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Office of Management and Budget (OMB)

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Subject: Non-Substantive Change Request – Administration and Oversight of the Unaccompanied Children Program (OMB #0970-0547)

This memo requests approval of non-substantive changes to the approved information collection, Administration and Oversight of the Unaccompanied Children Program (OMB #0970-0547).

The Administration and Oversight of the Unaccompanied Children (UC) Program information collection contains 10 instruments that allow the Office of Refugee Resettlement (ORR) to facilitate stakeholder visits to care provider facilities; obtain consent from unaccompanied children to share their case file information; improve service delivery to children; and ensure that serious issues are elevated to ORR and that all incidents, and the response to such incidents, are documented and resolved in a way that protects the best interests of children. The collection was last approved by OMB on May 18, 2022 and the current expiration date is May 31, 2025.

ORR is proposing revisions to four of its incident reporting instruments currently approved under this information collection: Event (Form A-9), Emergency Significant Incident Report (Form A-10A), Significant Incident Report (Form A-10B), and Sexual Abuse Significant Incident Report (Form A-10C).

BACKGROUND

The purpose of the proposed revisions to the incident reporting instruments is to be responsive to 1) care provider (i.e., respondent) direct input and feedback on improving incident reporting, 2) Office of Inspector General (OIG) recommendations, 3) previous public comments, and 4) ORR's continued efforts to make program quality improvements to serve children who come through its care and custody.

Most of the proposed revisions focus on the reorganization of the types of incident reports as well as the categories and subcategories contained in each type of incident report. However, there are also some revisions proposed for other sections of the incident reporting instruments.

Additionally, ORR is proposing incorporation of some of the fields from alternate OMB-approved versions of these instruments that were intended for use in an alternative management system, UC Path, which is no longer being developed. Instead, ORR plans to make improvements to its current care management system, UC Portal. Therefore, ORR proposes incorporation of these fields (as well as other proposed revisions) as a first step in improving

incident reporting instruments in UC Portal. Note that the alternate versions were available through the most recent public comment process and approved by OMB on May 18, 2022.

The proposed revisions will ultimately make information collection easier, faster, and more precise, increasing usability and flexibility to select proper categories for the incident being reporting. These revisions will also help ensure appropriate reporting, notifications, and follow-up actions are taken based on the type of incident, which is vital to upholding ORR's mandate to ensure the safety and well-being of all unaccompanied children as stipulated in the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 (8 U.S.C. 1232), the Homeland Security Act of 2002 (6 U.S.C. 279), and the Flores v. Reno Settlement Agreement (No. CV 85-4544-RJK(Px) (C.D. Cal. Jul. 17, 1997)). The revisions are also important for strengthening compliance with ORR's Interim Final Rule, Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children (45 C.F.R. Part 411). In addition, the revisions will improve the accuracy of aggregate data which may be used to support ORR monitoring of compliance with incident reporting policies and in trend analysis (for identifying areas that need focused monitoring, additional technical assistance and training, or clarification in policy).

The revisions align with existing expectations in ORR policy and do not change the number of incident reports care providers are required to submit to ORR. Rather, care providers are simply given more refined categories from which to select, based on their own feedback.

A detailed description of the proposed revisions is included below under the Overview of Requested Changes section. Policies related to incident reporting can be found in UC Policy Guide Section 4.10.2 and Section 5.8.

OIG Recommendations

Many proposed revisions come directly from recommendations made in the June 2020 HHS OIG report (OEI-09-18-00430), entitled "*The Office of Refugee Resettlement's Incident Reporting System Is Not Effectively Capturing Data To Assist Its Efforts To Ensure the Safety of Minors in HHS Custody*." ORR sought to follow those OIG recommendations, where possible and appropriately nonsubstantive, when developing the revisions in this current request. OIG recommendations that are being implemented as part of these revisions include:

- "ORR should fully assess its incident reporting system to determine what key information it needs to capture systematically to support its oversight of individual facilities and identify potential programmatic vulnerabilities. This should include assessing current fields for usefulness and determining whether to create new fields to strengthen its oversight." (page 18)
- "ORR should assess whether to create new fields to collect additional information that can support its oversight of facilities and identification of program vulnerabilities." (page 19)
- "In its assessment of the incident reporting system, we encourage ORR to gather information from facility staff and Federal field specialists who use the system." (page 19)
- "ORR should clarify its guidance to help facilities understand what incidents fall under

the definition of a significant incident. Although a broad definition provides flexibility, it can also lead to inconsistent reporting and potential over-reporting, which may detrimentally distract ORR staff and facilities from serious incidents that need immediate attention" (page 20)

