new policies and procedures that impact program operation, thus resulting in improved outcomes; and the inability to safeguard funds appropriated by Congress for these programs. Reduction of this burden could only come in the form of a legislative change.

MEPA Anti-Discrimination Enforcement Corrective Action Plan – The ACF requires at 45 CFR 1355.38(b) that a title IV-E agency found in violation of section 471(a)(18) of the Act must develop and submit a corrective action plan within 30 days of receiving written notice from ACF of its violation. Reducing this burden could only come from a regulatory or statutory change.

7. Explain any special circumstances.

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

8. Efforts to solicit comments on the information collection prior to submission to OMB.

A 60-day notice soliciting comments on the information collection was published in the Federal Register on May 21, 2014.

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

No payment or gifts will be provided to any respondents.

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

The title IV-E agency is the respondent; therefore no assurance is needed as the information collected is for the respondent's use in making programmatic and systemic improvements. As a public agency, any information regarding the title IV-E agency's performance is public domain. Moreover, OMB instructed the ACF Children's Bureau to require title IV-E agencies to make public the findings of the reviews. Thus, we place final reports on our website for public inspection and review. Information from the respondent and the title IV-E agency obtained through interviews with children, parents, foster parents, agency workers, and other stakeholders is subject to the confidentiality requirements and protections set forth at 45 CFR 205.50.

- 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 collection.

- 12. Provide estimates of the hour burden of the collection of information. Provide estimates of annualized cost to the respondents for hour burdens for collection of information identifying and using appropriate wage rate categories.**

Foster Care Review PIPs

Collection	Number of Respondents	Number of Responses	Average Burden Hours Per Response	Total Burden Hours
45 CFR 1356.7 (i) Program Improvement Plan	2	1	90	180

Estimated Total Annual Burden Hours: 180

We estimate the annual cost of completing PIPs for foster care reviews to be \$4,180 (180 hours at \$23.22 per hour = \$4,180) or \$2,090 per title IV-E agency. This estimate consists of the title IV-E agency's staff time at the social worker level to prepare the PIP. The national average for the hourly rate of a social worker in a title IV-E agency is \$23.22 per hour. This figure was extracted from the May 2013 data report provided by the Bureau of Labor Statistics within the Department of Labor. The report can be web accessed at: <http://www.bls.gov/oes/current/oes211029.htm>).

Child and Family Service Reviews

Collection	Number of	Number of	Average	Total
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	Respondents	Responses	Burden Hours Per Response	Burden Hours
45 CFR 1355.33(b) Statewide Assessment	13	1	120	1,560
45 CFR 1355.33(c) On-Site Review	13	1	1,186	15,418
45 CFR 1355.35(a) Program Improvement Plan	13	1	300	3,900

Estimated Total Annual Burden Hours: 20,878.

We estimate we will review an average of 13 states per year over the next three fiscal years (2015, 2016, and 2017). Our experience to date indicates that every state reviewed will be required to complete a program improvement plan.

We estimate the annual cost of completing a statewide assessment phase of the CFSR to be \$31,200 (1,560 hours at \$20.00/hour = \$31,200), or \$2,400 per state.

We estimate the annual cost of completing the on-site review phase of the CFSR to be \$308,360 (15,418 hours at \$20.00/hour = \$308,360), or \$23,720 per state.

We estimate the annual cost of completing the program improvement plan phase of the CFSR to be \$78,000 (3,900 hours at \$20.00/hour = \$78,000), or \$6,000 per State.

For all three phases, we estimate the annual cost of the CFSR information collection to be \$32,120 per state.

MEPA Anti-Discrimination Enforcement Corrective Action Plan

Collection	Number of Respondents	Number of Responses	Average Burden Hours Per Response	Total Burden Hours
45 CFR 1355.38 (b) and (c) Corrective Action	1	1	780	780

Estimated Total Annual Burden Hours: 780

We estimate the annual cost of completing corrective action plans for section 471(a)(18) violations to be \$18,112 (780 hours at \$23.22 per hour). This estimate consists of the title IV-E agency's staff time at the social worker level to develop the corrective action plan. The national average for the hourly rate of a social worker in a title IV-E agency is \$23.22 per hour. This figure was extracted from the May 2013 data report for provided

by the Bureau of Labor Statistics within the Department of Labor. The report can be web accessed at: <http://www.bls.gov/oes/current/oes211029.htm>.

Title IV-E agencies under its title IV-E authorization can claim federal reimbursement of certain costs associated with activities involved in the above five information collections (Foster care review PIP; CFSR Statewide Assessment; CFSR On-site Review; CFSR PIP; and the MEPA Anti-Discrimination Enforcement Corrective Action Plan).

