

Adoption and Foster Care Analysis and Reporting System (AFCARS) Notice of Proposed Rulemaking (NPRM)

**OMB Information Collection Request
0970 - 0422**

Supporting Statement Part A - Justification

April 2019

Submitted By:
ACF
Administration for Children and Families
U.S. Department of Health and Human Services

SUPPORTING STATEMENT A – JUSTIFICATION

Summary

1. Circumstances Making the Collection of Information Necessary

ACF issued a Notice of Proposed Rulemaking (NPRM)¹, which, if finalized, will result in revisions to the existing collection under 0970-0422.

AFCARS is mandated by 42 U.S.C. 679. The regulation at 45 CFR 1355² 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 1993. Indian Tribes, tribal organizations, and tribal consortia that operate a foster care, adoption assistance and, at Tribal option, a kinship guardianship assistance program, under title IV-E of the Act have been required to submit AFCARS since 2012. On December 14, 2016, the Administration for Children and Families published a final rule revising the AFCARS requirements (RIN: 0970-AC47, [31 FR 90524](#)). The new requirements in federal regulations at 45 CFR 1355.41-47 are scheduled to cover the first report period of October 1, 2020 through March 31, 2021.

The NPRM published on April 19, 2019 proposes to amend the AFCARS requirements in 45 CFR 1355.44 and make conforming edits in other sections of the AFCARS regulations. The amendments proposed to section 1355.44 will streamline the data reporting for title IV-E agencies, thus reducing the burden imposed by the 2016 final rule.

2. Purpose and Use of the 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 (HHS) uses the information submitted by child welfare agencies to address policy development and program management issues at state, tribal, and the federal level. HHS uses the data for congressionally required reports, monitoring of the title IV-B/IV-E programs, awarding adoption and guardianship incentive awards, and developing budgets.

¹ <https://www.federalregister.gov/d/2019-07827>

² <https://www.ecfr.gov/cgi-bin/text-idx?>

[SID=c8e2510bf0800317521cbe2f2dcd13dc&mc=true&node=se45.4.1355_140&rqn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=c8e2510bf0800317521cbe2f2dcd13dc&mc=true&node=se45.4.1355_140&rqn=div8)

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. 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 accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a NPRM in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on April 19, 2019, Volume 84 Number 76 page 16572 and provides a sixty-day period for public comment which ends on June 18, 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, guardianship, 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. 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

Collection— AFCARS	Number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours for NPRM
Recordkeeping	66	2	9,183	1,212,163
Reporting	66	2	17	2,244
Total				1,214,407

Annualized Cost to the Federal Government

Collection— AFCARS	Total annual burden hours	Average hourly labor rate	Total cost	Estimate Federal costs (50% FFP)
Recordkeeping	1,212,163	\$72	\$87,275,736	\$43,637,868
Reporting	2,244	\$72	161,568	80,784
Total				43,718,652

Cost savings of NPRM over 2016 final rule: 544,337 hours × \$72 labor rate = \$39,192,264

- Labor rate:* ACF assumes that there will be a mix of the following positions working to meet both the one-time and annual requirements of this proposed rule. We reviewed 2017 Bureau of Labor Statistics data and for this estimate, we used the job roles of: Information technology (IT) and computer programming, administrative, management, caseworkers, subject matter experts, and legal staff. For this estimate, we used the job roles of: Computer Information and Systems Managers (11-3021) with an average hourly wage of \$71.99, Computer and Mathematical Occupations (15-0000) (*e.g.*, computer and information analysts, computer programmers, and database and systems administrators) with an average hourly wage of \$43.18, Office and Administrative Support Occupations (43-000) (*e.g.*, administrative assistants, data entry, legal secretaries, government program eligibility interviewers, information and record clerks) with an average hourly wage of \$18.24, Social and Community Service Managers (11-9151) with an average hourly wage estimate of \$33.91, Community and Social Service Operations (21-0000) (*e.g.*, Social Workers, Child and Family Social Workers, Counselors, Social Service Specialists) with an average hourly wage of \$23.10, and Paralegals and Legal Assistants (23-2011) with an average hourly wage estimate of \$25.92. Thus, ACF averaged these wages to come to an average labor rate of \$36.05. In order to ensure we took into account overhead costs associated with these labor costs, ACF doubled this rate (\$72).

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

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

The current burden is at 258,215 which is approved under the current OMB # 0970-0422. The estimated burden for the 2016 final rule was 1,768,744 hours. The NPRM proposes to reduce this burden by 554,337 to bring the estimated burden for AFCARS under the NPRM proposal to 1,214,407 hours. This is an increase over the current AFCARS OMB # 0970-0422 which is due to the expanded reporting finalized in the 2016 final rule.

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.