

State Access and Visitation Grant Application

**OMB Information Collection Request
0970 - 0482**

Supporting Statement Part A - Justification

May 2022

Submitted By:
Office of Child Support Enforcement
Administration for Children and Families
U.S. Department of Health and Human Services

1. Circumstances Making the Collection of Information Necessary

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) created the “Grants to States for Access and Visitation” program (AV grant program). Funding for the program began in FY 1997 with a capped, annual entitlement of \$10 million. The statutory goal of the program is to provide funds to states that will enable them to provide services for the purpose of increasing noncustodial parent (NCP) access to and visitation with their children. State governors decide which state entity will be responsible for implementing the AV grant program and the state determines who will be served, what services will be provided, and whether the services will be statewide or in local jurisdictions. The statute specifies certain activities which may be funded, including voluntary and mandatory mediation, counseling, education, the development of parenting plans, supervised visitation, and the development of guidelines for visitation and alternative custody arrangements. Even though OCSE manages this program, the funding for the AV grant is separate from funding for federal and state administration of the Child Support program.

Section 469B(e)(3) of the Social Security Act (Pub.L.104-193) requires that each state receiving an AV grant award monitor, evaluate and report on such programs in accordance with regulations (45 CFR Part 303). The AV Grant Program Terms and Conditions Addendum references administration of the grant program in accordance with an approved state application. Additionally, the Catalog of Federal Domestic Assistance, states that there is an application requirement for Grants to States for Access and Visitation Programs (93.597). The application process assists OCSE in complying with this requirement and is reflective of a greater emphasis on program efficiency, coordination of services, and increased attention to family safety.

Grantees are required to submit one application in a 3-year cycle. If a grantee then plans to make substantive programmatic or administrative changes during the three-year period covered by the application, the grantee must provide OCSE with updated information.

This request is to extend the approval, with changes, of the existing AV Grant Application. In response to Executive Order 13985 - Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, OCSE proposes to add three additional questions related to equity and addressing barriers experienced by underserved populations to accessing AV grant services.

2. Purpose and Use of the Information Collection

The application compiles information on actions and decisions related to program priorities, program administration, and program safeguards made by grantees in fulfilling their statutory responsibilities in using grant funds to increase noncustodial parent access to and visitation with their children. Specifically, the application collects information on how grantees plan to: spend grant funds, monitor service delivery, and implement safety protocols to ensure client

and staff safety. OCSE is then able to review states' Access and Visitation services for the purpose of: ensuring compliance with federal regulation, responding to public and congressional inquiries, drafting and publishing AV program reports, and providing enhanced targeted technical assistance as needed. Also, because the application focuses on inquiry related to program efficiency, coordination of services, and attention to family safety, this information is useful to states as they engage in strategic planning and continuous process improvement as it relates to providing access and visitation services.

3. Use of Improved Information Technology and Burden Reduction

The application is submitted electronically via e-mail to OCSE's AV program manager. This form of submission reduces the burden on grantees by relying on one of the most used electronic processes in the workplace. There will be no requirement to submit any paper forms via mail. OCSE considered using a web-based portal system for submission but determined it would not provide any additional benefits over e-mail and the costs would be much higher than e-mail (which has no additional administrative costs).

4. Efforts to Identify Duplication and Use of Similar Information

The information collected through the application is not collected through another OCSE data collection and is not available elsewhere. OCSE collects actual statewide data on the operations of Access and Visitation program services on an annual basis through the Access and Visitation Survey (OMB Control Number 0970-0204), whereas the application collects descriptive program information including type of service delivery, overall administrative structure, safeguards, contracting information, projected costs, and monitoring, reporting and evaluation related issues. There is no overlap or duplication in information collections between the AV application instrument and the Survey.

5. Impact on Small Businesses or Other Small Entities

Not applicable

6. Consequences of Collecting the Information Less Frequently

The proposed application will only need to be submitted once every three years unless programmatic changes are made. If programmatic changes are made, grantees will only need to submit information on what those changes are. This schedule reduces the burden on AV grantees while ensuring OCSE can fulfill and adhere to the statutory and regulatory mandates governing the AV grant program. It is important that the application be submitted every three years so that OCSE can monitor the grant properly and provide quality technical assistance to states.

