

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No: ACYF-CB-IM-13-02	2. Issuance Date: September 12, 2013
	3. Originating Office: Children's Bureau	
	4. Key Words: Data sharing, child welfare data, discretionary grantees, privacy	

Information Memorandum

TO: State Agencies Administering or Supervising the Administration of titles IV-B and IV-E of the Social Security Act

SUBJECT: Encouraging Child Welfare Agencies to share data with various Children's Bureau discretionary grant projects, or related federally-funded initiatives

REFERENCES: Titles IV-B and IV-E of the Social Security Act, Child Abuse Prevention and Treatment Act; The Privacy Act of 1974

PURPOSE: The purpose of this memorandum is to encourage child welfare agencies to share relevant child welfare data on the families and children served with Children's Bureau (CB) discretionary grantees and related federally-funded grant projects for program evaluation, performance measurement, or research purposes. When our discretionary grantees are unable to access relevant child welfare data from child welfare agencies for the child and family participants in their grant projects, they are unable to assess performance, outcomes, or complete their required evaluations.

For purposes of this memo, child welfare data includes individual, case-level client and aggregate child maltreatment and foster care data, such as child abuse/neglect reports and substantiations, foster care placements, and other indicators of involvement in the child welfare system. Other data may include demographic and historical data pertaining to children and caregivers who are reported to or receiving services from the child welfare agency.

Background

Each year, the Children’s Bureau awards discretionary grants for research and demonstration projects to test innovative approaches to child welfare service delivery. CB currently funds approximately 200 discretionary grant projects in over 50 program areas. Through their work with a broad spectrum of populations within the child welfare arena, discretionary grantees develop a wealth of knowledge across numerous program areas. The findings from these programs can be useful in informing the field about promising practices in child welfare. Grantees include many types of organizations, such as state, Tribal, and local child welfare agencies, other public or private health and human service agencies, universities, non-profits, and community-based organizations.

We require all Children’s Bureau discretionary grantees to complete a local evaluation that analyzes the performance and outcomes of the grant project. Additionally, we may require that grantees participate in a national cross-site evaluation in which we analyze the performance and/or outcomes of multiple projects that are funded under one grant program. Grantees must use child welfare data for their local evaluations and the national cross-site evaluation to properly examine the outcomes and impacts of services provided under the grants. When our grantees are unable to access relevant child welfare data for participants in their programs, grantees are unable to complete their required evaluations.

Benefits of Child Welfare Agencies Sharing Data

The Office of Management and Budget and the Government Accountability Office have reinforced the importance of data sharing across various federal agencies¹. When Child Welfare agencies share data with CB grantees to complete program evaluations, performance measurement, and conduct research, it also benefits the child welfare field overall. For example, it enables the Children’s Bureau to: 1) provide the child welfare field with more informed research on child welfare programs and policy; 2) to provide an increased number of theoretical and empirical studies that rigorously analyze and augment the understanding of federal, state, and tribal child welfare programs; and 3) provide timely and improved high-quality data to assist child welfare agencies and grantees in making informed decisions.

Below are a few examples of federally-funded grants in which child welfare agency data play a significant role²:

- Grantees under the Regional Partnership Grants to Increase the Well-Being of and to Improve the Permanency Outcomes for Children Affected by Substance Abuse must meet statutorily-required performance measurements for safety, permanency and well-being and participate in a national cross-site evaluation.

¹ See OMB M-11-02 Memo at: <http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-02.pdf> and GAO Report, “Sustained and Coordinated Efforts Could Facilitate Data Sharing While Protecting Privacy” GAO-13-106, Feb 8, 2013 at: <http://www.gao.gov/products/GAO-13-106>

² A complete list of Children’s Bureau grant programs funded by year is available at: <http://www.acf.hhs.gov/programs/cb/resource/cb-discretionary-grant-awards/>

- Grantees of the Maternal, Infant and Early Childhood Home Visiting Program, administered by the Health Resources and Services Agency, Maternal and Child Health Bureau, and the Tribal Home Visiting Program, administered by the Administration for Children and Families (ACF) must meet legislatively mandated performance benchmarks that include reporting annually on child maltreatment data elements³.
- ACF recently funded grants to States to explore and improve interoperability and integration of eligibility and enrollment, case management, and other related functions to streamline administration processes and strengthen program integrity and information technology systems. Child welfare agency data are included in this initiative⁴.

A complete list of currently funded CB discretionary grants is available in Appendix A.

Compliance with Child Welfare Privacy Laws, Regulations, and Policies

We recognize that child welfare agencies must comply with applicable privacy laws, regulations, and policies to share child and family and other data that we encourage in this Memorandum. Below we provide information on some of the applicable federal laws. Additionally, there may be other federal confidentiality restrictions for the state and tribe to consider when determining whether to share confidential information.

