



South Dakota  
Department of  
**Social Services**

**OFFICE OF THE SECRETARY**

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May 27, 2026

Office of Management and Budget  
Administration for Children and Families  
U.S. Department of Health and Human Services  
Washington, DC

Re: Office of Management and Budget #: 0970-0422

To Whom it May Concern:

The State of South Dakota respectfully submits comments in response to the Request for Public Comments published March 30, 2026, regarding proposed amendments to the Adoption and Foster Care Analysis and Reporting System (AFCARS) regulations and Proposed Information Collection Activity.

The Notice of Proposed rulemaking (NPRM) would require states to report additional AFCARS data elements related to procedural protections under the Indian Child Welfare Act of 1978 (ICWA) (OMB #0970-0422).

The South Dakota Division of Child Protection Services (SD-CPS) does not believe the proposed reporting changes will meaningfully improve child welfare outcomes, enhance system performance, or provide actionable data that supports better decision-making for children and families we are tasked with serving.

Additionally, the anticipated fiscal impact, administrative burden, and staffing demands associated with implementing these requirements are significant. SD-CPS is concerned that the increased reporting obligations would divert already limited staff time and resources away from direct case practice and service delivery to children and families.

**Areas of Comment:**

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency
  - Fundamentally, South Dakota cannot conceive of a path that would demonstrate that these additional data will positively impact core service delivery in child welfare nor provide meaningful assistance to South Dakota as it pursues its strategic goals.
2. The accuracy of the agency's estimate of the burden of the proposed collection of information
  - Adding new ICWA data elements will require substantial system changes, data maintenance, and quality assurance efforts.
  - Estimates are based on prior AFCARS expansion (from 60+ to 180+ elements)
    - **Technical Workload and Cost**
      - Estimated 1,200 hours of technical staff time for research, workgroups, development, testing, and system updates.
      - Cost: \$140,400 (1,200 hours × \$117/hour)

- **CPS Staff Workload and Cost (Initial Implementation)**
        - 3 CCWIS program staff: 100 hours each.
        - 3 CPS staff (foster care, adoption, tribal IV-E monitoring): 50 hours each.
        - Total: 450 hours at an average salary of \$29.67/hour.
        - Cost: \$13,351.
        - Total initial project cost (technical + CPS staff): \$201,751.
        - Estimated ongoing annual staff effort: 100 hours total, costing \$2,967.
      - **Ongoing Data Entry Burden**
        - Additional required data estimated at 8 hours per child per year (6 hours staff, 2 hours supervisors).
        - SD-CPS serves ~2,150 foster care children annually; 71% are Native American.
          - Field staff: 9,162 hours.
          - Supervisors: 3,054 hours.
          - Total: 12,216 hours.
        - Annual staffing cost:
          - Family Services Specialists: \$253,970 (9,162 × \$27.72).
          - Supervisors: \$105,301 (3,054 × \$34.48).
          - Total: \$359,271 per year.
    - As is often the case when implementing new procedures/data collection requirements, South Dakota predicts that additional personnel resources will likely be needed as oversight for achieving successful a implementation across the state.
3. The quality, utility, and clarity of the information to be collected:
  - This information should not be collected through an intermediary. If court generated data is required, it must come directly from the court system. The child welfare agency cannot control the court system's responsiveness or documentation practices and should not be held responsible for data originating outside its authority.
  - SD-CPS does not always receive the court documents needed to report these elements.
  - ICWA placement preference data without context is of limited value for policy or program decisions, and risks collecting data that does not reflect the factors involved in determining the best placement for a child.
  - The new elements require additional data entry and ongoing updates as cases change. Supervisors must also spend more time ensuring that CCWIS data aligns with court reports and is entered promptly.
4. Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology
  - SD CPS would instead recommend judicial data be obtained directly from the judicial system, as it is the appropriate and authoritative source for this information.
  - SD-CPS cannot interface electronically with South Dakota's Unified Judicial System data system due to confidentiality and security of their system.
  - If the intent is to pursue, SD CPS would recommend additional funding be offered to states to implement the required changes to reporting.
5. Lack of Data Responsibility by the Legal System
  - SD-CPS is concerned that AFCARS requires child welfare agencies to collect and report data that is actually the responsibility of the legal system, which carries no corresponding reporting or accuracy requirements.
  - Agencies must document when notification to tribes occurs, even though they have no control over whether the legal system completes or accurately reports these notifications.
  - These elements will still be held to federal compliance standards, creating a risk that SD-CPS could be penalized for non-compliance by the legal system.

SD-CPS requests your consideration of the constructive feedback provided regarding the revised AFCARS data elements. History and experience show that, if enacted, the additional reporting requirements will place significant burden on program and technical staff, while also requiring substantial additional financial resources.

Given the uncertain value of these additional data elements in improving service delivery outcomes, South Dakota would prefer to direct limited resources toward strengthening placement capacity and services for children and families, rather than developing technology interfaces primarily designed to support reporting requirements.

Additionally, the expansion of reporting obligations is likely to increase administrative workload, contribute to staff turnover, and create greater risk of data reliability and consistency issues, including the potential for penalties related to noncompliant data submissions.

If you have questions regarding South Dakota's comments, please contact Tiffany Wolfgang, Chief of Children and Family Services at (605) 773-3227 or Tonia Bogue, CCWIS Project Director at (605) 961-4924.

Sincerely,

A handwritten signature in blue ink that reads "Matthew K. Althoff". The signature is fluid and cursive, with the first name being the most prominent.

Matthew K. Althoff  
Cabinet Secretary

CC: Tiffany Wolfgang, Chief of Children and Family Services  
Tonia Bogue, CCWIS Project Director