

## THE SUPPORTING STATEMENT

The Office of Management and Budget (OMB) requires that for approval under the Paperwork Reduction Act a Supporting Statement must be prepared in the format specified below. Information in the Supporting Statement should be provided in a manner that is responsive to the OMB instructions, and each item must be identified using the numbering system given by OMB. If the Supporting Statement exceeds 10 single-spaced pages in length, there should be a summary not exceeding one page in length which precedes it.

Every effort should be made to keep the Supporting Statement to a length of 10-12 pages. When possible, detailed information should be placed in an attachment, which is then referenced in an appropriate place in the Supporting Statement so that interested reviewers can peruse it. Each attachment should be referenced in the text, so that a reviewer knows why it has been included and which portions may be of particular interest. Brevity and clarity with respect to both the text of the Supporting Statement and any attachments are highly desirable; only the information requested by the OMB outline and needed to understand the project should be included.

This annotated electronic version of the OMB outline for a Supporting Statement has been prepared by the ACF, Office of Planning, Research and Evaluation (OPRE), to assist in the preparation of a request for clearance of an information collection. This template can be downloaded from the PRA E-Office information collection web site.

### **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 be entered in worksheet I. 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.**

## **THE SUPPORTING STATEMENT**

### **Specific Instructions**

#### **A. Justification**

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

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) created the “Grants to States for Access and Visitation” program (AV grant program). Funding for the program began in FY 1997 with a capped, annual entitlement of \$10 million. The statutory goal of the program is to provide funds to states that will enable them to provide services for the purpose of increasing noncustodial parent (NCP) access to and visitation with their children. State governors decide which state entity will be responsible for implementing the AV grant program and the state determines who will be served, what services will be provided, and whether the services will be statewide or in local jurisdictions. The statute specifies certain activities which may be funded, including: voluntary and mandatory mediation, counseling, education, the development of parenting plans, supervised visitation, and the development of guidelines for visitation and alternative custody arrangements. Even though OCSE manages this program, the funding for the AV grant is separate from funding for federal and state administration of the Child Support program.

Section 469B(e)(3) of the Social Security Act (Pub.L.104-193) requires that each state receiving an Access and Visitation (AV) grant award monitor, evaluate and report on such programs in accordance with regulations (45 CFR Part 303) (see Attachment A). The AV Grant Program Terms and Conditions Addendum references administration of the grant program in accordance with an approved state application (see Attachment B). Additionally, the Catalog of Federal Domestic Assistance, states that there is an application requirement for Grants to States for Access and Visitation Programs (93.597) (see Attachment C). The application process will assist OCSE in complying with this requirement and will reflect a greater emphasis on program efficiency, coordination of services, and increased attention to family safety.

We are requesting OMB approval of the AV Grant Application (see Attachment D) for use beginning August 1, 2016. This would allow grantees sufficient time to compile and submit the application for review of services being offered in FY2017. The proposed application compiles information on actions and decisions related to program priorities, program administration, and

program safeguards made by grantees in fulfilling their statutory responsibilities to use grant funds to increase noncustodial parent access to and visitation with their children. As such, the application should create a minimum burden on grantees. Additionally, grantees would be required to submit applications every three years. Grantees would be required to provide updated information to OCSE if a grantee planned to make substantive programmatic or administrative changes during the three-year period covered by the application.

OCSE published a 60-day notice in the Federal Register on January 7, 2016 (see Attachment E) and received written responses from 3 state agencies and no local service providers (see Attachment F). These comments are addressed in Section 8 below. Purpose and Use of the Information Collection

This new, modified application reflects a greater emphasis on program efficiency, coordination of services, and increased attention to family safety. This application will cover three fiscal years (FYs 2017-2019). The applications will include information on how grantees plan to: spend grant funds, monitor service delivery, and implement safety protocols to ensure client and staff safety. OCSE will review the applications to ensure compliance with federal regulation and provide enhanced targeted technical assistance. The application will also assist states in strategic planning of services and knowledge sharing.

Information gathered through the application process will be used by OCSE to support monitoring of grantee program plans, compliance with regulatory and statutory grant requirements, and for development of technical assistance planning to assist states with efficient implementation of services to fulfill the statutory purposes of the grant program. In addition, the application provides a structure for states to use in strategic planning for purposes of improving program performance and effective implementation of services to increase noncustodial parents' access to and visitation with their children.

## 2. Use of Improved Information Technology and Burden Reduction

The application will be submitted electronically via e-mail to OCSE's AV program manager. This form of submission reduces the burden on grantees by relying on one of the most commonly used electronic processes in the workplace. There will be no requirement to submit any paper forms via mail. OCSE considered using a web-based portal system for submission but determined it would not provide any additional benefits over e-mail and the costs would be much higher than e-mail (which has no additional administrative costs). OCSE determined that any benefit of a web-based portal is outweighed by the costs and, additionally, paper applications have no benefit to OCSE.