13. Provide an estimate of the annual cost burden to respondents or record keepers resulting from the collection of information.

Due to further analysis and discretion, we have made adjustments from previous years and now determine there are no costs to respondents or record keepers not covered in items 12 or 14.

14. Provide estimates of annualized cost to the Federal Government.

The projected annual cost to the Federal government for the foster care review PIPs is \$6,147 (180 hours x \$34.15 per hour = \$6,147) or \$3,073 per title IV-E agency. This estimate consists of the ACF Children's Bureau regional and central office staff's time to review, approve and monitor title IV-E agency progress to implement the PIP. The average hourly rate for staff at the social worker pay level of the Federal government was extracted from the May 2013 data report provided by the Bureau of Labor Statistics within the Department of Labor. The report can be web accessed at: <http://www.bls.gov/oes/current/oes211029.htm>).

The projected contract annual cost to the government for CFSR related activities is \$10 million per year for CFSR related tasks includes labor and other direct costs (i.e., travel and per diem, meetings, honoraria/consultants, telephone, postage/delivery, reproduction, supplies/equipment, and warehouse expenses). The annual costs to the government outside of contract costs will be \$679,128 for travel and staff.

We estimate the annual cost of completing corrective action plans for section 471(a)(18) violations to be \$26,637 (780 hours at \$34.15 per hour). This estimate consists of the ACF Children's Bureau regional and central office staff's time to review, approve, and monitor existing and new anti-discrimination corrective action plans. The average hourly rate for staff at the social worker pay level of the Federal government was extracted from the May 2013 data report for provided by the Bureau of Labor Statistics within the Department of Labor. The report can be web accessed at: <http://www.bls.gov/oes/current/oes211029.htm>.

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

Foster Care Review PIPs

We adjusted the number of respondents for the foster care eligibility review PIPs for several reasons. First, many state title IV-E agencies perform well on primary reviews and are found in substantial compliance and therefore, do not need to develop a PIP. In addition, an increasing number of state title IV-E agencies have been approved to conduct a child welfare waiver demonstration that provides a statewide capped allocation of title IV-E foster care funds that can be used for any child welfare purpose. For states operating this type of demonstration, in which all title IV-E foster care funds are allowed to be spent flexibly, a foster care review will not be conducted. Finally, tribal participation in the title IV-E program is just beginning and thus far no tribes have undergone a title IV-E review.

The current estimate in the number of respondents anticipates twelve title IV-E agencies will be reviewed each year and that two of these will be required to develop and implement a PIP. We estimate that the number of tribal title IV-E agencies that will have a foster care review and require a PIP will remain low and thus, do not add any additional burden estimate at this time. This is consistent with our experience to date.

Child and Family Service Reviews:

We have adjusted the number of respondents because Tribal title IV-E agencies are not subject to CFSRs at this time. The number of respondents for the CFSRs is relatively fixed at an average of 13 per year.

We have also adjusted the burden hours for respondents to complete the statewide assessment instrument by half due to its integration with the CFSP and APSR and more streamlined requirements.

Similarly, we have adjusted the burden hours for respondents to complete the PIP phase of the CFSR to reflect ongoing reporting requirements

MEPA Anti-Discrimination Enforcement Corrective Action Plan

There is no change in this estimate from the previous approval.

16. Outline plans for tabulation and publication.

There are no regulatory or statutory requirements to publish PIPs stemming from the foster care reviews. However, the ACF Children's Bureau publishes the PIPs and final reports summarizing data from the foster care reviews. We also prepare reports on estimated national erroneous payments and progress to reduce such payments, and national title IV-E monitoring activity on an annual basis.

Section 479A of the Act requires that the Department of Health and Human Services (HHS) publish an annual report to Congress on the performance of each State on each

outcome measure. Information from the CFSR with a particular focus on the statewide data profile (see section 3 of this document), a component of the assessment phase of the review process, is compiled in summary format and submitted to Congress and shared with all interested parties. Additionally, ACF publishes each State's assessment, final report and PIP on its website.

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.

For the foster care review PIP and the MEPA anti-discrimination enforcement corrective action plan, ACF requests that the OMB number and expiration date not be displayed because there is no standardized form issued to title IV-E agencies to use for submitting the PIP or corrective action plan. The OMB approval numbers are displayed at 45 CFR 1356.71(i) and 45 CFR 1355.38(b) and (c).

18. Explain each exception to the certification statement.

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

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

These information collections do not lend themselves to the use of statistical methods as they are either the review of case records, and/or client/stakeholder interviews, or corrective action plans.