

**1 SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**Indian Child Welfare Quarterly and Annual Report
OMB Control Number 1076-0131**

Terms of Clearance: None.

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (Pub. L. 99-570; 25 U.S.C. 2434) requires the collection of child abuse statistical reports and related information. Under 25 CFR 23.47, Indian Tribes are required to collect selected data on Indian child welfare and child abuse and neglect cases and submit them to the Bureau of Indian Affairs (BIA) for consolidation. This data is useful on a local level, for the Tribes and Tribal organizations that collect it, for case management purposes, and on a nationwide basis for planning and budgetary purposes. In addition, this data provides baseline data for performance goals outlined in the BIA's strategic plan and assists the BIA in setting and measuring performance goals.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

The form has two parts: Part A—Indian Child Welfare Act Data, and Part B—Tribal Child Abuse and Neglect Data.

Part A requests information on activities under the Indian Child Welfare Act (ICWA). Information from this form is collected for management, planning and budgetary purposes and provides BIA with baseline data for setting and measuring performance goals. Information collected from this form is used by Tribes or BIA to offer knowledge on services provided and needed for Indian children and their families. Data collected can be analyzed to identify problems, needs, gaps and challenges in services provided and evaluate outcomes.

Part B of the form captures child protection and case management services. Child protection and case management services are provided by multiple programs, which may be operated by the Tribe, State, or BIA. Thus, the two sections, Part A and B, are completed by different individuals in different departments or programs.

BIA Use of the Data Collected:

BIA uses this information to monitor ICWA and child welfare services provided through the Tribal Priority Allocations, and to determine the extent of service needs for local Indian communities. The administering agency or Tribe uses the information to review program implementation and performance, to identify program service population, as well as to make determinations regarding future regulatory revisions. This information is valuable for planning and budgeting for child welfare services in Indian Country to have comprehensive child welfare data – both ICWA and Tribal child abuse/neglect data collected on one form.

Overarching Changes Made to Form:

1. *Separating Parts A & B to Allow Independent Submissions:* The first change that was made to the form is to divide Part A and B into two separate pages to allow the separate preparers to each sign the page of the document they have completed. This method ensures the validity of the data by collecting the information from the individual actually responsible for providing the services. Each Part will also have its own preparer's signature identifying who is submitting the data information.

2. *Requesting the Official Tribal Name:* To ensure collection is compiled correctly, each page requests the Official Tribal Name in both Part A and B. The previous forms only required initials or short names, which makes it difficult to identify the Tribe and separate data to identify outcomes by Tribe or Region.

3. *Type of Program:* To ensure the reliability of the data collection, BIA made changes to both Parts A and B of the form to identify who is providing the information and from what program they are operating:

- Tribes operating the program under an Office of Self-Governance (OSG) compact under the Indian Self-Determination and Education Assistance Act (ISDEAA);
- Tribes operating the functions of the program through a contract under ISDEAA (which is Public Law 97-638, known by the shorthand "638"); or
- BIA (applicable to Part B of the form only).

This information assists the preparer, the BIA, Regions, and the Central Office in providing technical assistance, data separation, and identifying variables and outcomes in each Region.

4. *Additional Breakdown of Placements for Clarification:* Additional, clarification is added in the child placement section in both Part A and B to capture data regarding the removal or placement of Indian children to protect the best interest of Indian children and promote the stability of Indian Tribes and families. In Part A, placement items are added for "placement in group home or residential facility" and "child remains in home (family preservation services provided)".

- "Group home or residential facility" captures data on placements in group home and residential facilities, residential substance abuse treatment centers, behavioral health treatment centers, and medical institutions.

- “Child remains in home (family preservation services provided)” captures baseline data on family preservation services, which will reflect if the program is investigating or monitoring the children and families who need or are provided family preservation services, while the child(ren)” remains in the home.

Part B, “placements out of home” is replaced with more specific categories mirroring those of Part A, to include data about the number of children placed with relatives, Indian foster homes, non-Indian foster homes, and group homes or residential facilities.

4. Clarification on When Submission of Part A is Required: The Code of Federal Regulations (25 CFR 23.47) requires Tribes that receive ICWA funds must submit reports on a quarterly and annual basis. A Tribe is required to fill out Part A only if it runs an ICWA program, but not every Tribe runs an ICWA program. The instructions for the form make clear that the Tribe is not required to fill out Part A if their Tribe does not run their own ICWA program. If the Tribe does run their own ICWA program, the Tribal ICWA director would fill out Part A.