## 3. Efforts to Identify Duplication and Use of Similar Information

The information that will be collected through the application is not currently available to OCSE and not obtained by other means. OCSE has previously required grantees to submit applications and this information collection will replace the expired application requirement. OCSE consulted with states during the development of this information collection action to ensure the new application more accurately reflects state planning processes and ensures OCSE's ability to adequately monitor program implementation prospectively. The only information OCSE

currently collects for the AV grant program is through the annual Access and Visitation Survey (OMB Control Number 0970-0204). The proposed application does not require collection and/or duplication of information from the AV Survey. The survey is used to collect retrospective data and programmatic information from the previous year as required by 45 CFR Part 303.109 (c) - Reporting. Conversely, the application will allow OCSE to prospectively collect information on grantee program priorities and plans prior to services, enabling OCSE to provide more effective oversight to better meet the requirements of 45 CFR Part 303.109 (a) – Monitoring.

#### 4. Impact on Small Businesses or Other Small Entities

Not applicable.

#### 5. Consequences of Collecting the Information Less Frequently

The proposed application will only need to be submitted once every three years unless programmatic changes are made. If programmatic changes are made, the grantees will only need to submit information on what those changes are. This schedule reduces the burden on AV grantees while ensuring OCSE is able to fulfill and adhere to the statutory and regulatory mandates governing the AV grant program. It is important that the application be submitted every three years so that OCSE is able to monitor the grant properly and provide quality technical assistance to states.

#### 6. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

Not applicable.

#### 7. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

OCSE published a Federal Register notice soliciting comments for the proposed application on January 7, 2016 (see Attachment E). To ensure all AV grantees were aware of the notice, OCSE sent a copy of the notice, the proposed application and information on how to submit comments to all of the AV grantees.

OCSE received comments from 3 state grantees (see Attachment F). A summary of the comments and OCSE's response are below:

- AV State Match: The state grantee commented that the program funding requirement was calculated incorrectly.
  - Agency Response: In accordance with the AV Grant Terms and Conditions (see Attachment B), “States are required to provide 10 percent of program funding.” The comment incorrectly identifies the program as providing a 10 percent match. Instead, the programs must provide 10 percent of the funds and not a 10 percent match. (The formula to calculate minimum match – Federal award divided by 90% - ex. federal award:  $\$100,000 / .90 = \$111,111 - \$100,000 = \$11,111$  match). We have added language to the proposed application make this clear.
- Comment on Administrative Structure: The state grantee comments that the request to provide a description of staff qualifications is beyond practical utility.

- Agency Response: In order for grantees to properly monitor the use of the funds it is important for qualified staff to hold the AV coordinator position. By providing staff qualifications, OCSE will better be able to determine if the grantees are able to conduct proper oversight and monitoring. This information will also help in providing technical assistance. Therefore, this requirement will be utilized to a wide extent.
- Comment on Terms and Conditions: The state grantee noticed an incorrect date in the proposed application.
  - Agency response: We have corrected the Fiscal Year in Section b of the proposed application.
- Comments on Burden: The state grantee predicts 40 plus hours to gather the information being requested with specific mention to the collection of MOUs, evaluation reports and grant agreements. The comment also includes a suggestion to use a fillable format rather than submission through email.
  - Agency response: OCSE has estimated the burden to be 10 hours per grantee, most of which time will be spent compiling information that states should already have for grant monitoring as required under the terms and conditions (see Attachment B and Attachment G). The terms and conditions list the federal regulations that govern the AV program including the administrative grant requirements in 45 CFR Part 75. Grantees must keep files for up to three years and, therefore, should be able to easily obtain this information for the application. The primary burden of collecting information referenced in this comment is already placed on grantees through administrative grant requirements (including 45 CFR Part 75). OCSE does not believe it will take more than 10 hours to compile and submit the information requested, which will only need to be submitted once every three years. Additionally, OCSE is working on developing a fillable form for grantees to submit information through. However, some information will need to be attached separately as OCSE would like to use e-mail for submission so that grantees would not have to reformat information into a separate form.
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- Comment on Submission timeline: The state grantee appreciates the proposed three-year submission timeline but comments that it is likely that this will lead to an expanded annual survey requirement.
  - Agency response: OCSE is proposing a three-year submission timeline and does not intend to require an expanded annual survey. OCSE considered the burden an annual survey would put on grantees in determining the three-year timeline.
- Comment on encouraging prioritization of noncustodial parents with child support cases: The state grantee comments that they recognize OCSE's encouragement to prioritize services for noncustodial parents with child support cases in the Title IV-D program.
  - Agency Response: The proposed application includes collecting information on what services (if any) are provided to noncustodial parents with child support orders and any relationships the grantees have with local child support services. This requirement was included due to Public Law 113-183 (see Attachment H)

signed by the President on September 29, 2014 in which the use of AV funding in the child support program is encouraged:

**“SEC. 303. SENSE OF THE CONGRESS REGARDING OFFERING OF VOLUNTARY PARENTING TIME ARRANGEMENTS.**

(a) FINDINGS.—The Congress finds as follows:

(1) The separation of a child from a parent does not end the financial or other responsibilities of the parent toward the child.