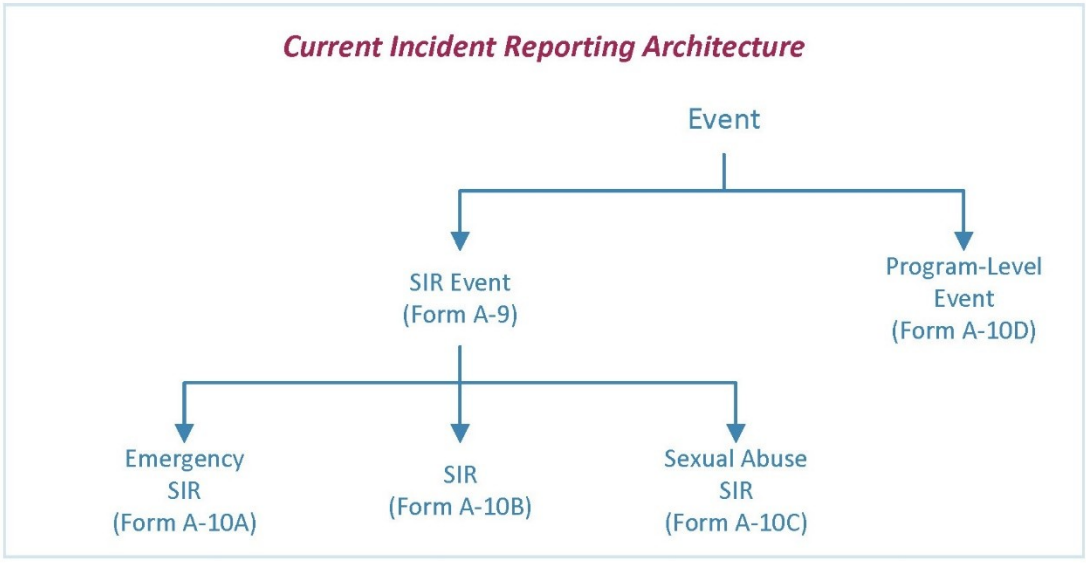
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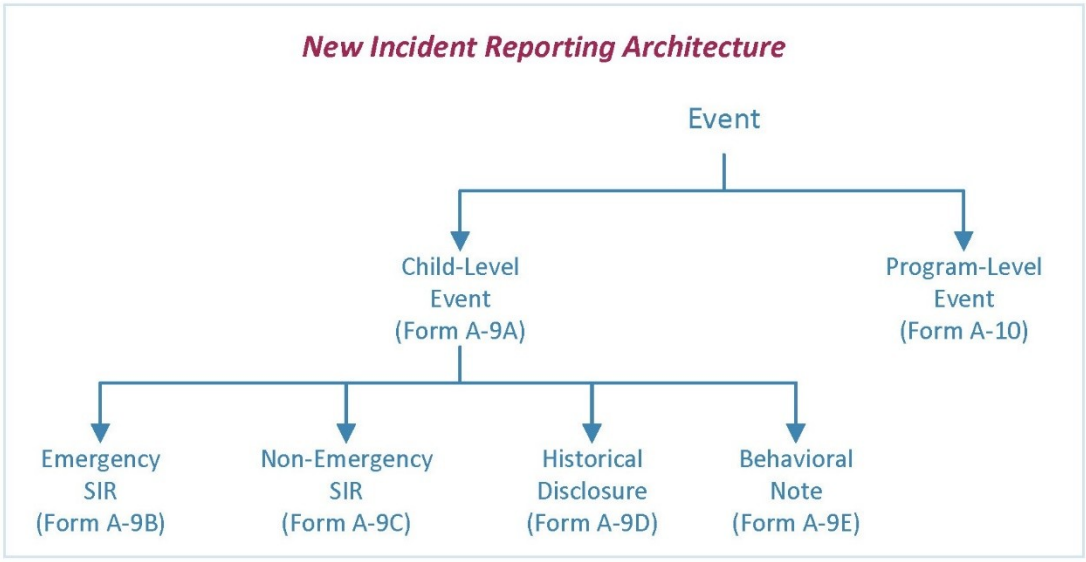
ORR last received public comments for this information collection in March 2021, many of which included concerns and suggested improvements for ORR's incident reporting instruments. At the time, ORR was working on seven information collection requests that included forms to be used in the UC Path system. ORR believed that launch of the system was imminent, and it was critical that it not be delayed. Therefore, revisions to the instruments based on public comments were not made at the time and ORR stated that it would take commenter concerns and suggestions into consideration in future iterations of the system after initial launch. Since system development is no longer continuing, due to the ability to improve ORR's UC Portal case management system, ORR is now proposing nonsubstantive changes that are responsive to the public comments received for its incident reporting instruments. Specifically, ORR has addressed the following concerns:

- Commenters noted that the distinction between emergency and non-emergency Significant Incident Reports (SIRs) is unclear.
- Comments stated that the title of the Sexual Abuse (SA/SIR) form does not accurately reflect that the form includes reporting categories for behavior that does not rise to the level of sexual abuse.
- Commenters said it is unclear what types of incidents are reported as code of conduct violations and it is likewise unclear that such incidents are for violations made by program staff, not children.
- Commenters noted that using one form for incidents that occurred prior to ORR custody and incidents that occur during ORR custody is confusing.
- Commenters stated that use of the term "criminal history" is inaccurate and confusing, noting that there is a distinction between juvenile delinquency and adult crimes as recognized across state and federal law.

OVERVIEW OF REQUESTED CHANGES

Events that occur at an ORR care provider program are documented in one of two ways: Program-Level Events, if it affected the entire program (e.g., earthquake), and SIRs, if it affected one child or a limited group of children. Currently, there are three types of SIRs: Emergency SIRs, SIRs, and Sexual Abuse SIRs (SA/SIRs). Using the term "SIR" both as the umbrella category and a type of report itself causes confusion. As a result, moving forward ORR will be using the term "Child-Level Events" to encapsulate events that affect one or a limited group of children. This mirrors the term "Program-Level Events," which clarifies the difference to providers.





Under the proposed revisions, two of the previous SIR types will remain as types of Child-Level Events – Emergency and Non-Emergency. We added the clarifier "Non-Emergency" in front of "SIR" to further clarify the difference between that form and the Emergency SIR. The Emergency SIR will contain many of the same categories as before, as will the Non-Emergency SIR. Information about changes is detailed below.

The current SA/SIR form will be absorbed into the Emergency SIR and Non-Emergency SIR, depending on the severity of the category. The four SA/SIR categories will be moved as follows:

- Inappropriate Sexual Behavior → Non-Emergency SIR
- Sexual Harassment → Non-Emergency SIR
- Sexual Abuse → Emergency SIR
- Staff Code of Conduct Violation → Non-Emergency SIR

As a result of this transfer of SA/SIR categories there will no longer be a form titled SA/SIR. This is responsive to public comments which stated that the title of the SA/SIR form does not accurately reflect that the form includes reporting categories for behavior that does not rise to the level of sexual abuse.

Additionally, ORR proposes shifting two of the most common SIR categories into their own Child-Level Event types: Historical Disclosure and Behavioral Note.

Historical Disclosure – The current SIR category *Past Abuse and Neglect Not in ORR Care*, which encompassed 31% of SIRs submitted in 2022, will be transferred to the Historical Disclosure report type. The category *Criminal History* will also be transferred to the Historical Disclosure report type and renamed *Self-Disclosed Juvenile Delinquency*. These are incidents that have occurred before the child enters ORR care and are disclosed or revealed while the child is in ORR care. As these incidents have occurred in the past, there is less urgency to provide immediate responsive action (e.g., a historical disclosure of abuse or neglect would not prompt removal of the child from the unsafe situation as the event is in the past and the child is currently in a safe environment), if any at all. However, these are important to document to ensure high-quality, trauma-informed care is provided to the child. The child may also be entitled to additional services as a result of their past experiences, such as Post-Release Services, an Eligibility Letter from the HHS Office on Trafficking in Persons, transfer to placement better able to meet the child's individual needs, appointment of a child advocate, additional legal screenings, and/or legal representation.

Behavioral Note – The current SIR category *Behavioral incidents that do not threaten immediate safety*, which encompassed 26% of SIRs submitted in 2022, will be transferred to the Behavioral Note. By their nature, Behavioral Notes document incidents that do not threaten health, safety, or well-being, and should not be considered a "significant" incident. However, like the Historical Disclosures, these are important to document to ensure high-quality care and be able to document a child's possible pattern of behavior.

ORR also added citations at the top of each form for relevant sections of the UC Policy Guide which were used to inform revisions to this information collection.

Child-Level Event (Form A-9A)

Currently, the only information captured in the Event form is *Date of Event*, *Time of Event*, and *Synopsis*, and the remaining event-level information is captured in the SIR forms. This organization leads to duplicative entry in cases where more than one SIR is associated with an Event and a lack of clarity because event-level information is captured in disparate locations. Therefore, ORR determined it would be more efficient to capture all event-level information for child-level events in the Child-Level Event form.

