

Child and Family Services Reviews

**OMB Information Collection Request
0970 - 0214**

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

Summary

This request is for a reinstatement with changes to a previously approved information collection. At the conclusion of the previous approved collection, Executive Order 13903 *Strengthening the Child Welfare System for America's Children* was issued June 24, 2020, resulting in a redesign of this collection of information. The Children's Bureau has taken time to redesign the data collection materials. This request is for review and approval of those materials.

1. Circumstances Making the Collection of Information Necessary

Section 1123A [42 U.S.C. 1320a-1a] of the Social Security Act (the Act) and regulations at 45 CFR 1355.33(b), 45 CFR 1355.33(c) and 45 CFR 1355.35(a) govern the Child and Family Services Reviews (CFSR). The CFSR looks at both the outcomes related to safety, permanency and well-being of children served by the child welfare system and the assessment of seven systemic factors. The systemic factors refer to systems within a state that, if well-functioning, will support the outcomes. The seven systemic factors reviewed are:

- Statewide Information System
- Case Review System
- Quality Assurance System
- Staff and Provider Training
- Service Array and Resource Development
- Agency Responsiveness to the Community
- Foster and Adoptive Parent Licensing, Recruitment, and Retention.

This regulated monitoring process allows ACF to determine whether states are complying with federal child welfare requirements; determine what is happening to children and families; and assist states to enhance their capacity to help children and families achieve positive outcomes. Ultimately, the goal of the CFSR is to help states improve child welfare services by identifying their strengths and areas needing improvement.

Three activities are associated with the CFSR collection: a **statewide assessment**, which is the state's evaluation of its performance on CFSR outcomes and systemic factors and is used to guide the focus of the onsite review; an **on-site review**, which involves case record reviews and a joint federal-state team interviewing stakeholders in the state to inform the Children's Bureau's (CB) determination of the state's functioning on the seven systemic factors; and a **program improvement plan**, which addresses areas in which states are found to be out of conformity with any one of the seven outcomes or seven systemic factors under review.

2. Purpose and Use of the Information Collection

Federal law and regulations require a review of a state's child welfare program including program performance related to child protective services, foster care, adoption, family preservation and family support, and independent living. In addition to reviewing for the state's substantial conformity with applicable requirements, the CFSRs are designed to help states improve child welfare services and the outcomes for families and children who receive services by identifying strengths and needs within state programs, as well as areas where technical assistance can lead to program improvements. The CFSRs are a collaborative effort between the state and federal governments. Joint state and federal teams conduct and participate in the reviews of state performance. To date, three rounds of CFSRs have been conducted in all fifty states, the District of Columbia, and Puerto Rico.

There are two stages in the CFSR process: the statewide assessment and the on-site review. States that are determined not in substantial conformity must also engage in subsequent program improvement.

- **Statewide Assessment.** In the first stage of the review, which is the six-month period prior to on-site reviews, the state completes an assessment instrument (Attachment A) evaluating its performance on the review items. This information is used to guide the on-site review and informs ACF's determination of substantial conformity with systemic factors based on federal requirements that provide the foundation for States to help children achieve positive outcomes.
- **On-Site Review.** As part of the second stage, ACF gathers information from the state about its case review processes to determine and verify the type of on-site review that will be conducted. Depending on the information collected, the state will be approved to conduct its own case reviews for use in ACF's substantial conformity determinations or the state will be scheduled for a more traditional CFSR. Additionally, an On-Site Review Instrument (OSRI) (Attachment B) is completed for each of the cases reviewed to examine the outcomes of safety, permanency, and well-being for a sample of children and families served by the state. Also, during the on-site review, the review team captures information from stakeholders through interviews (Attachment C) to determine the extent to which the federally required systemic factors are functioning.

If ACF determines that a state is not in substantial conformity, the state must engage in up to two years of corrective action through the development of a program improvement plan (PIP) that covers the areas of non-conformity based on information gathered during the first two phases of the CFSR process.

