

**Case Plan Requirement
Title IV-E of the Social Security Act**

**OMB Information Collection Request
0970 - 0428**

**Supporting Statement Part A -
Justification**

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

SUPPORTING STATEMENT A – JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

The case plan information collection is authorized in sections 422(b)(8)(A)(ii) [42 USC 622] and 471(a)(16) [42 USC 671] of the Social Security Act (the Act) and defined in sections 475(1), 475(5), 475(6) [42 USC 675] and 475A [45 USC 675A] of the Act. Federal regulations implementing the statutory provisions are codified at 45 CFR 1356.21(a), (f) and (g). The statutory and regulatory requirements mandate that title IV-E agencies develop a case plan and case review system for every child in the foster care system under the care and control of their title IV-E agency.

Applicable Federal statute and regulations can be found at:

<https://www.acf.hhs.gov/cb/resource/compilation-of-social-security-act> and http://www.access.gpo.gov/nara/cfr/waisidx_02/45cfr1356_02.html

2. Purpose and Use of the Information Collection

To obtain federal funding for foster care, adoption assistance, legal guardianship and certain child welfare services, each title IV-E agency must implement case plan and case review system procedures that periodically assess the appropriateness of a child's placement in foster care and reevaluate the services provided to assist the child and family. The case review system ensures that each child has a case plan in place that addresses placement in a safe, least restrictive (most family-like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child until the child can achieve permanency -- either through reunification with his/her family or an alternate option, such as adoption or legal guardianship. Through the case plan and case review system, title IV-E agencies:

- describe the specific services offered and provided to meet the individualized needs of the child and family;
- document compliance with requirements of titles IV-B and IV-E of the Act;
- report progress in achieving child safety, permanency and well-being;
- assess service delivery and timeliness of decision-making.

Case plan information is recorded and maintained by the title IV-E agency.

3. Use of Improved Information Technology and Burden Reduction

The case plan is a written document that provides a narrative description of the child's individualized program of care. Regulations at 45 CFR 1356.21(g) and sections 475 and 475A of the Act delineate the specific information that should be addressed in the case plan. ACF does not require a specific recordkeeping format for the case plan, nor does ACF require submission of the document to the federal government. A title IV-E agency can

maintain case plan information electronically in the agency's Comprehensive Child Welfare Information System (CCWIS), which is a federally funded and federally-supported data automation system, or in another automated information system and/or file for case management.

4. Efforts to Identify Duplication and Use of Similar Information

No other data source collects this or similar information.

5. Impact on Small Businesses or Other Small Entities

The collection of information activity does not impact small businesses or other small entities. Only state, territorial and tribal title IV-E agencies are required to collect this information. The collected information is limited to children for whom the title IV-E agency has responsibility for placement and care.

6. Consequences of Collecting the Information Less Frequently

Case planning for the child's care and achievement of a plan for permanency occurs continuously throughout a child's stay in foster care. Case plan and case review procedures are mandated program components for a state, territory or tribe to receive federal reimbursement for the child's care and program administration. Data collection timeframes are prescribed in federal statute and regulation. Legislative change is the only means to reduce or eliminate this burden. Furthermore, case plan development is standard operating procedure for child welfare services. Because it models principles of best practice, state, territorial and tribal title IV-E agencies will develop a case plan for each child served regardless of funding source. The case plan guides a caseworker's service planning, service provision and case decision-making.

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

There are no special circumstances that require the collection of the requested information in a manner other than that required by OMB. ACF does not require a specific recordkeeping format for the case plan nor does ACF require submission of the document to the federal government.

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 notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on June 25, 2020, Volume 85, Number 123, page 38141, and provided a sixty-day period for public comment. During the notice and comment period, one comment was received, which is attached. The comment did not address the information collection's utility, estimated number of burden hours associated with the collection of the information; or other issues pertinent to the information collection.

9. Explanation of Any Payment or Gift to Respondents

No payments or gifts will be provided to respondents.

10. Assurance of Confidentiality Provided to Respondents

The title IV-E agency is the respondent, therefore no assurance of confidentiality is needed as the information collected is for the respondent's use in making programmatic and systemic decisions. Information on the child and family is subject to the confidentiality requirements and protections set forth in federal regulation at 45 CFR 205.50 and in federal statute at section 471(a)(8) of the Act. These federal provisions provide safeguards that restrict the use and disclosure of certain information reported in the case plan.

