

Judicial, Court, and Attorney Measures of Performance

**OMB Information Collection Request
0970 - NEW**

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

1. Circumstances Making the Collection of Information Necessary

Child welfare courts including judges, attorneys play a key role in ensuring the safety, permanency, and well-being of children in the child welfare system. However, few courts have the data or the ability to analyze and use data in a meaningful way to improve practice and outcomes for children and families. The Judicial, Court, and Attorney Measures of Performance (JCAMP) project is developing a set of national performance measures for child welfare court stakeholders to consistently collect and use to inform practice changes.

To inform the JCAMP project, the surveys proposed in this request would collect information from Court Improvement Programs (CIP). CIP was created to assess and improve foster care and adoption laws and judicial processes. The Administration for Children and Families (ACF) awards CIP grants to the highest court systems in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. This information collection includes surveys of CIP Administrators and their data staff in an effort to better understand data capacity among CIPs and to collect feedback from CIPs who agree to pilot the performance measures. The American Bar Association Center on Children and the Law has subcontracted with James Bell Associates (JBA) to collect information about CIP data capacity and feedback on sites pilot testing the JCAMP measures.

There are no legal or administrative requirements that necessitate this collection. ACF is undertaking the collection at the discretion of the agency. The information collection is authorized by Sec. 5106, P.L. 111-320, the Child Abuse Prevention and Treatment Act Reauthorization Act of 2010, and titles IV-B and IV-E of the Social Security Act.

2. Purpose and Use of the Information Collection

This study will collect information from CIP staff to (1) understand data capacity and current use of performance measures and (2) gather feedback from the performance measure pilot process. This information will inform refinement of the performance measures and implementation materials and guidance. Information will be summarized in reports for Children's Bureau and disseminated publicly and in technical assistance (TA) products for CIPs. Two instruments will be used to achieve the project goals:

JCAMP CIP Data Capacity Survey

The survey asks CIPs about their current capacity to collect specific data elements from six categories of measurement: (1) Legal and judicial context (e.g., court docketing), (2) Practices (e.g., attorney pre-petition legal practice), (3) Short-term outcomes that happen during hearings (e.g., discussion of key issues), (4) Intermediate outcomes that happen during the case (e.g., judicial continuity), (5) Long-term outcomes that happen after case closure (e.g., child safety), and (6) Cross-cutting themes (e.g., equity). The survey asks about CIP capacity to collect and report data on each measurement category through an electronic statewide data system, local electronic court data systems, direct data collection (e.g.,

through file review, court observation, surveys), and/or whether the child welfare agency reports data to the court on each measurement category.

JCAMP Pilot Site Debrief Form

The JCAMP Pilot Site Debrief Form is a survey developed to be administered to CIP staff who have assisted with piloting of the performance measures. The survey asks participants which measures were the hardest and easiest to collect, how they may prioritize measures, the challenges and successes in collecting pilot data for the measures, their confidence in collecting the data going forward, suggestions for improving future efforts, and ideas for TA that would support implementation.

This information collection is intended to present internally-valid description of CIP data capacity and feedback on performance measures in a selection of pilot sites, not to promote statistical generalization to other sites or service populations. The information collected is meant to contribute to the body of knowledge on ACF programs. It is not intended to be used as the principal basis for a decision by a federal decision-maker and is not expected to meet the threshold of influential or highly influential scientific information.

Exhibit 1: Data Collection Activities

<i>Instruments</i>	<i>Respondent, Content, Purpose of Collection</i>	<i>Mode and Duration</i>
JCAMP CIP Data Capacity Survey	<p>Respondents: CIP Staff (n = 106)</p> <p>Content: Questions about CIP capacity to collect specific data elements from six categories of measurement:(1) Legal and judicial context (e.g., court docketing), (2) Practices (e.g., attorney pre-petition legal practice), (3) Short-term outcomes that happen during hearings (e.g., discussion of key issues), (4) Intermediate outcomes that happen during the case (e.g., judicial continuity), (5) Long-term outcomes that happen after case closure (e.g., child safety), and (6) Cross-cutting themes (e.g., equity).</p> <p>Purpose: To understand current CIP data capacity broadly and in specific topical categories.</p>	<p>Mode: Web survey</p> <p>Duration: 0.83 hours</p>
JCAMP Pilot Debrief Form	<p>Respondents: Pilot participants (n = 24)</p> <p>Content: The challenges and successes in collecting pilot data for the measures, confidence in collecting the data going forward, and suggestions for improving future efforts.</p> <p>Purpose: To get feedback on the usability and feasibility of proposed performance measures.</p>	<p>Mode: Web survey</p> <p>Duration: 0.25 hours</p>

3. Use of Improved Information Technology and Burden Reduction

The JCAMP CIP Data Capacity Survey and the JCAMP Pilot Debrief Form will be administered using Qualtrics, a web survey software. Respondents will be sent a link to access the survey and will have the option to complete the survey using their computers, tablets, or smart phones. The study team will test the survey link from each type of device to make sure that the survey displays properly and that responses are accurately recorded by the Qualtrics software.

