

**State Court Improvement Program**

**OMB Information Collection Request**

**0970 - 0307**

**Supporting Statement Part A - Justification**

**September 2019**

Submitted By:  
Children's Bureau  
Administration on Children, Youth and Families (ACYF)  
Administration for Children and Families  
U.S. Department of Health and Human Services

## **1. Circumstances making the Collection of Information Necessary**

Two collections are necessary to properly administer the State Court Improvement Program (CIP): an application and an annual year-end self-assessment report with an updated strategic plan. Both collections have previously received OMB clearance. This current request includes revisions for the following purposes:

- To bring the program into compliance with section 438 of the Social Security Act, as amended by Public Law (P.L.) 115-123 Family First Prevention Services Act, enacted February 9, 2018 and P.L. 115-271. The eligibility criteria for receiving CIP grant funds was amended to include a requirement to provide training for judges, attorneys, and other legal personnel in child welfare cases in federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not foster family home.
- To address a recent policy change by the Children's Bureau (CB). In December 2018, the CB enacted a policy change to allow for Title IV-E reimbursement for up to 50% of the cost of legal representation for children who are candidates for foster care and their parents at all stages of proceedings related to foster care to among other things ensure that reasonable efforts are made to prevent removal and finalize permanency goals pursuant to federal law. CB is working with child welfare agencies to encourage maximization of this opportunity as a strategy to increase parent and youth engagement, ensure parent and youth voice, expedite permanency and other positive outcomes. This policy change is also intended to strengthen CIP work to continuously improve the quality of court hearings and legal representation.
- Additional revisions have been made to clarify or refine longstanding program requirements.

An application is required from State courts every five years. A self-assessment and updated strategic plan is required to monitor progress on an annual basis. Both the self-assessment and strategic plan template were developed with in-depth grantee input and feedback. The goal has been to design a process and tools that is useful to the grantees and meets reporting requirements.

Authorizing legislation makes clear that an application is required in order for State courts to receive CIP funding. A copy of the statute is attached with this submission for review. See attached document marked SSA Section 438.

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

The application is used for State courts to describe and provide a plan for how funds will be used. Applications are reviewed by the CB Regional and Central Offices to ensure that strategic plans meet statutory programmatic requirements and are viable.

At the close of each fiscal year for which a grant is received, State courts are also required to submit a year-end self-assessment and updated strategic plan. The self-assessment is designed to be an opportunity for grantees to reflect on accomplishments and challenges. It also serves as a monitoring tool that allows CB to identify areas in which technical assistance may be helpful to the grantee. The self-assessment reports also allow CB to identify and track national trends.

**3. Use of Improved Information Technology and burden Reduction**

Only electronic submissions of the collections are accepted.

**4. Efforts to Identify Duplication and use of Similar Information**

There is no similar information available.

**5. Impact on Small business or Other Small Entities**

This collection should not impact small businesses and has been designed to minimize the burden on respondents.

**6. Consequences of Collecting the Information less Frequently**

Applications are statutorily required. Absent applications, awards are not authorized and the program cannot continue to operate. The year-end self-assessment report is the primary form of accounting and accountability to ensure funds are being used in compliance with the statute. Self-assessment reports are necessary to demonstrate how grant funds have been used.

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

There are no special circumstances associated with this collection.

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

Federal Registry Notice number one (60 day notice) was published on July 23, 2019, Volume 84, No. 141, Page 35391. No substantive comments were received.

A number of efforts were made to consult with individuals outside the agency to develop and solicit input on program requirements. Grantee feedback is also sought at the annual CIP Directors meeting which is an informal discussion about how the program is operating and the supports that would be most helpful in supporting their work. Grantee feedback was helpful in informing the changes proposed in the attached Program Instruction.

The below grantee technical assistance providers were involved in ongoing review of the information collection. Both providers have extensive experience in court evaluation and high degrees of familiarity with the **CIP**:

- Dr. Alicia Summers, federal technical assistance provider
- Christine Keisel, federal contractor

The following national experts participated in numerous conference calls and meetings to discuss and plan program changes. These experts were consulted routinely throughout the process.

- Jennifer Renne, Director of the National Child Welfare Resource Center on Legal and Judicial Issues at the American Bar Association (202)662-1731
- Scott Trowbridge, Assistant Director of the National Child Welfare Capacity Building Center for Courts (202)662-1747
- Alicia Davis, JD., National Center for State Courts (303)308-4331
- Christopher Church, JD, University of South Carolina Law Center [church@law.sc.edu](mailto:church@law.sc.edu)

**9. Explanation of Any Payment or gift to Respondents**

No payment or gifts of any kind will be provided to respondents.

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

No such assurances are required by statute or policy for this program.

**11. Justification for Sensitive questions**

No questions of a sensitive nature will be asked as a part of the collection.

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

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) job code for Legal Support Workers, All Other 23-2099 and wage data from May 2018, which is \$34.34 per hour. To account for fringe benefits and overhead, the rate was multiplied by two which is \$68.68. Therefore, the total cost to respondents is estimated to be \$592,845.76.

<https://www.bls.gov/oes/current/oes232099.htm>

**ANNUAL BURDEN ESTIMATES**

Collection	Year	Number of Respondents	Number of Responses per Respondent	Average Burden Hours per Response	Total Burden Hours
Complete Application	2021	52	1	52	2704
Complete Program Assessment Report	2020	52	1	38	1976
	2021	52	1	38	1976

	2022	52	1	38	1976
					8,632

Estimated Total Annual Burden Hours: We anticipate the highest state court of every state, Puerto Rico and the US Virgin Islands to respond. The total burden estimate is 1976 hours in 2020 and 2022; 4680 hours in 2021 (when both the self assessment and the five year application are due within the same year).

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

There is no other annual cost burden to respondents.

**14. Annualized Cost to the Federal Government**

Review of the annual self-assessment typically takes the equivalent of one work day (8 hours). The reviews are conducted by CB Child Welfare Specialists within our regional offices. The average grade of specialists is 11. Average step 5. Average hourly wage accounting for locality is approximately \$30.00 per hour. Total number of hours  $8 \times 52 = 416$ .  $416 \times 30 = \$12,480$ .

Review of applications (once every 4 years) typically takes the equivalent of two work days (16 hours).  $16 \times 52 = 832$  hours.  $832 \times 30 = \$24,960$ .

On years where both a self-assessment and application are due the total would be 3 days of review (24 hours) at \$30.00 per hour for a total of \$37,440.

**15. Explanation of Program Changes or Adjustments**

There is one new training requirement mandated by the reauthorizing legislation. Longstanding requirements have been clarified and refined. The new training requirement increased the time expected per response. Additionally, the previously approved “updated strategic plan” was removed as a stand-alone document as those updated are now covered in the most recent CIP Strategic Plan Template and Program Instruction included with this request.

**16. Plans for Tabulation and publication and Project Time Schedule**

There are no plans for publication.

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

Not applicable.

**18. Exceptions to Certification for Paperwork reduction Act Submissions**

There are no exceptions being sought with this submission.

**B. Collections of Information Employing Statistical Methods – N/A**

**The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When item 16 is checked "Yes," the following documentation should be included in the supporting statement to the extent that it applies to the methods proposed:**

- 1. Respondent Universe and Sampling Methods**
- 2. Procedures for the collection of information including:**
- 3. Methods to Maximize Response Rates and Deal with Nonresponse**
- 4. Tests of Procedures or Methods to be Undertaken**
- 5. Individuals Consulted on Statistical Aspects and Individuals Collection and/or analyzing Data**