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

Not applicable.

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 December 28, 2021, Volume 86, Number 246, page 73787-73788, and provided a sixty-day period for public comment. During the notice and comment period, OCSE received comments from 7 state grantees. A summary of the comments and OCSE's response are below:

- **Comments on reducing state flexibility.** Several comments noted that the proposed application appears to be contrary to the philosophy of preserving maximum flexibility for state administration of the grant found in AT-99-07 Final Rule: Grants to States for Access and Visitation Programs Response to Comments Section. One commenter noted that previously, OCSE had determined that domestic violence requirements were outside the scope of regulation.
 - Agency Response: The proposed application does not limit flexibility for states to administer grant funds to meet the unmet needs for services identified by the state. The proposed application continues to reflect the Administration's and the Congress's encouragement for states to consider use of AV grant funds to assist parents with establishing parenting time agreements at the same time that a child support order is being established.

In addition, the proposed application's additional question related to domestic violence are aligned with 45CFR 303.109(a) requirements of states to monitor all access and visitation services to ensure they include "appropriate safeguards to insure the safety of children and parents". OCSE notes this specific language was added to the AV Grant final rule published April 29, 1999 based upon multiple comments related to domestic violence submitted in response to the proposed rule published March 31, 1998. In order for states to fulfill the requirement for appropriate safeguards, OCSE anticipates that collaboration with domestic violence experts and organizations must be in place prior to service delivery. Including a brief description of those collaborations in the proposed application is a reasonable request from states and will assist OCSE in determining the need for support and technical assistance to states.

- **Comments on Burden:** Several commenters expressed concern that the proposed application creates an undue administrative burden upon states and that completion of an application will reduce funds available to serve parents.
 - Agency response: OCSE initiated the AV grant application information collection in 2016 (OMB #0970 – 0482). It was renewed, without comment, in 2019. OCSE established a three-year application cycle to limit the burden on states and this proposed information collection continues that approach. States with no significant program changes from the program description in the previous three-year application may reuse the entirety of the previous application in this proposed information collection. OCSE created a fillable form for the previous applications and will continue to provide that form to states. The three additional questions proposed in this information collection related to equity and addressing barriers experienced by underserved populations to accessing AV grant services are descriptive questions and do not require states to conduct data gathering. The proposed questions are process questions, asking the state to describe how it will ensure access to AV grant services by those who have historically been marginalized or excluded from services.

- **Comments on time estimated for responding to the proposed information gathering activity:** Two commenters questioned the estimated time requirements for collecting this data and believed they were under-estimated.
 - Agency response: OCSE has estimated the burden to be 10 hours per grantee, as much of the proposed information collection activity is based on administrative data and program monitoring information states are already required to collect in much greater detail for compliance with program performance reporting¹. As noted in the Agency response to more general comments related to administrative burden, the proposed information gathering covers a three-year time period. States with no significant program changes may reuse substantial portions of the previous application with limited updates requested in the proposed changes to the current application. Some states, with major program changes, may have significantly more time burden for completing the application, but the Agency believes an average of 10 hours per grantee is accurate.

- **Comment on reporting requirements for providers:** One commenter expressed concern that this application imposed additional reporting requirements on providers and this requirement might lead some providers to cease services
 - Agency response: This proposed information gathering imposes no new reporting requirements on local service providers. The AV grant application is to be completed by the state.

¹ Performance reporting is approved under OMB #0970-0204; Grants to States for Access Visitation.

