

Adoption and Foster Care Analysis and Reporting System (AFCARS)

OMB Information Collection Request

0970 - 0422

**Supporting Statement Part A -
Justification**

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Submitted By:
Administration on Children, Youth and Families
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.

Adoption and Foster Care Analysis and Reporting System (AFCARS) is mandated by 42 U.S.C. 679. The regulation at [45 CFR 1355](#) 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 title IV-E program per section 479B of the Act have been required to submit AFCARS data since 2012. On December 14, 2016, ACF published a final rule revising the AFCARS requirements ([81 FR 9054](#)).

In response to Executive Order 13777, ACF published in the *Federal Register* an Advance Notice of Proposed Rulemaking (ANPRM) on March 15, 2018 ([83 FR 11449](#)) soliciting specific feedback on the 2016 AFCARS final rule data elements and associated burden. Based on the ANPRM comments, ACF published a Notice of Proposed Rulemaking (NPRM) on April 19, 2019 ([84 FR 16572](#)) that proposed to amend the AFCARS data elements in 45 CFR 1355.44 and make conforming edits in other sections of the AFCARS regulation. The amendments to section 1355.44 streamlines the data that title IV-E agencies must report to ACF, thus reducing the burden imposed by the 2016 final rule.

The final rule ([85 FR 28410](#)) was issued on May 12, 2020 to streamline the AFCARS data elements. 45 CFR 1355 now contains two different AFCARS data collections: AFCARS 1993 which has been in place since 1993 and ends September 30, 2022 with the revised AFCARS 2020, which requires data to collection to begin on October 1, 2022.

The OMB # 0970-0422 for the AFCARS 1993 Information Collection was approved on May 29, 2019. The same OMB # was then approved for the revised AFCARS 2020 collection that aligned with the May 2020 final rule on May 12, 2020. The information from the AFCARS 1993 data collection was not included in that revision request, but states and tribes must submit that data to ACF until the effective date of the new AFCARS regulation (October 1, 2022). Thus, this revision request is to update OMB #0970-0422 to cover both the information collections that remain for AFCARS 1993 (through September 2022) in addition to the currently approved data collection associated with AFCARS 2020 which begins in October 2022.

2. Purpose and Use of the Information Collection

AFCARS is the only nationally mandated collection of data on children in foster care and those who have been adopted with involvement of the title IV-E agency. The Department of

Health and Human Services (HHS) uses the information submitted by title IV-E agencies for congressionally required reports, monitoring of the title IV-B/IV-E programs, awarding adoption and guardianship incentive awards, and developing budgets.

3. Use of Improved Information Technology and Burden Reduction

There has always been a regulatory requirement that AFCARS data be submitted electronically to HHS 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 in foster care and who have exited to adoption or legal guardianship.

5. Impact on Small Businesses or Other Small Entities

This information collection does not impact small businesses or other small entities because the requirements are on state and tribal child welfare agencies who receive title IV-E funding.

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. In order to reduce the burden on title IV-agencies, and still gather data on a timely basis, a semi-annual reporting period is 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 sixty-day timeframe after data submission.

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 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 provided a sixty-day period for public comment which ended on June 18, 2019. OMB did not receive comments in response to the 2019 NPRM PRA.

In response to the 2018 ANPRM, 36 of 38 state title IV-E agencies supported streamlining the 2016 final rule and expressed that the burden of the 2016 final rule would negatively affect their ability to serve children and families. They demonstrated this through detailed cost and burden estimates of the work needed to comply with the 2016 final rule. In response to the 2019 NPRM, state title IV-E agencies expressed that the burden of the 2019 NPRM will be less than the 2016 final rule and some states provided estimates for costs and burden hours to comply with the 2019 NPRM. These estimates ranged considerably depending on the tasks the state attributed the burden to and whether it was a total for all work needed to implement the NPRM. There was not enough detailed information provided by states at that time to draw any different conclusions than we did in calculating the burden estimates for the 2019 NPRM. Tribal title IV-E agencies did not provide burden estimates in their comments.

Although there were public comments related to both the NPRMs for the AFCARS Information Collection that begins October 1, 2022, there were no public comments received during the last two times the current AFCARS Information Collection was published in the Federal Register (2014 and 2017) as a part of its Paperwork Reduction Act approval under OMB.