This involves transferring some fields from the SIR forms to the Child-Level Event form and removing some fields from the SIR forms. It also involves consolidating the two different versions of the Event form currently approved under this information collection (UC Portal version and UC Path version). Moving forward there will only be one version of the Child-Level Event form under this information collection.

- The following field *Synopsis of Event* will be rephrased as *Short Synopsis*.
- The following fields from the UC Path version of the Event form will be transferred to the Child-Level Event form:
    - *Location of Event*
    - *Specify Location*
        - Merges the *Location (if at Care Provider)* and *Location (if DHS Custody)* fields together.
        - Field only available if user selects *Current Care Provider Facility*, *Previous Care Provider Facility*, *Group Home*, *Foster Home*, or *DHS Custody* in the *Location of Event* field.
    - *Approximate Date of Event*
        - Rephrased (was *Approximate Event Date*)
        - Field only appears if user selects *DHS Custody*, *Country of Origin*, *Journey to US*, or *US Interior, not DHS or ORR custody* in the *Location of Event* field.
- The following fields in the SIR forms will be transferred in the Child-Level Event form:
    - *Specify Program* – rephrased (was *Care Provider Name*)
    - *Date Event Reported to Care Provider* – rephrased (was *Date Reported to Care Provider*)
    - *Time Event Reported to Care Provider* – rephrased (was *Time Reported to Care Provider*)
- The following fields will be removed from the SIR forms:
    - *Did the incident take place in another care provider facility?* – Duplicative of the *Location of Event* field which will contain options for *Current Care Facility* and *Previous Care Facility*
    - *Care Provider Name* – Duplicative. Already located in the Child-Level Event form.
    - *Care Provider City* and *Care Provider State* – Determined to be unnecessary. The *Care Provider Name* field is sufficient; also, the city and state can be inferred from the provider's name.
    - *Location of Incident* – Duplicative of *Location of Event* field in the Child-Level Event form.
    - *Date Reported to Care Provider* and *Time Reported to Care Provider* – Duplicative. Already located in the Child-Level Event form.

Emergency Significant Incident Report (Form A-9B)

Categories/Subcategories

- The *Behavioral Incidents that Threaten Immediate Safety* category captures too many disconnected subcategories, so the subcategories will be reassigned to different categories:

- *Use of a weapon* from the Emergency SIR and *Possession of a weapon* from the SIR will be grouped together in the Emergency SIR under the category *Incidents Involving Weapons*
- *Self-harm with medical intervention* and *Suicide attempt/gesture* will stay within the Emergency SIR but become subcategories under the *Medical Emergency* category.
- *Harm to others* will be removed since injury to others is captured in the *Was the UC or Anyone Else Injured?* question later in the form.

- ORR will add eleven subcategories to the *Medical Emergency* category, which currently has none. These subcategories are based on care provider respondent feedback and will help further clarify what types of incidents are considered medical emergencies. This revision is also responsive to public comments calling for a clearer distinction between emergency and non-emergency incidents.
  - The current category *Mental Health Emergency Requiring Hospitalization* will become a *Medical Emergency* subcategory (*Severe mental health symptoms, without self-harm*).
  - As noted above, *Self-harm with medical intervention* and *Suicide attempt/gesture* (currently located under the *Behavioral Incidents that threaten Immediate Safety* category) will be transferred here and rephrased as *Severe self-harm* and *Suicidal ideation with a plan*.
  - The remaining eight subcategories reflect incidents currently reported under the *Medical Emergency* category.
- ORR plans to move the category *Sexual Abuse* from the SA/SIR form (dropdown option in the *Type of Incident* field) into Emergency SIR and split it into two categories – *Sexual Abuse of Minor by Adult* and *Sexual Abuse of Minor by Minor*. A 2020 OIG report found that there was a range in the severity of sexual incidents reported in the SA/SIR. This wide range in severity within a single form often impeded appropriate level of response. Therefore, ORR will move this category into Emergency SIR. Furthermore, the definition of sexual abuse in UC Policy Guide Section 4.1.1 is differentiated by alleged perpetrator. Per Section 4.1.1, "Sexual abuse includes different acts depending on whether the perpetrator is a minor or an adult." Thus, ORR will split the *Sexual Abuse* category into two categories—*Sexual Abuse of Minor by Minor* and *Sexual Abuse of Minor by Adult*—and add subcategories that are based on the policy definition.
- To better align the form with UC policy, ORR will move the *Unauthorized Absence* subcategories to two different locations. *Escape* will be renamed *Unauthorized Absence* and will remain an Emergency SIR. *Attempted Escape* will be renamed *Runaway Attempt* and moved to a Non-Emergency SIR.
- ORR plans to remove *Abuse/Neglect in ORR Care* (and the associated field *Alleged Perpetrator*) from the Emergency SIR, as it was found that programs were over-reporting incidents as emergencies on an inappropriate level. The field will remain in the Non-Emergency SIR and be renamed *Abuse/Neglect by Adult* to be clear on the alleged perpetrator.
- ORR will remove the category *Other* because it is no longer needed; Incidents currently reported under this category will now have specific category options with the proposed