- **Comments on information collection related to underserved populations, equity, and disparities:** Several commenters expressed concerns about the new questions proposed in this information gathering asking states to describe efforts to increase equitable access to AV grant services for under-served or historically marginalized groups. Commenters believed these questions were outside the scope of the AV grant program, were not necessary for proper program performance, and could reduce the overall engagement in program services. One commenter requested definitions of terms used in the questions.
 - Agency response:
 - OCSE incorporated questions related to equity and access pursuant to Executive Order 13985 - Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The descriptive questions proposed in this information gathering align with a whole of government effort to address the historic failure to invest sufficiently, justly, and equally in underserved communities, as well as individuals from those communities. The Access and Visitation Grant program was initially established to address the lack of public funding for services designed to help noncustodial parents gain visitation with their children. Requesting states to identify how their program will identify barriers and promote equity in access to marginalized and underserved populations is directly related to the program purposes and enhancing OCSE’s ability to both support and monitor program implementation. As noted in the response to previous comments related to increased administrative burden, the proposed questions do not impose any new data gathering requirements nor do they require specific actions to identify and address barriers, but instead ask for a description of state plans related to promoting equity in access. OCSE has added definitions to the application document in response to the requestor.
 - *Definitions*
 - **Disparity:** A particular type of difference that is closely linked with social, economic, and environmental disadvantages, and/or other characteristics historically linked to systemic barriers or exclusion. Disparities adversely affect groups of people who have systematically experienced greater obstacles to well-being based on factors including their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; or geographic location (Adapted from the Health Equity Style Guide of the Centers for Disease Control and Prevention [CDC]).
 - **Equity:** The **consistent and systematic fair, just, and impartial** treatment of all individuals, including individuals who belong to **underserved communities that have been denied such treatment**, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of

religious minorities; lesbian, gay, bisexual, transgender, queer, and intersexed (LGBTQI+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality (Adapted from Executive Order 13985).

- **Underserved communities:** Populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity” (From Executive Order 13985).
- **Comments related to Agency authority to collect information:** Several commenters raised objections to OCSE’s authority to collect information in the proposed application and instead asserted that the regulatory or legislative process would be more appropriate for adopting new program mandates.
 - Agency response: OCSE agrees that the regulatory or legislative process is the appropriate venue for adopting new program mandates. However, administrative requirements for HHS grants are governed by 45 CFR part 75. In particular, 45 CFR 75.200 addresses pre-award matters, including notices of funding opportunities and application requirements. HHS awarding agencies have discretion to use an application process for non-competitive grant awards when the agency determines it is appropriate. The Catalog of Federal Assistance listing for the AV grant program (93.597) also includes the following description of the award procedure for funding: “Each state and territory that submits an application is reviewed. If the proposed activities meet the requirements in the program authorization and regulations, then it is funded based on the formula in the statute.” OCSE has administered a grant application process for the AV grant since 1998 as part of the agency’s grant management and monitoring strategy. The proposed information gathering activity is not a new program mandate and is authorized under existing regulation - 45 CFR part 75.200.

9. Explanation of Any Payment or Gift to Respondents

Not applicable.

10. Assurance of Confidentiality Provided to Respondents

Not applicable.

11. Justification for Sensitive Questions

Not applicable

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
Child Access and Visitation Grant Application Form	54	1	10	540	180	\$36.76	\$6616.80

OCSE estimated the number of respondents based on eligible entities for the AV grant (states and 4 territories). The estimated number of hours is based on previous application forms and reports from grantees. To estimate the annual cost, OCSE used the wage data for Social and Human Services Assistants (job code: 21-1093) and wage data from May 2021. The mean hourly wage is \$19.45 per hour. Therefore, to account for fringe benefits and overhead the rate is multiplied by two which is \$38.90. <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 costs to respondents and record keepers.

14. Annualized Cost to the Federal Government

The review of the applications will be conducted by OCSE staff members @ 54 hours (one hour per application) x hourly salary (averaging \$54) = \$990. Review occurs every three years.

15. Explanation for Program Changes or Adjustments

OCSE added three new descriptive questions, as described in section 1. These descriptive questions do not require states to conduct data gathering and we do not anticipate the addition will increase the average time per response for each grantee. Burden estimates have not changed.

16. Plans for Tabulation and Publication and Project Time Schedule

OCSE does not plan to publish information gathered in this data collection.

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

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.