In addition to using the information for decisions of substantial conformity with federal requirements, ACF publishes an aggregate analysis of information across all states and all cases reviewed during the round. ACF also uses this analysis and analysis of trends as seen through the CFSRs to inform its policy, program and budget decisions.

3. Use of Improved Information Technology and Burden Reduction

For the CFSR, ACF electronically provides each state data related to each of the outcome areas based on the state's electronic submissions to the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS). This data is used in the formulation of the statewide assessment and sent to a state in advance of the CFSR. States submit their statewide assessment to ACF electronically.

The OSRI and the Stakeholder Interview Guide are automated with security features to allow CB and the states to input information directly into a database. Review teams access the OSRI and Guide via a web-based portal (website) to record and store review information. The automation of this information collection creates efficiencies, facilitates data quality checks, allows real time access to data and supports the generation of summary and analytical reports.

4. Efforts to Identify Duplication and Use of Similar Information

No other data collection duplicates the information required by this information collection.

To minimize duplication, CB has worked toward streamlining the CFSR statewide assessment and the Child and Family Services Plan (CFSP) processes. The CFSP is a five-year strategic plan that sets the stage for states to accomplish the vision and goals they have for strengthening the state's overall child welfare system. The Annual Progress and Services Reports (APSR) are annual updates to a CFSP (45 CFR 1357.15 and 45 CFR 1357.16). Previously, the CFSP submission was separate from the statewide assessment although states were to provide information on progress on CFSR PIPs in the APSRs. In the third round of reviews, CB worked to more fully integrate the CFSP and the APSRs with the CFSR statewide assessment process to create more efficiency between the two processes and align federal planning and monitoring efforts. These efforts will continue in Round 4 of the CFSRs.

5. Impact on Small Businesses or Other Small Entities

This information collection does not impact small businesses or other small entities.

6. Consequences of Collecting the Information Less Frequently

Federal statute and regulations require an outcomes-focused monitoring of state child welfare programs that focuses on results in the areas of safety, permanency, and well-being. These reviews ensure compliance with state plan requirements for title IV-B and IV-E of the Act as required by section 1123A of the Act.

The consequences to the federal programs, if the reviews are not conducted, would be the inability to review and monitor critical outcomes for children and families served through the state child welfare system; an inability to review a state's compliance with state plan requirements of both titles IV-B and IV-E; a missed opportunity to formulate new policies and procedures that impact program operation, thus resulting in improved outcomes; and the inability to safeguard funds appropriated by Congress for these programs. Reduction of this burden could only come in the form of a legislative change.

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 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 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 May 7, 2021 Volume 86, Number 87, page 24627, and provided a sixty-day period for public comment. During the notice and comment period, comments were received. Comments and ACF responses are summarized in Attachment D.

ACF is also engaging young people with lived experiences to gather feedback on the CFSR process through an information collect under the generic: Formative Data Collections for Program Support (0970-0531).

9. Explanation of Any Payment or Gift to Respondents

No payment or gifts will be provided to any respondents.

10. Assurance of Confidentiality Provided to Respondents

The title IV-E agency is the respondent; therefore, no assurance is needed as the information collected is for the respondent's use in making programmatic and systemic improvements. As a public agency, any information regarding the title IV-E agency's performance is public domain. Information from the respondent and the title IV-E agency obtained through interviews with children, parents, foster parents, agency workers, and other stakeholders is subject to the confidentiality requirements and protections set forth at 45 CFR 205.50.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature in this collection.

12. Estimates of Annualized Burden Hours and Costs

| Information Collection | Total Number of Respondents During Collection Period | Annual Number of Respondents | Annual Responses Per Respondent | Average Burden Hours Per Response | Annual Burden Hours | Average Hourly Wage | Total Annual Cost |
|---|--|------------------------------|---------------------------------|-----------------------------------|---------------------|---------------------|--------------------|
| 45 CFR 1355.33(b) Statewide Assessment | 39 | 13 | 1 | 120 | 1,560 | \$62.44 | \$97,406 |
| 45 CFR 1355.33(c) Onsite Review | 39 | 13 | 1 | 1,186 | 15,418 | \$62.44 | \$962,700 |
| 45 CFR 1355.35(a) Program Improvement Plan | 39 | 13 | 1 | 300 | 3,900 | \$62.44 | \$243,516 |
| Estimated Totals: | | | | | 20,878 | | \$1,303,622 |

The ACF Children’s Bureau anticipates 39 state Title IV-E agencies will participate in a Child and Family Services Review (CFSR) over the entire request period (3 fiscal years=2022, 2023, 2024). On average, 13 state agencies will participate in a CFSR per year. Each CFSR will consist of three components: statewide assessment, onsite review and program improvement plan.

The previous rounds of the CFSR (Rounds 1, 2 and 3) inform the following burden estimates:

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) within the Department of Labor job code for Social Workers, All Other [21-1029] [https://www.bls.gov/oes/current/oes_nat.htm#21-0000] and national average wage data from May 2020, which is \$31.22 per hour. To account for fringe benefits and overhead the rate was multiplied by two which is \$62.44. The estimate of annualized cost to respondents for annual burden is \$62.44 times 20,878 hours or \$1,303,622.

We estimate over the next three fiscal years (2022, 2023, and 2024), on average, 13 state Title IV-E agencies per year will be reviewed.

We estimate the total annual cost of completing a statewide assessment phase of the CFSR to be \$97,406 (1,560 hours times \$62.44/hour = \$97,406), or \$7,492 per state (120 hours times \$62.44/hour= \$7,492).

We estimate the annual cost of completing the on-site review phase of the CFSR to be \$962,700 (15,418 hours at \$62.44/hour = \$962,700), or \$74,053 per state (1,186 hours times

\$62.44= \$74,053).

We estimate the annual cost of completing the program improvement plan phase of the CFSR to be \$243,516 (3,900 hours at \$62.44/hour = \$243,516), or \$18,732 per state (300 hours times \$62.44= \$18,732).

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

There are no other costs to respondents or record keepers.

14. Annualized Cost to the Federal Government

The projected annual cost to the Federal government for the CFSR is \$768,456 (18,720 hours times \$41.05 per hour = \$768,456) or \$59,112 per state Title IV-E agency (1,440 hours times \$41.05 per hour= \$59,112). This estimate consists of the ACF Children's Bureau regional and central office staff's time to review, approve, and monitor the title IV-E agency progress in developing the statewide assessment, conducting the on-site-review and developing and implementing the PIP. The average hourly rate for staff was calculated using the U.S. Office of Personnel Management 2021 General Schedule average annual hourly rates for Step 3 of Grades 12 through 14.

The projected contract annual cost to the government for CFSR related activities is \$12 million per year for CFSR related tasks includes labor and other direct costs (i.e., travel and per diem, meetings, honoraria/consultants, telephone, postage/delivery, reproduction, supplies/equipment, and warehouse expenses).

The total estimated annual cost to the government is \$12,768,456 (\$768,456 employee labor + 12,000,000 contract costs= \$12,768,456).

15. Explanation for Program Changes or Adjustments

We have adjusted the number of respondents per year from 14 states to 13 based on the schedule projections for the Round 4 CFSR. In addition, we removed two information collections previously part of this request -- one for Title IV-E Eligibility Review Program Improvement Plans and one for corrective action plans under the Multi-Ethnic Placement Act. These information collections were unrelated to the CFSR and if necessary, will be submitted in the future as stand-alone information collections.

16. Plans for Tabulation and Publication and Project Time Schedule

Section 479A of the Act requires that the Department of Health and Human Services (HHS) publish an annual report to Congress on the performance of each State on each outcome measure. Information from the CFSR with a particular focus on the statewide data profile, a component of the assessment phase of the review process, is compiled in summary format and submitted to Congress and shared with all interested parties. Additionally, ACF publishes each State's statewide assessment, final report and PIP on its website for inspection and review.

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

There is no reason to not display the OMB expiration date. The date is currently displayed on 45 CFR 1355.33(b) 45 CFR 1355.33(c) and 45 CFR 1355.35(a).

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification statement. No special circumstances require the collection of the requested information in a manner other than that required by OMB.