5. Clarification on When Submission of Part B is Required: Part B asks for information on Tribal child abuse and neglect data to comply with 25 CFR 23.47(c)(1)(iv), which requires the collection of child abuse statistical reports and related information. A Tribe is required to fill out Part B only if it runs its own child protection program. Not every Tribe runs its own child protection program (some Tribal child protection programs are managed by the State where the Tribe is located). Those Tribes whose child protection programs are administered by the State are not required to complete Part B. The instructions for the form make clear that the Tribe is not required to fill out Part B if their Tribe does not run their own child protection program. Part B of the form would be filled out by the Tribal child welfare director, if the Tribe has its own child protection program.

6. Total Number of ICWA Workers: The total number of ICWA workers was added to identify the staff level in the program.

Part A

Total Number New Received: Information in this section enables the BIA to gather important nationwide data linking court proceedings related to American Indian adoptions and foster care placements and gives the BIA record-keeping capability for adoption proceedings.

Total Number Acted On: This section provides further clarification regarding the total number of ICWA Notifications received and that the count should not be duplicated, unless a case opened, closed and reopened again in another quarter. In the instructions, further explanation is given on the number of ICWA notices “Acted On,” to include on-going activity. For example, a notice of one child may require actions such as: participating in state hearing, transferring to tribal court, or placement with several different relatives. This captures the actual services being provided. Therefore, the

number of “Acted on” may not match the number of ICWA notices received. Additional fields were added as options to capture that some cases are transferred to Tribal court.

Total Number of New Non-Tribal ICWA Notices “Acted On”: This information will identify all coordination and service provision activity between Tribes and states, and essentially informs the BIA of case management activities.

Placement Funding Source: This section tracks the funding source for each case. The BIA needs this information because it enables the BIA to track placement activity, including placement arrangements of other native children; this information can assist in addressing permanency on a comprehensive level. Added line under funding source to include the “State” because in some instances, the State pays for the foster care placement by an agreement or contract with the Tribe.

Part B

As described above, a new page and introductory questions were added to Part B because this section is for child protection and case management services that are not provided by the same Tribal Program or person(s) in Part A. Below the form title, directions are added for Tribes or BIA Agencies to fill out Part B below for their program(s) and not to fill out if the program does not provide child protection services. If the Tribe's child protection program is carried out by the State and BIA, then Part B of this form is not required.

Total Reports/Referrals Received: Information in this section enables the BIA to gather important nationwide data linking court proceedings related to American Indian child abuse and neglect.

Total Substantiated/Not Substantiated/Pending: Many Tribes are not documenting if cases were “substantiated or unsubstantiated, and instead hand-writing in “pending” because the case was still being investigated or monitored but services were being provided. BIA added an option for “pending (case opened for services or investigation)” for those cases that have not yet been substantiated or unsubstantiated.

Abuse Type Involved, Drugs Involved, Recurring Cases, Siblings, Placements: A breakdown of the numbers for physical abuse, neglect, or sexual abuse reports, number of reports involving siblings, numbers of resulting foster care placements, and the numbers resulting in referrals to social services are necessary to document need, determine what services are needed, and to justify funding for child protection services. This revision adds options for verbal abuse and psychological abuse, because those types were not captured on the form.

The Number of Child Abuse and Neglect Reports Involving Substance Abuse: Substance abuse is a critical occurrence involving some Indian children in Indian Country. Categories for prescription drugs and methamphetamines have been added as distinct categories to track data for both the opioid and methamphetamine crises.

Complete and accurate data will assist in documenting need and promote justification for increased funding to assist in handling and addressing child protection.

Involvement of Human Trafficking, Domestic Violence: Domestic violence is often a factor in child abuse and neglect cases. A new category for human trafficking has been added as a distinct category because it has been identified as an issue in the missing and murdered indigenous persons crisis and will assist in documenting the specialized needs associated with these cases and providing informed care.