4. Efforts to Identify Duplication and Use of Similar Information

CIP self-assessments (OMB Control No: 0970-0307, expiration date: 11/30/2022) are completed annually by all 53 state CIPs and submitted to the Children’s Bureau and the Capacity Building Center for Courts (CBCC), the program’s technical assistance provider.¹ The self-assessments provide CB with some information about CIPs’ data capacity (e.g., whether they record court hearings and whether they have an automated data system). While this existing data source provides rich information, the proposed data collection is necessary to sufficiently understand CIP data capacity and their ability to collect and report data for the proposed JCAMP performance measures. However, review of the available information from CIP self-assessments has allowed us to limit the number of needed questions on the JCAMP CIP Data Capacity Survey.

5. Impact on Small Businesses or Other Small Entities

The proposed information collection does not impact small businesses or other small entities.

6. Consequences of Collecting the Information Less Frequently

The proposed approach to data collection limits the scope of the survey and debrief form to the information needed for the current phase of the project to reduce burden. If this information were not collected, the JCAMP project would lack necessary information to produce feasible and useful performance measures.

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

There are no special circumstances.

¹ The Children’s Bureau funds the [CBCC](#) to provide capacity-building services to CIPs to improve child welfare legal and judicial practice.

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

Federal Register Notice and Comments

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 January 11, 2022, Volume 87, Number 7, page 1416, and provided a sixty-day period for public comment. During the notice and comment period, we received comments from Casey Family Programs (CFP). CFP recommendations and JCAMP responses are summarized below.

1. **CFP Recommendation:** The JCAMP study include parent experience in the court system.
 - a. **JCAMP Response:** Measures of how parents and children/youth experience the dependency court system are included in the proposed JCAMP measures. These experience measures are a core component of the JCAMP measures and will be collected across all five measurement categories (family engagement, due process, high-quality legal representation, safety, and permanency). The measures are in development and will be pilot tested in a sample of courts, including with parents with lived experience. This information collection request does not list the draft measures because they are still in development, but they do indeed include many measures of parent experience.
2. **CFP Recommendation:** The study should consider burden for dependency courts without comprehensive data systems.
 - a. **JCAMP Response:** Efforts were made to minimize burden for all respondents including using multiple choice questions and allowing CIP administrators to delegate completion of the CIP Data Capacity Survey to data staff. CIPs with lower data capacity will be able to complete the survey in less time since they will skip the open-ended questions that ask for more detail. CIPs will complete the survey one time and data from the survey will provide essential information about how to construct the JCAMP measure guidance and subsequent technical assistance.
3. **CFP Recommendation:** The Children's Bureau should continue to provide technical assistance to dependency courts to improve their data infrastructure and management systems to inform court performance and enhance data sharing with state child welfare agencies.
 - a. **JCAMP Response:** We agree with this recommendation.

Consultation with Experts Outside of the Study

A former CIP Administrator, Christine Kiesel was consulted regarding clarity of survey instructions and survey questions.

9. Explanation of Any Payment or Gift to Respondents

No incentives for respondents are proposed for this information collection.

10. Assurance of Confidentiality Provided to Respondents

Personally Identifiable Information

The team will request a list of CIP contact names and emails from the Children’s Bureau to serve as CIP Data Capacity Survey respondents. Names and emails of JCAMP pilot site participants to serve as respondents on the JCAMP Pilot Debrief Form will be provided by the JCAMP team. This personally identifiable information (PII) will be used for survey administration. PII will not be collected on the data collection instruments. PII Information will not be maintained in a paper or electronic system from which data are actually or directly retrieved by an individuals’ personal identifier.

