

## AFCARS SUPPORTING STATEMENT

### A. Justification

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

The Adoption and Foster Care Analysis and Reporting System (AFCARS) is mandated by 42 U.S.C. 679 ([http://www.ssa.gov/OP\\_Home/ssact/title04/0479.htm](http://www.ssa.gov/OP_Home/ssact/title04/0479.htm)). The regulation at 45 CFR 1355<sup>1</sup> sets forth the requirements of section 479 of the Social Security Act (42 U.S.C. 679) (the Act) for the collection of uniform, reliable information on children who are under the responsibility of the state or tribal title IV-B/IV-E agency for placement, care, and adoption.

States have been required to submit the AFCARS data since October 1, 1993. Effective October 1, 2009, section 479B(b) of the Act authorizes direct Federal funding of Indian Tribes, tribal organizations, and tribal consortia that choose to operate a foster care, adoption assistance and, at Tribal option, a kinship guardianship assistance program under title IV-E of the Act. The Federal regulations at 45 CFR 1355.40 were amended as part of an Interim Final Rule published January 6, 2012 to apply the same regulatory requirements for data collection and reporting to a tribal title IV-E agency as are applied to a state title IV-E agency. On December 14, 2016, the Administration for Children and Families published a final rule titled: Adoption and Foster Care Analysis and Reporting System (RIN: 0970-AC47, [31 FR 90524](#)), which revised the AFCARS regulations to enhance the type and quality of information title IV-E agencies report to ACF and incorporated data elements related to the Indian Child Welfare Act (ICWA). The new requirements in federal regulations at 45 CFR 1355.41-47 are scheduled to cover the first report period of October 1, 2019 through March 31, 2020.

This current request for extension is a continuation of ongoing AFCARS reporting requirements under 45 CFR 1355.40 and does not include the additional reporting requirements in the December 14, 2016 Final Rule. ACF will submit a distinct revision request or new collection of information request to OMB when it is ready to proceed with implementation of any updated AFCARS requirements not accounted for in this extension request.

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

The AFCARS is the only nationally mandated collection of data on children in foster care and those who have been adopted with involvement by state and tribal child welfare agencies. The Department of Health and Human Services (DHHS) uses the information submitted by child welfare agencies to address policy development and program management issues at state, tribal, and the federal level. The data enables the Federal government to more effectively direct and manage the national foster care and adoption programs. Specifically, the Department uses the data for:

- the Child Welfare Outcomes Report to Congress;
- drawing samples of case records for various program reviews conducted by ACF;
- allocating Chafee Foster Care Independence Program (CFCIP) funds to states;
- identifying the number of finalized adoptions and legal guardianships for which states and tribes

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<sup>1</sup> [http://www.ecfr.gov/cgi-bin/text-idx?SID=377070b226510757bacccef682d0cd52&node=se45.4.1355\\_140&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=377070b226510757bacccef682d0cd52&node=se45.4.1355_140&rgn=div8)

- may be awarded adoption and/or legal guardianship incentive funds;
- developing short and long-term budget projections;
- targeting areas for greater or potential technical assistance efforts, for discretionary service grants, for research and evaluation, and for regulatory change; and
- background and justification for policy changes and legislative proposals.

In addition, the Department uses the data submitted through AFCARS to respond to questions and requests for current data on children in foster care or who have been adopted. These requests may be received from Congress, other Departments, national advocacy organizations, states, tribes and other interested organizations.

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

There has always been a regulatory requirement that AFCARS data be submitted electronically to the Department on a semi-annual basis (twice a year). Federal Information Security Management Act (FISMA) approved software is used that allows for a secure direct communication between the title IV-E agencies and the Federal Government.

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

AFCARS is the only Federal data collection of information on children who have been adopted from the public child welfare system and children in foster care.

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

This information collection is required of state and tribal child welfare agencies who receive title IV-E funding and does not impact small businesses or other small entities. The Department requires reporting only on those children for whom the title IV-E agency has responsibility for placement and care.

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

Information must be collected on an on-going basis in order to provide effective trend analysis and other programmatic information for children in foster care and children who have been adopted. As the only nationally mandated child welfare information collection system, AFCARS is the primary source of information. In order to reduce the burden on title IV-agencies, and still gather data on a timely basis, a semi-annual reporting period has been required in the regulation.

If AFCARS were to be submitted on an annual basis, information up to at least 15 months old would have to be used for policy purposes before the next year's data would be available. By contrast, information provided on a semi-annual basis allow for a preliminary analysis within a thirty to sixty day timeframe.

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

There are no special circumstances required in the collection of this information in a manner other

than that required by OMB.

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

In compliance with the requirements of Section 506(c)(2)(A) of the PRA, the Administration for Children and Families (ACF) published the first of two Federal Register notices soliciting public comment on the specific aspects of the existing AFCARS (45 CFR 1355.40). The notice was published June 30, 2017 as 82 FR 29866. ACF received 71 letters:

- 6 from states or local jurisdictions within the state
- 41 from tribes
- 23 from advocacy organizations
- One from a member of Congress.

Upon review, all of the comments were determined not to be germane to the existing AFCARS requirements subject to OMB PRA-IC renewal. All letters addressed new AFCARS reporting requirements codified at 45 CFR 1355.41-44, which were published as a Final Rule on December 14, 2016. ACF did not receive any comments specifically addressing the estimated burden hours for the existing AFCARS reporting or the questions listed in the Notice. The comments primarily focused on the collection of information on Indian children covered by the Indian Child Welfare Act and data elements that were added to the new AFCARS requirements. As noted in number 1 above, this renewal covers the requirements for AFCARS under 45 CFR 1355.40 and those are scheduled to end September 30, 2019. The new AFCARS reporting requirements are scheduled to begin on October 1, 2019.

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

No payments, other than Federal financial participation (FFP), are made to states and tribes for the maintenance and development of an information system.

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

All data on adoption and foster care are collected with the assurance of confidentiality. The data must be kept confidential as the purpose of its collection is to conduct program and policy analyses and not to track individual children at the national level. The identity of individual children and families is known to the reporting IV-E agency only. ACF has approved two methods for the creation of an AFCARS record number, encryption or sequential numbering. ACF has assisted IV-E agencies in developing an algorithm to encrypt.

#### 11. Justification for Sensitive Questions

There are no questions of a sensitive nature in the regulatory requirements.

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

## ANNUAL BURDEN ESTIMATES

Instrument	Number of Respondents	Number of Responses per Respondent	Average Burden Hours per Response	Total Burden Hours
AFCARS	59	2	2,188	258,215

Burden hour estimates are based on the number of children in care at the start of the federal fiscal year, as well as those children who entered and those who exited care during the year. The number of respondents reflects the 50 states, District of Columbia, Puerto Rico and seven tribes with an approved title IV-E plan.

## ANNUAL COST ESTIMATES

Item	Hours	Cost per hour	Total Cost
Annualized cost to respondents for collection of AFCARS	2,188	\$30	\$65,640

The estimated cost for the collection of information is based on an average caseworker and systems analysts wage.

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

There are no AFCARS only data collection systems. States and tribes utilize existing electronic case record systems (computers) to record and collect information pertaining to the case work associated with children in foster care. The cost of collecting and submitting data to AFCARS for states and Tribes is subsumed under the agency's expenses for personnel.

### 14. Annualized Cost to the Federal Government

Item	Hours/Activities	Avg. Cost per hour	Annual Total Cost
Operation of AFCARS	6,240	\$50	\$312,000
Maintenance Expense			\$104,850
Federal Annual Total			\$416,850

The average annual Federal costs associated with operations of AFCARS is based on one federal employee and two contract staff.

### 15. Explanation for Program Changes or Adjustments

There was an increase in the number of burden hours from 257,184 to 258,215. There are two contributing factors that caused the number to change. While the number of respondents decreased from 72 to 59, the number of children in state IV-E agency foster care increased. This resulted in a net increase in the burden hours. The burden hours focus on data collection for children in care at the start of the year, those who entered and those children who exited care. The decrease in the number of respondents is due to fewer tribes operating foster care programs under title IV-E than what was anticipated for the prior renewal.

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

Statistics are generated from the data on an ongoing basis and on an as needed basis to respond to requests for information. Tabulations include the annual AFCARS Report (found at: <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars>) and the congressionally mandated Child Welfare Outcomes Report (<https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/cwo>). The analysis includes at a minimum the relationship of child demographics and case characteristics to case outcomes: e.g., length of placement. In addition, child demographics, case characteristics, and case outcomes are tracked over time and by state.

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

The Department is requesting that the OMB number and expiration date not be displayed as there is no form that the IV-E agencies use to submit AFCARS data. All data are submitted electronically. The OMB number is displayed at 45 CFR 1355.40.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement.

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

The information collected in AFCARS does not require the use of statistical methods.