Instructions to Submit to Regional Office: The BIA Regional Social Workers are the Awarding Official Technical Representative (AOTR) and provide technical assistance, on the form; therefore, the BIA Central Office was removed for clarification purposes. The information is collected by the BIA Regions and then submitted to the Central Office by the BIA Regions.

The field for number of cases referring in court referral was deleted because it provided duplicate data and caused confusion for the officials completing the forms.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

The forms are available to Tribes on the BIA's forms website at www.bia.gov/policy-forms/online-forms. The Regions are the AOTR who provide programmatic and administrative support to Tribes regarding this form.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The Indian Child Welfare Data in Part A of the form is the only form of its type. This is the only program of its type that is offered solely to all Indian Tribes to operate Indian Child Welfare Act programs. The information collection is specific to the Tribe's grant and consolidates case data into totals for use by the Tribe and the BIA. The information collected in Part B-Tribal Child Abuse and Neglect Data is also the only form of its type. The Tribal Law and Order Act requires the BIA to collect child abuse statistical reports and related information. This data is currently being collected by BIA Regions and Agencies.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

Tribes and Tribal organizations are the only entities that may elect to operate Part A of this program. Under the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638), Tribes have the operational flexibility to determine how often they will report if it is negotiated in their contract, but no less than quarterly.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The Indian child welfare program is no longer funded through a competitive grant process; it is now part of the Tribes' Tribal Priority Allocation base. If the collection were conducted on less than a quarterly cycle, no current information regarding the implementation of the program would exist. Additionally, Tribal service providers and the BIA would have dated information regarding the need for program services, potentially resulting in understatement of program service needs.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly.**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.**
- * **requiring respondents to submit more than an original and two copies of any document.**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years.**
- * **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study.**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB.**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no exceptions to referenced regulations. Information is reported on a quarterly and annual basis. Speed of reporting is not a factor. Only one copy of the report is required. The information does not include statistics; rather, it is a summary of progress in meeting annual service goals and objectives. Information collected is not confidential as clients are not required to sign a service application. Trade secrets are

not a factor in the information collection.

- 8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A 60-day notice for public comments was published in the Federal Register on November 24, 2020 (85 FR 75029). No comments were received in response to this notice.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The BIA consulted with the following representatives for input regarding the content of the new revised Indian Child Welfare Report form. A teleconference with BIA, Regional Social Workers (RSWs) was held on February 26, 2021 to review the form and discuss the burden imposed by this information collection. The RSWs provide oversight for the collection of the CAN reports and are the subject matter experts for this collection. Participants of the conference call were: Alaska RSW, Eastern RSW, Eastern Social Services (SS), Great Plains RSW, Navajo RSW, Northwest RSW, Pacific RSW, Rocky Mountain RSW, Southern Plains RSW, SW RSW, Western RSW, Western Region SS, Division of Human Services (DHS) Program Manager, Chief DHS, and DHS ICWA Specialist.

Several RSWs stated that the instructions and form were burdensome to the Tribes and that, as a result, they must frequently provide technical assistance and guidance to the Tribes. They felt the instructions needed to be clearly defined. The BIA RSW recommended to change the form into two separate pages instead of one page. This recommendation was made because two separate individuals from different departments fill out each Part. Part A is filled out by the ICWA Department while Part B is filled out by child protection and case management departments. By separating the Parts in two pages both preparers can sign the page of the document they have completed. This method ensures the validity of the data by collecting the information

from the individual responsible for providing the services. Part A and B will have its own page header identifying which program (Tribe, BIA, OSG, 638) is submitting data. Each Part will also have its own preparer's signature identifying who is submitting the data information and from what program they are operating from. To address these concerns, BIA has updated the forms to separate Part A from Part B and expanded upon the instructions to accompany each.

RSWs also made the following recommendations:

- Include Calendar Year deadlines for quarterly reporting because many Tribes use Calendar Year and don't have the correct dates to follow on the instructions.
- Add a line for "pending" because Tribes often do not answer the question in Part B under "substantiated and unsubstantiated" and instead write in "pending" for cases not involved with court yet and still being investigated or monitored. When the case is referred to Tribal Court, then it is substantiated. Often these cases are receiving family preservation services to prevent the break-up of Indian families and the removal of Indian children from their homes. It was felt these services should be captured in the data.
- Remove the line "referred to Tribal Social Services" because Tribes claim it provided duplicate data and are confused by the two lines for Referrals.
- Add information about prescription drugs, child-staff ratio, and including the State as a funding source.