revisions. Removing this category will also prevent over-reporting of incidents that do not qualify as an Emergency SIR.

Individuals Involved Section

- The Individuals Involved section currently in the SA/SIR and asks for additional information about the victim, alleged perpetrator, witnesses, and reporters. Since the sexual abuse categories are moving to the Emergency SIR, the Individuals Involved section must also appear in the Emergency SIR. This section will only appear if the user selects one of the two sexual abuse categories.

Incident Information Section

- As noted above under Child-Level Event, the following fields will be removed:
  - *Did the incident take place at another care provider facility?*
  - *Care Provider City*
  - *Care Provider State*
- The following fields are currently in the SA/SIR. Since the sexual abuse categories are moving to the Emergency SIR, these fields must also appear in the Emergency SIR. These fields will only appear if the user selects one of the two sexual abuse categories.
  - *Actions Taken for Victim*
  - *Actions Taken for Alleged Perpetrator*
  - *Follow-up Regarding Individuals Involved*
- The following fields will be removed because they are duplicative of the date/time stamp generated by the system when the form is completed.
  - *Date Reported to ORR*
  - *Time Reported to ORR*

Reporting Section

The Reporting section collects information about any reports made externally. The following modifications to the Reporting section are based on the OIG recommendation – "Track and trend incident report information to better safeguard minors in ORR care" (page 19). These revisions reflect current ORR reporting requirements.

- The field *Is CPS Different from State Licensing* will be removed. Users indicated the field was confusing and did not add value.
- The following fields will be rephrased:
  - *Was it reported to State Licensing? (*currently phrased as *Reported To State Licensing*)
  - *Was it reported to CPS?* (currently phrased as *Reported To CPS*)
  - *Was it reported to Local Law Enforcement?* (currently phrased as *Reported To Local Law Enforcement*)
- These fields will be transferred from the UC Path version of the Emergency SIR and rephrased:
  - *Was it reported to OIG?* (currently phrased as *Reported to HHS OIG?*

        - The corresponding *Date of Report*, *Time of Report*, and *Notes* fields will also be transferred (currently phrased as *Date/Time of Report* and *Explain HHS OIG Actions*)
    - *Was it reported to DHS?* (currently captured using the dropdown options in the *FFS Reported To* field)
        - The corresponding *Date of Report* and *Time of Report* fields will also be transferred (previously phrased as *FFS Reported SIR Date*)
        - A *Notes* field is proposed to be added for consistency with other Reporting sources.

- The following fields will be moved from the SA/SIR to document reports made to DOJ/FBI:
    - *Was it reported to DOJ/FBI?*
    - *Date of Report*
    - *Time of Report*
    - *Notes*

- Reports made to the Office on Trafficking in Persons are currently documented in the *Other Notifications* table. For consistency with other Reporting sources, this information will be captured under the Reporting section and the following fields are proposed for consistency in how information is captured under the Reporting section.
    - *Was it reported to Office on Trafficking in Persons (Shepherd)?*
    - *Date of Report*
    - *Time of Report*
    - *Notes*

Non-Emergency Significant Incident Report (Form A-9C)

Categories/Subcategories

- ORR plans to move the categories of *Sexual Harassment*, *Staff Code of Conduct and Boundary Violation*, and *Inappropriate Sexual Behavior* from the SA/SIR form into Non-Emergency SIR. These three are current dropdown options in the *Type of Incident* field.
    - The subcategories for *Sexual Harassment* are based on the definitions found in UC Policy Guide Section 4.1.3.
    - The subcategories for *Staff Code of Conduct and Boundary Violation* are based on the list of violations in UC Policy Guide Section 4.3.5. This addition of these subcategories is also responsive to public comments which stated that it is unclear what types of incidents are reported as code of conduct violations and it is likewise unclear that such incidents are for violations made by program staff, not children.