9. Explanation of Any Payment or Gift to Respondents

No gifts are made. Payments, in the form of Federal financial participation (FFP), are made to state and tribal title IV-E agencies for a portion of the costs incurred 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. Title IV-E agencies must send the child-level data using a method of encryption. The agency encrypts the identifier to transmit the data confidentially to the Children's Bureau. The encrypted ID must be a 12-character identifier that cannot be linked to the child except at the agency or local level. An agency is responsible for its own encryption routine using modern and accessible encryption tools and the information and

following the specifications described in AFCARS Technical Bulletin #21: XML File Structure and Encryption. 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 only to the reporting title IV-E agency.

11. Justification for Sensitive Questions

Section 479(c)(3)(A) of the Social Security Act requires the collection of comprehensive national information with respect to the demographic characteristics of children in foster care and those who are adopted with state involvement and their biological, foster, and adoptive parents. While the topic is of a sensitive nature, AFCARS does not collect information directly from individuals, all information is received from title IV-E agencies. The information that title IV-E agencies report to AFCARS is aggregated and de-identified at the national level, meaning it does not include names or numbers. To ensure the confidentiality of the data, each title IV-E agency encrypts its identifiers. No actual case or individual identifiers are submitted. Each agency ensures that its data meet a standard of encryption.

12. Estimates of Annualized Burden Hours and Costs

Information Collection Title	Total Number of Respondents	Annual Number of Responses Per Respondent	Average Burden Hours Per Response	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
AFCARS 2020 (Annual Burden October 2022 – May 2023)						
AFCARS-Recordkeeping	69	1	8,358	576,702	\$78	\$44,982,756
AFCARS-Reporting	69	1	17	1,173	\$78	\$91,494
Estimated Annual Burden Total for AFCARS 2020:				577,875		
AFCARS 1993 (Annual burden May 2020 – September 2022)						
AFCARS Recordkeeping	56	2	2,171	243,152	\$78	\$18,965,856
AFCARS Reporting	56	2	17	1,904	\$78	\$148,512
Estimated Annual Burden Total for AFCARS 1993:				245,056		

The table displays the burden for AFCARS 1993 and AFCARS 2020 separately because there are different levels of burden between them. 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 for AFCARS

1993 reflects the 50 states, District of Columbia, Puerto Rico and four tribes planning to submit AFCARS 1993. The number of respondents for AFCARS 2020 increases to 69 as more tribes are expected to be submitting by that time.

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 rule. We reviewed 2020 Bureau of Labor Statistics data and for this estimate we used the job roles of: Computer Information and Systems Managers (11-3021) with an average hourly wage of \$77.76; 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 \$46.53; Office and Administrative Support Occupations (43-0000) (e.g., administrative assistants, data entry, legal secretaries, government program eligibility interviewers, information and record clerks) with an average hourly wage of \$20.38; Social and Community Service Managers (11-9151) with an average hourly wage of \$36.13; 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 \$25.09; and Paralegals and Legal Assistants (23-2011) with an average hourly wage of \$27.22. ACF averaged these wages to come to an average labor rate of \$38.85. In order to ensure we took into account overhead costs associated with these labor costs, ACF doubled this rate (\$78).

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 title IV-E agencies is subsumed under the agency’s expenses for personnel.

14. Annualized Cost to the Federal Government

Federal reimbursement under title IV-E will be available for a portion of the costs that title IV-E agencies will incur as a result of the revisions proposed in this rule, depending on each agency’s cost allocation plan, information system, and other factors. For this estimate, we used the 50 percent Federal Financial Participation (FFP) rate.

Collection – AFCARS	Total annual burden hours	Average hourly labor rate	Total annual cost	Estimate Federal costs (50% FFP)
AFCARS 2020 (October 2022 – May 2023)				
Recordkeeping	576,702	\$78	\$44,982,756	\$22,491,378
Reporting	1,173	\$78	\$91,494	\$45,747
Total AFCARS	577,875			\$22,537,125

2020				
AFCARS 1993 (May 2020 – September 2022)				
Recordkeeping	243,152	\$78	\$18,965,856	\$9,482,928
Reporting	1,904	\$78	\$148,512	\$74,256
Total AFCARS 1993	245,056			\$9,557,184

15. Explanation for Program Changes or Adjustments

This request is to add back the data collection for AFCARS 1993 into this Information Collection. The currently approved OMB # 0970-0422 only included the AFCARS 2020 data collection. Since AFCARS 2020 data collection doesn't begin until October 1, 2022, title IV-E agencies will submit the AFCARS 1993 data collection until that date.

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 (<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 title IV-E agencies use to submit AFCARS data. All data are submitted electronically. The OMB number is displayed at 45 CFR 1355.

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.