The BIA took the feedback provided and adjusted the forms as a result. Each of the changes are outlined under Question 2. The BIA then contacted two Tribal representatives who have filled out the forms in the past and shared the draft updated forms with them for their input:

- The Social Services Case Manager for Pyramid Lake Paiute Tribe commented on the "Schedule" change stating he liked how the order of the form was changed making it clearer. He also stated he liked the additions to the form making it more specific. He thought that 30 minutes was a reasonable amount of time to fill out the new form.
- The Nak Nu We Sha Program Manager at Yakama Nation, who provides case management and child welfare services to children of the Confederated Tribes and Bands of the Yakama Nation, stated that she liked all the changes to the form and commented that is good that "prescription drugs" was added because she has heard that some parents are getting the prescription drugs and snorting them to get high and are becoming addicted to it. Her only concern was with the field on Part B for "Total Number of Child Protection Workers" – she suggested BIA include total number of Child Welfare Workers because she would put 0 down for "child protection workers" but if she was asked how many child welfare workers she has, she would put the number of all her staff. She also stated that she thought 30 minutes would be a reasonable amount of time to complete the form.

BIA incorporated the suggested change to Part B of the form and increased the burden hour estimate to 30 minutes to reflect the Tribal representatives' input.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided to respondents concerning this information collection as the information is considered public and does not contain case information about individual clients.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature included in the information collected.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

The BIA anticipates receiving approximately 2,260 responses (377 respondents for Part A and 188 for Part B, submitting quarterly reports each year) at 30 minutes per response, totaling 1,130 annual burden hours or the amount equivalent to \$43,618 (rounded).

Information Collection	Annual Number of Respondents	Frequency of Responses	Annual Number of Responses	Completion Time per Response (Hours)	Total Annual Burden Hours	\$ Value of Annual Burden Hours
Part A – Indian Child Welfare Act Data	377	4	1,508	0.5	754	\$ 29,104
Part B – Tribal Abuse and Neglect Data	188	4	752	0.5	376	\$14,514
Totals	565	4	2,260		1,130	\$43,618

* To obtain the hourly rate, BIA used \$38.60, the wages and salaries including benefits figure for civilian workers from BLS Release USDL-21-0437, Employer Costs for Employee Compensation—December 2020, Table 1, Table 1. Employer Costs for Employee Compensation by ownership, at <https://www.bls.gov/news.release/pdf/ecec.pdf>.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to

achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The annual cost burden to respondents from total capital and startup costs is estimated to be zero because ICWA funding covers administrative costs. The funding also covers operation, maintenance and purchased services.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Based on the 2021 General Schedule Pay scale, the estimated annual cost to the Federal government for this collection is estimated as \$22,365. There are 12 staff whose performance level averages to a GS-9, Step 10, and their wages average \$53.25 per hour (salary & benefits) for 35 hours, or $12 \times \$53.25 \times 35 = \$22,365$. The estimated number of per staff has been decreased by 5 hours each to account for the reduced amount of technical assistance staff will need to provide to the Tribes to explain the forms, as the forms have been clarified through this revision.

*These hourly salary figures are based on the hourly rate of \$33.28 using *Salary Table 2021-GS* with a 1.6 multiplier for benefits. See, 2021 General Schedule (Base) https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS_h.pdf.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

The 1,500 decrease in the number of responses is due to adjustments in the agency estimate in the number of respondents to reflect that there were an average of 377 funded ICWA Tribes for FY/CY 2019 and 2020. We anticipate all 377 of those Tribes will provide Part A of the form and approximately 188 of those 377 will provide Part B of the form. This total of 565 respondents therefore replaces the 2017 estimate of 940. Respondents report quarterly, so the 375 decrease in respondents results in a fourfold decrease of responses.

The 190 hour increase in burden hours is a result of a program change due to agency discretion to make changes to the forms to make them more clear, add data fields, and add instructions, which will require additional time to read, but will improve clarity overall and decrease the amount of technical assistance BIA staff will need to provide.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques

that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no plans to publish the results of this collection of information. However, a summary may be used for budget justification.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We intend to display the OMB Control Number and the expiration date on all forms.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions.