

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

Proposed Revision

We are proposing to revise the information collection by separating the existing form into two, separate forms: Part A, Part B. In addition, we have attempted to make the forms more user-friendly by making the following changes:

- Improving the form language and instructions.
- Utilizing Plain English standards and limiting the use of technical terms and/or jargon.
- Provide annual narrative guidance by adding 10 questions to the form.
- Clearly label State and Tribal data in the instructions and titles.
- Clearly define the difference between ICWA cases and Child Protection.
- Clearly define form submission dates, signatures, and certification roles of preparer and BIA Regional Social Worker.

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. The form provides the following:

- 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.
- 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.
- Collects information regarding coordination and service provision activity between Tribes and states – it informs the BIA of case management activities.
- 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 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. The form provides the following:

- Enables the BIA to gather important nationwide data linking court proceedings related to American Indian child abuse and neglect.
- Provides 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
- 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.
- 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.

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.

- 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. Paperwork Reduction Act forms can be found by scrolling to the middle of the website and selecting "IA Paperwork Reduction Act (PRA) Forms". The form is within the row denoted "OMB Number 1076-0131" and is hyperlinked as file "Indian Child Welfare Quarterly and Annual Report".

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 June 21, 2024 (89 FR 52076). 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.

We requested feedback from 9 individuals. Users found the current form to be:

- not user-friendly,
- confusing, and
- the instructions unclear.

To address these issues, we have proposed to separate Part A ICWA and Part B Child Protection. In addition, we have attempted to make the forms more user-friendly by making the following changes:

- Improving the form language and instructions
- Utilizing Plain English standards and limiting the use of technical terms and/or jargon
- Cut out unnecessary details.
- Mark and label fields.
- Make the form shorter with essentials as required in CFR 25.23.47.
- Provide annual narrative guidance by adding 10 questions to the form.
- Clearly label State and Tribal data in the instructions and titles.
- Clearly define the difference between ICWA cases and Child Protection.
- Clearly define form submission dates, signatures, and certification roles of preparer and BIA Regional Social Worker.

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.**

Public reporting burden for this form is estimated to average 30 minutes per response per section (15 minutes for Part A and 15 minutes for Part B), including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. 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 **\$51,325**.

To obtain the hourly rate, BIA used \$45.42, the wages and salaries including benefits figure for civilian workers from BLS Release USDL-24-0485, Employer Costs for Employee Compensation—December 2023, Table 2. Civilian workers, at

<https://www.bls.gov/news.release/pdf/ecec.pdf>. This wage includes a multiplier for benefits.

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	\$34,247
Part B – Tribal Abuse and Neglect Data	188	4	752	0.5	376	\$17,078
Totals	565	4	2,260		1,130	\$51,325

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.

We estimate the annual cost to the Federal Government to administer this information collection to be **\$65,553**.

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 x \$53.25 x 35 = \$22,365.

Program	Grade, Step	Loaded Rate	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden (Hours)	Value of Annual Burden Hours
Information Collection Clearance						
DOI staff	GS-14, Step 6	\$124.67 (77.92 x 1.6)	N/A	N/A	20	\$2,493
BIA Administration of Program						
BIA Staff – Part A	GS-9, Step 10	\$75.07 (46.92 x 1.6)	N/A	N/A	420	\$31,530
BIA Staff – Part B	GS-9, Step 10	\$75.07 (46.92 x 1.6)	N/A	N/A	420	\$31,530
TOTAL					860	\$65,553

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

Updates were made to the Bureau of Labor Statistics (BLS) and Office of Personnel Management (OPM) compensation data contained in Sections 12 and 14.

Proposed Revisions

We are proposing to revise the information collection by separating the existing form into two, separate forms. In addition, we have attempted to make the forms more user-friendly. In preparation for this renewal, we received comments during our outreach efforts indicating the existing form was not user-friendly, confusing, and the instructions unclear.

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.