- The *Abuse/Neglect in ORR Care* category will be rephrased to *Abuse/Neglect by Adult.*
    - The *Verbal abuse* subcategory will be rephrased to *Verbal or emotional abuse* to better capture qualifying incidents, including criticisms, comments, behaviors, or threats that cause harm to a child.
    - The *Child Neglect* subcategory will be rephrased to *Non-medical child neglect* *Medical child neglect* can be found later in the form as described below.

- *Other* will be removed for being too vague.
- The associated field *Alleged Perpetrator* will be removed since it is duplicative of information found in the rephrased category name.

- The category *Past Abuse/Neglect Not in ORR Care* will be moved to the Child-Level Event type Historical Disclosure. The motivation for this is to better delineate what incidents happen in ORR care and what incidents do not, which responds to OIG's following recommendation: "Efficiently identifying which incidents occurred while the minor is in ORR custody is crucial to ORR's ability to oversee facilities' responses to incidents and ensure the safety of minors in its care" (OEI-09-18-00430, page 14).
- The category *Behavioral Incidents that do not threaten immediate safety* will be moved to the Child-Level Event type Behavioral Note with the exception of the *Possession of a weapon* subcategory which will be moved to the Emergency SIR. The motivation for this revision is to give users a location to document non-significant, developmentally appropriate behavior, without overburdening reporting requirements.
- The *Other* subcategory within *Incidents involving Law Enforcement* will be removed, as it is too vague.
- The category *Safety Measures* will be renamed *Behavioral Safety Measure*.
  - The subcategory *Use of Restraints* will be split into *Physical Restraints* and *Soft Restraints*. This differentiation is important to document so that ORR may ensure that the care provider used the least restrictive type of restraint that would effectively protect the child and others from immediate physical harm. These subcategories were transferred from UC Path version of the SIR.
  - The subcategory *Seclusion* will be added. This is reworded from the *Room Restriction* subcategory in the UC Path version of the SIR.
  - The subcategories *One-on-One supervision* and *Pat down or Other searches* will be captured within the Child-Level Event type Behavioral Note.
- The category *Criminal History* will be moved to the Historical Disclosures event type and renamed as *Self-Disclosed Juvenile Delinquency History*.
- The category *Potential Fraud Schemes* will be split apart as follows: *Actual or potential fraud schemes* will be a subcategory within the rephrased category *External Threats to UC*. *Document/Information fraud* will become its own category and be renamed *Intentional Document/Information Fraud*. The motivation for splitting this category is to make clear if the child or their sponsor is the victim or perpetrator of fraud. *Actual or potential fraud schemes* will be selected when the child or sponsor is a victim and *Intentional Document/Information Fraud* will be selected when the child or sponsor is the perpetrator.
- Within the *External Threats to UC* category, ORR will transfer two trafficking-related subcategories from the UC Path version of the SIR: *Labor trafficking concern or risk identified* and *Sex trafficking concern or risk identified* It is important to capture these as separate subcategories so that the appropriate response can be taken and services can be provided to the child. Currently, trafficking-related incidents are reported under the *Other* category, but given its severity, it was deemed critical to create its own subcategories. These proposed changes are taken from the UC Path category *Trafficking Concern*, which

has the subcategories *Debt Bondage/Forced Labor*, *Sex*, and *Drugs/Weapons*. ORR is following guidance from the Office on Trafficking in Persons, which states that there are two different types of trafficking in persons: Labor and Sex.

- The category *Other* will be removed, since the expansion of categories will give users the ability to find the category that matches the incident they are currently reporting under *Other*.
    - The subcategory *Contact or threats made to UC while in ORR care* will be moved under the category *External Threats to UC* and renamed *Threats related to crime or organized crime*.
    - The subcategories *Separated from parent/legal guardian* and *Previous enrollment in DHS Migrant Protection Protocols program* will both be moved to the Historical Disclosures event type as they happened before the child entered ORR care.
- Currently, healthcare errors are reported under the *Other* category (and related *Specify* text field). ORR will add a separate category titled *Healthcare error* (with subcategories of *Medication/vaccine administration error, Inappropriate health intervention (i.e., incorrect procedure, incorrect patient),* and *Health-related neglect*) to clarify reporting requirements and to track these types of incident reports more easily.
- Currently, there was no unified category to capture all mental health-related incidents. ORR plans to create a single *Mental Health Concerns* category with the following subcategories:
    - *Self-harm that does not require emergency medical intervention*, which is rephrased from the current SIR subcategory *Self-harm without medical intervention*.
    - *Suicidal ideation without a plan*, which is rephrased from the current SIR subcategory *Suicidal ideation*. ORR deemed that *Suicidal ideation with a plan* would be considered an Emergency SIR.
    - Two new subcategories will be created out of incidents currently reported under the *Other* category: *Homicidal ideations* and *Hallucinations*.
- ORR will remove the category *Other* because it is no longer needed; Incidents currently reported under this category will now have specific category options with the proposed revisions. Removing this category will also prevent over-reporting of incidents that do not qualify as a Non-Emergency SIR.
- The category *Pregnancy-Related Issues* will be adjusted as described:
    - The subcategory *Termination request* will be renamed *Request for Termination of Pregnancy*.
    - The other two categories, *Pregnancy* and *Childbirth*, will be removed because they are duplicative of information already collected in the Initial Medical Exam form (approved under OMB# 0970-0466) and Health Assessment form (approved under OMB# 0970-0509).
    - Any medical emergency borne from pregnancy will be captured in the *Medical Emergency* category and *Pregnancy-related* subcategory within Emergency SIRs.

- ORR will remove the field *Please describe how the pregnancy occurred and if there are any medical complications related to the pregnancy:* as this information is already captured in the *Full Description of Incident* field.

Individuals Involved Section

The Individuals Involved section currently in the SA/SIR asks for additional information about the victim, alleged perpetrator, witnesses, and reporters. Since the categories of *Sexual Harassment*, *Staff Code of Conduct and Boundary Violation*, and *Inappropriate Sexual Behavior* are moving from the SA/SIR to the Non-Emergency SIR, the Individuals Involved section must also appear in the Non-Emergency SIR. This section will only appear if the user selects one of these three categories.

Incident Information Section

- As noted above under Child-Level Event, the following fields will be removed:
  - *Did the incident take place at another care provider facility?*
  - *Care Provider City*
  - *Care Provider State*
- The following fields are currently in the SA/SIR. Since the categories of *Sexual Harassment*, *Staff Code of Conduct and Boundary Violation*, and *Inappropriate Sexual Behavior* are moving from the SA/SIR to the Non-Emergency SIR, these fields must also appear in the Non-Emergency SIR. These fields will only appear if the user selects one of the two sexual abuse categories.
  - *Actions Taken for Victim*
  - *Actions Taken for Alleged Perpetrator*
  - *Follow-up Regarding Individuals Involved*
- The following fields will be removed because they are duplicative of the date/time stamp generated by the system when the form is completed.
  - *Date Reported to ORR*
  - *Time Reported to ORR*

Reporting Section

ORR plans to make the same revisions to the Reporting section in the Non-Emergency SIR that it made in the Emergency SIR. See descriptions above under the Emergency Significant Incident Report (Form A-9B) section.

Historical Disclosure (Form A-9D)

This Child-Level Event type will capture incidents that the child has disclosed while in ORR care, but that occurred in the past. Having a separate event type for past events makes it easy for the user to report their incidents: any present-day incident would be an Emergency SIR, Non-Emergency SIR, or Behavioral Note. Any past incident would be a Historical Disclosure.

This change is also responsive to concerns raised by commenters in comments ORR received for this information collection in 2021. Commenters noted that reporting incidents that occurred prior to and during the child's stay in ORR care in the same form was confusing.

Categories/Subcategories

- The rephrased category *Abuse/Neglect in DHS Custody* comes from the current SIR subcategory of *Abuse in DHS Custody* which is found under the *Past Abuse/Neglect not in ORR Care* category.
    - ORR will consolidate five current *Abuse in DHS Custody* subcategories into a single *Abuse/Neglect by CBP or ICE* subcategory. The five previous subcategories were *Physical Abuse in ICE custody, Sexual Abuse in ICE Custody, Physical Abuse in CBP custody, Sexual Abuse in CBP Custody,* and *Other.*
    - *Restraints or isolation in CBP or ICE custody* will be created to capture a more specific form of abuse that could occur.
    - *Previous enrollment in DHS Migrant Protection Protocols program* will be moved from the SIR category *Other*
    - *Family separation by DHS* will be moved from the SIR category *Other* (rephrased from *Separated from parent/legal guardian).* This subcategory will continue to be used for separation from a parent/legal guardian only and is not inclusive of other family members.
- The category *Past Abuse/Neglect Not in ORR Care or DHS Custody* comes from the current SIR category *Past Abuse/Neglect not in ORR Care*. The available subcategories will be expanded to reflect all types of abuse/neglect the user currently reports under this category.
    - Four subcategories (*Physical abuse, Verbal or emotional abuse, Sexual abuse,* and *Sexual harassment)* mirror other subcategories of abuse captured on the Non-Emergency SIR form and follows the subcategories approved in the UC Path version of the SIR underneath *Past Abuse or Neglect*: *Physical Abuse, Verbal Abuse, Sexual Abuse, Sexual Harassment*.
    - *Neglect/abandonment* will be merge and rephrase the subcategories of *Neglect/abandonment in home country* and *Neglect/abandonment in the United States*
    - *Past mental health concerns* will merge and rephrase the subcategories of *Past self-harm* and *Past suicidal attempt/gesture* which are currently located under the SIR category *Behavior Incidents that do not threaten Immediate Safety*.
    - The remaining subcategories are currently captured under *Other* and were created from a manual review of incidents under *Other*:
        - *Labor trafficking concerns*
        - *Sex trafficking concerns*
        - *Smuggling*
        - *Forced marriage with adult still in home country*
        - *Forced marriage with adult in United States*
        - *Domestic violence*
        - *Adolescent/teen dating violence*

        - *Inappropriate health intervention*
        - *Witnessing traumatic events*
        - *Other harmful or traumatic events*
    - The dropdown options for the *Alleged Perpetrator* field will be modified to better fit historical disclosures. This comes from an OIG recommendation – "ORR should assess the fields currently used in the incident reporting system to ensure that it collects consistent, accurate, and comprehensive data" (page 18).
        - Parent/Guardian/Caregiver
        - Military Personnel
        - Police/Government Official
        - Foot Guide/Coyote
        - Other Adult
        - Other Child

- The category *Self-Disclosed Juvenile Delinquency* will be rephrased from the current SIR category *Criminal History.* This revision is responsive to public comments which stated that use of the term "criminal history" is inaccurate and confusing, noting that there is a distinction between juvenile delinquency and adult crimes as recognized across state and federal law.
    - The current subcategories of *Significant Criminal History in home country* and *Significant Criminal History in United States* will be replaced with *Self-Disclosure of past juvenile delinquency charges*, *Self-Disclosure of past juvenile delinquency convictions*, and *Self-Disclosure of past harm to others that lacks a charge or conviction*.

Individuals Involved Section

This section will not appear in the Historical Disclosure.

Incident Information Section

- As noted above under Child-Level Event, the following fields will be removed:
    - *Did the incident take place at another care provider facility?*
    - *Care Provider City*
    - *Care Provider State*

- The following fields will be removed because they are duplicative of the date/time stamp generated by the system when the form is completed.
    - *Date Reported to ORR*
    - *Time Reported to ORR*

Reporting Section

ORR plans to make the same revisions to the Reporting section of the Historical Disclosure that it made in the Emergency SIR. See descriptions above under the Emergency Significant Incident Report (Form A-9B) section.

Behavioral Note (Form A-9E)

This type of Child-Level Event is meant to capture all behavioral incidents that programs want to document to provide high-quality case management but do not warrant follow-up or escalation. It moves the current category *Behavioral Incidents that do not threaten immediate safety* into its own section, so that ORR staff understand that this is notice of a non-serious behavioral incident.

This follows recommendations made in the OIG report. A Program Director was quoted as saying "Sometimes [reporting an incident] is like criminalizing normal child behaviors" (OEI-09-18-00430, page 17). By separating Behavioral Notes into their own type of Child-Level Event, care providers are able to document information about a child's behavior while in ORR care, without that documentation seeming to criminalize said behavior.

- Rather than reflecting the current subcategories under *Behavioral Incidents that do not threaten immediate safety*, the categories will be rephrased to be more general: *Behavioral interactions with other UC*, *Behavioral interactions with adult*, and *Individual behavior*.
- The following revisions will be made to the Incident Information section:
    - The following fields will be removed:
        - *Did the incident take place at another care provider facility?*
        - *Care Provider City*
        - *Care Provider State*
    - The following fields will be removed because they are duplicative of the date/time stamp generated by the system when the form is completed.
        - *Date Reported to ORR*
        - *Time Reported to ORR*
    - The field *Was the UC or anyone else injured?* will be removed from the Incident Information section because if someone was injured then the event would need to be reported as an Emergency SIR or Non-Emergency SIR.
- The Behavioral Note will have no Reporting, ORR Notifications, Other Notifications, or Reporter and Follow-Up Contact sections, as these non-significant incidents do not require reporting or external notifications.