(2) Increased parental access and visitation not only improve parent-child relationships and outcomes for children, but also have been demonstrated to result in improved child support collections, which creates a double win for children— a more engaged parent and improved financial security.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards; and

(2) States should use existing funding sources to support the establishment of parenting time arrangements, including child support incentives, Access and Visitation Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants.”

- Comment on Reporting Personally Identifiable Information: The state grantee comments that they have no mechanism to match AV clients with their state’s child support caseload due to personal identifying information concerns.
  - Agency Response: The proposed application process does not require collection of personally identifiable information for clients in the child support program or elsewhere. The application requires information on anticipated services and target populations. However, the application does not require states to report on individual cases and there is no need to collect personally identifiable information on noncustodial parents to meet this requirement.
- Comment on reducing state flexibility. The state grantee comments that the proposed application appears to be moving away from the philosophy of preserving maximum flexibility for state administration of the grant found in AT-99-07 Final Rule: Grants to States for Access and Visitation Programs Response to Comments Section.
  - Agency Response: The proposed application does not limit flexibility for states to administer grant funds to meet the unmet needs for services identified by the state, but does reflect the Administration’s and the Congress’s encouragement for states to consider use of AV grant funds to assist parents with establishing parenting time agreements at the same time that a child support order is being established.
- Comment on clarifying who should sign the cover letter: The state grantee wanted clarity on who could sign the cover letter, suggesting that OCSE allow a senior official to designate a signee.
  - Agency Response: We have incorporated their suggested language into the application instructions, “Cover letter from senior level official in the state agency administering the grant funds, or their designee.”

- Comment on point of contact: The state grantee would like copies of the grant award sent to both the state designee and AV coordinator.
  - Agency Response: The notice of grant award letters are processed by our grants office and sent to the individual that the state indicates. The AV Coordinator can receive this letter if they indicate themselves in the application. If they are not the listed state contact we will send them an electronic version as quickly as possible.

8. Explanation of Any Payment or Gift to Respondents

Not applicable.

9. Assurance of Confidentiality Provided to Respondents

Not applicable.

10. Justification for Sensitive Questions

Not applicable.

11. Estimates of Annualized Burden Hours and Costs

| Instrument             | Number of Respondents | Number of Responses per Respondent | Average Burden Hours per Response | Total Burden Hours |
|------------------------|-----------------------|------------------------------------|-----------------------------------|--------------------|
| Fillable word document | 54                    | 1                                  | 10                                | 540                |

Estimated Total Annual Burden Hours: 540

The total burden hours for the proposed application is estimated at 10 hours per grantee. The required information should be readily available to grantees as they are already required to monitor their programs. Therefore, it should not take more than 10 hours for grantees to compile the information and submit it through the proposed methods.

**Opportunity Cost: Estimates**

- Average hourly cost for state/local respondents: \$30 Total cost for state/local respondents = \$16,200 (540 hours \* \$30) This estimate is based on administrative/salary costs reported by states in their annual program report.

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

No foreseen additional costs.

### 13. Annualized Cost to the Federal Government

The review of the applications will be conducted by OCSE staff members @ 54 hours (one hour per application) x hourly salary (averaging \$50) = \$2,700. This estimate is based on OCSE's previous experience reviewing applications and represents staffing of the review by a GS12/13 level employee.

### 14. Explanation for Program Changes or Adjustments

There are no proposed revisions to the Access and Visitation Program criteria or implementation. The proposed adjustments to the application process will consist of a program application that is required to be submitted every three years in which the AV grantee provides information on their activities. Currently, there is no mechanism for OCSE to collect information about program activities prior to them being administered, making monitoring a program difficult. The application process will allow OCSE to ensure that planned services meet the requirements laid out in Section 469B(e)(3) of the Social Security Act (Pub.L.104-193). This review will include monitoring of program compliance and the safe delivery of services. In addition to monitoring, the report will also assist in OCSE's ability to provide technical assistance to states that would like assistance.

### 15. Plans for Tabulation and Publication and Project Time Schedule

Not applicable. Reports will be for internal use only and not published.

### 16. Reason(s) Display of OMB Expiration Date is Inappropriate

Not applicable.

### 17. Exceptions to Certification for Paperwork Reduction Act Submissions

Not applicable.

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- Attachment A: “*Grants to States for Access and Visitation Programs*” statute and regulations: Sec. 469B. [42 U.S.C. 669b] and 45 CFR Part 303
  - Attachment B: Access and Visitation Terms and Conditions Addendum
  - Attachment C: Catalog of Federal Domestic Assistance 93.597
  - Attachment D: Proposed Access and Visitation Application Instrument
  - Attachment E: 1<sup>st</sup> FRN Announcement – January 7, 2016
  - Attachment F: Public Comments in Response to 1<sup>st</sup> FRN Announcement



Attachment G: ACF Mandatory Grant Terms and Conditions  
Attachment H: Public Law 113-183