Assurances of Privacy

Information collected will be kept private to the extent permitted by law. Respondents will be informed of all planned uses of data, that their participation is voluntary, and that their information will be kept private to the extent permitted by law. Respondents will read an informed consent statement and must click “agree” to access either survey (see page 1 of Instrument 1 and Instrument 2). The study team will maintain participants’ privacy by not sharing respondents’ identities with anyone outside of the research team and ACF.

Data Security and Monitoring

JBA has a comprehensive set of policies and procedures in place to ensure data security and privacy protections and utilizes FedRAMP certified Microsoft Office 365 as the backbone of its information technology systems. In addition to Office 365, nearly every software utilized by JBA as part of day to day business has FedRAMP certification and an Authority to Operate (ATO) with the United States Department of Health and Human Services (HHS). This ensures that all project work is completed in a manner that is compliant with National Institute of Standards and Technology (NIST) 800-53 rev.4, the set of security standards that apply to most all of JBA’s work. In addition to utilizing appropriate software suites to meet strict security requirements in our projects, JBA maintains a set of security policies and procedures that ensure that JBA’s user responsibility is maintained. Data collection will happen using Qualtrics. JBA has an enterprise license for the version of Qualtrics which has FedRAMP certification and an HHS ATO.

11. Justification for Sensitive Questions

The proposed information collection does not include sensitive information.

12. Estimates of Annualized Burden Hours and Costs

Explanation of Burden Estimates

- The JCAMP CIP Data Capacity Survey will be administered once to two staff from all 53 CIPs and will take an average of about 50 minutes to complete. The total annual burden for this survey is 88 hours.
- The JCAMP Pilot Debrief Form will be administered once to up to 24 court stakeholders (e.g., CIP staff, court administrators, judges, attorneys) that participate in the pilot process. The debrief form will take approximately 15 minutes to complete. The total annual burden for this survey 6 hours.

Estimated Annualized Cost to Respondents

The cost to respondents was calculated using the Bureau of Labor Statistics (BLS) job code for lawyers, judges, and related workers [23-1000] and wage data from May 2020, which is \$69.70 per hour. To account for fringe benefits and overhead the rate was multiplied by two which is \$139.40. The estimate of annualized cost to respondents for hour burden is \$139.40 times 94 hours or \$13,103.60.

https://www.bls.gov/oes/current/oes_nat.htm#23-0000

Instrument	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Annual Burden (in hours)	Average Hourly Wage	Total Annual Respondent Cost
JCAMP CIP Data Capacity Survey	106	1	.83	88	\$139.40	\$12,267.20
JCAMP Pilot Debrief Form	24	1	.25	6	\$139.40	\$836.40
		Estimated Annual Burden Total:		94	Estimated Annual Cost Total:	\$13,103.60

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

There are no additional costs to respondents.

14. Annualized Cost to the Federal Government

The research contractor’s annual costs to conduct this activity are estimated at \$21,600. Research contractor costs consist of labor hours, with the number of hours for each staff member multiplied by hourly rates. There will be no costs beyond regular labor costs for staff.

Cost Category	Estimated Costs
Data Collection	\$6,600
Data Analysis	\$6,000
Reporting	\$9,000
Total costs over the one-year request period	\$21,600

15. Explanation for Program Changes or Adjustments

This is a new information collection.

16. Plans for Tabulation and Publication and Project Time Schedule

Data from this information collection will be published in the final report describing the JCAMP performance measures and implementation guidance and may be shared during presentations and webinars with the public. Information may also be incorporated into technical assistance materials produced by the CBCC. There is no plan to make the raw, unanalyzed data collected available on the agency’s website or data.gov or in a restricted-access environment.

We plan to administer the JCAMP CIP Data Capacity Survey and JCAMP Pilot Debrief following OMB approval. Data collection will take place over about three months. Data analysis is then expected to take place with about a month. Findings will then be used to inform final performance measures and implementation guidance. We will also release a report describing the findings of this study and providing context for the final performance measures and implementation guidance. See Supporting Statement B for more information on plans for data collection and analysis.

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

Does not apply.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.

Attachments

Instrument 1_CIP Data Capacity Survey

Instrument 2_ Pilot Debrief Form

Appendix A_All Call Script

Appendix B_Data Capacity Survey, Email Invite

Appendix C_Scott Trowbridge Letter

Appendix D_Data Capacity Survey, Non-Responder Email

Appendix E_Data Capacity Survey, Non-Responder Phone Script

Appendix F_Pilot Debrief, Email Invite

Appendix G_Pilot Debrief, Non-Responder Email

Appendix H_Pilot Debrief, Non-Responder Phone Script