11. Justification for Sensitive Questions

The case plan is a written document that provides a narrative description of a child's individualized program of care. Information recorded in the document is used to guide the title IV-E agency's service planning, service provision and case decision-making. Sections 475 and 475A of the Social Security Act and regulations at 45 CFR 1356.21(g) delineate the specific information that must be addressed in the case plan. As such, questions of a sensitive nature in the information collection are required and protected by statute and regulations.

12. Estimates of Annualized Burden Hours and Costs

Information Collection Title	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Total Burden Hours	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
Case Plan Requirement, Title IV-E of the Social Security Act	64	26,427	4.8	8,118,374	2,706,125	\$35.62	\$96,392,172
Estimated Annual Burden Total:					2,706,125	Estimated Annual Cost Total:	\$96,392,172

For each child in foster care, an initial case plan is completed within 60 days of the date the child is in foster care. The case plan is updated as often as necessary, but at least every 6 months for the duration of the child’s stay in foster care. The number of respondents is 64, which is the total number of state, territorial and tribal title IV-E agencies that must complete a case plan on children under their placement and care authority. The number of children in foster care who needed a case plan during a given period in our data collection timeline is 563,781, which is the sum of the four groups of children below who were in foster care during a given period in our data collection timeline:

Group A: 138,024 children will require an initial case plan that will take an estimated 4.5 hours to complete

Group B: 87,766 children with a six-month anniversary during the year will require a subsequent case plan that will take an estimated 2.5 hours to complete

Group C: 244,340 children with 2 six-month anniversaries during the year will require two ongoing case plans that will take an estimated 2.5 hours per plan, or a total of 5 hours to complete (2.5 + 2.5 =5)

Group D: 93,651 children will require an initial case plan (4.5 hours) and, subsequently, a six-month anniversary that will take an estimated 2.5 hours during the year, or a total of 7 hours to complete (4.5 + 2.5 = 7)

The average burden hours per response is 4.8.

The total number of children divided by the total number of respondents was multiplied by 3 to determine the total number of responses per respondents through the 3-year period of the approval ($563,781 \div 64 \times 3 = 26,427$). The total burden hours was determined by multiplying

the number of respondents by the respondent's responses then by the average burden hours (64 x 26,427 x 4.8 = 8,118,374). To get the annual burden hours, the total burden for the three-year period was divided by 3 (8,118,374 ÷ 3 = 2,706,125).

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) job code for Social and Human Services Assistants [21-1093] and wage data from May 2019. The rate is \$17.81 per hour. To account for fringe benefits and overhead, the rate was multiplied by two which is \$35.62. The estimate of annualized cost to respondents for burden hours is \$35.62 x 2,706,125 hours, =or \$96,392,172.

<https://www.bls.gov/oes/current/oes211093.htm>

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

There are no other annual burden costs for respondents or record keepers resulting from this information collection.

14. Annualized Cost to the Federal Government

The Social Security Act, at section 474(a)(3)(E), permits title IV-E agencies to claim reimbursement at a 50 percent matching rate for the administrative activities found necessary for the proper and efficient administration of the title IV-E program. As such, title IV-E agencies may claim for any allowable title IV-E administrative cost that comports with or is closely related to one of the listed activities at 45 CFR 1356.60(c)(2). The development of case plans mandated in federal statutes and regulations is considered a necessary administrative activity in the title IV-E foster care program and the reimbursement of these costs is critical financial assistance that the Federal government provides to title IV-E agencies to support children removed from home and placed in foster care. The annualized cost to title IV-E agencies for case plan development is \$96,392,172 (See above Item 12). The total cost for the Federal government is 50 per cent of this amount, or \$48,196,086.

15. Explanation for Program Changes or Adjustments

ACF has updated the burden estimates to reflect the appropriate respondent. The burden estimates in the previously approved request were based on the children in foster care as the respondent instead of the title IV-E agency completing the case plan on the children. The burden estimates, therefore, were adjusted accordingly.

16. Plans for Tabulation and Publication and Project Time Schedule

ACF does not plan to publish the information collected.

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

There is no standardized form issued to the title IV-E agency for submitting case plan information to ACF. The OMB approval number (OMB #0970-0428) is displayed at 45 CFR 1356.21.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.