Titles IV-B and IV-E of the Social Security Act

State and tribal title IV-B/IV-E agencies must adhere to specific confidentiality requirements when administering the title IV-B and IV-E programs. However, federal statute and regulations for titles IV-B and IV-E allow agencies to disclose confidential information if the disclosure is limited to the specific purposes enumerated in the law (section 471(a)(8) of the Social Security Act and 45 CFR 205.50 (applied by 45 CFR 1355.30(p)(3)). One such purpose is that a title IV-B/IV-E agency may share case-specific information if the purpose of that information exchange is directly related to the administration of the title IV-B or IV-E plan. It is important to note that under the title IV-B and IV-E confidentiality requirements, authorized recipients of this otherwise confidential information are subject to the same confidentiality standards as the agencies administering the title IV-B/IV-E programs.

Child Abuse Prevention and Treatment Act (CAPTA)

Similarly, under the Child Abuse Prevention and Treatment Act (CAPTA), states must keep information on the children and families they serve confidential. However, the law permits a state to share otherwise confidential child abuse and neglect reports and records with entities or classes of individuals statutorily authorized by the state to receive such information for a legitimate State purpose (section 106(b)(2)(B)(viii)(VI)). CAPTA also permits states to release otherwise confidential child abuse and neglect information to any federal, state, or local government entity, or their agents that has a need for such information to carry out its responsibilities under law to protect children from abuse and neglect (section 106(b)(2)(B)(ix)). As with titles IV-B and IV-E of the Social Security Act, it is important to note that authorized

³ For more information about the MIECHV program, visit: <http://mchb.hrsa.gov/programs/homevisiting/>. For more information about the Tribal Home Visiting Program, visit:

<https://www.acf.hhs.gov/programs/ecd/programs/home-visiting>

⁴ See: <https://www.acf.hhs.gov/initiatives-priorities/interoperability>

recipients of confidential child abuse and neglect information are bound by the same confidentiality restrictions as the child protective services agency.

The Privacy Act of 1974⁵ The Privacy Act of 1974 imposes generally applicable prohibitions and requirements regarding information about individuals that is contained in systems of records, other statutes provide privacy protections with respect to particular categories of information. The nature of these privacy protections differs under the various statutes relevant for child welfare or other publicly funded programs. For example, laws may distinguish between (1) interagency sharing of personally identifiable information in ways that generate only aggregate statistical results and (2) uses of data that involve public disclosure of personally identifiable information. In addition, agencies that are either sharing or receiving data must determine whether, under applicable laws, regulations, and policies, the prohibitions and requirements that apply to particular data will continue to apply after data are shared with an agency or other recipient.

Other Privacy Considerations

For some data collection activities conducted as part of a research study, agencies must ensure that activities conducted comply with HHS regulations which pertain to the protection of human subjects and may require informed consent from individuals that are included in the study. For more information, visit the HHS Office of Human Research Protections at: <http://www.hhs.gov/ohrp/index.html>

Finally, nothing in this Memorandum shall be construed to promote or favor data sharing that could threaten national security or breach confidentiality of individual and family records.

Conclusion

A number of technical assistance resources and relevant websites are listed in Appendix B to assist child welfare agencies in conducting data sharing activities, developing data sharing agreements, and ensuring that data sharing activities comply with applicable laws, regulations, and policies.

Thank you for your continued efforts and commitment to assessing and improving outcomes for children and families involved with the child welfare system. The Children's Bureau is committed to encouraging productive partnerships between child welfare agencies and CB discretionary grant projects and we look forward to working with you to support your efforts.

Contact Information

If you have questions, please feel free to contact Melissa Lim Brodowski on my staff at Melissa.brodowski@acf.hh.gov .

⁵ From OMB Memo M-11-02, Sharing Data while Protecting Privacy.

/s/
Bryan Samuels
Commissioner
Administration on Children, Youth
And Families

Appendix A: FY2012 Funded CB Discretionary Grant Programs

Appendix B: Data and Information Sharing Websites and other Resources

APPENDIX A: FY2012 Funded CB Discretionary Grant Programs

- Comprehensive Support Services for Families Affected by Substance Abuse and/or HIV/AIDS HHS-2012-ACF-ACYF-CB-0286
- Family Connection Grants: Child Welfare/TANF Collaboration in Kinship Navigation Programs HHS-2012-ACF-ACYF-CF-0510
- Family Connection Grants: Comprehensive Residential Family Treatment Projects HHS-2012-ACF-ACYF-CF-0511
- Family Connection Grants: Combination Family Finding/Family Group Decision Making HHS-2012-ACF-ACYF-CF-0271
- Child Welfare-Education System Collaboration to Increase Educational Stability HHS-2012-ACF-ACYF-CO-0270
- Child Welfare-Early Education Partnerships to Expand Protective Factors for Children with Early Child Welfare Involvement HHS-2012-ACF-CO-0315
- Tribal IV-E Plan Development Grants HHS-2012-ACF-ACYF-CS-0280
- Tribal Court Improvement HHS-2012-ACF-ACYF-CS-0323
- Regional Partnership Grants to Increase the Well-Being of and to Improve the Permanency Outcomes for Children Affected by Substance Abuse HHS-2012-ACF-ACYF-CU-0321
- Two Year Extension - Regional Partnership Grants to Increase the Well-Being of and to Improve the Permanency Outcomes for Children Affected by Substance Abuse HHS-2012-ACF-ACYF-CU-0550
- Partnerships to Demonstrate the Effectiveness of Supportive Housing for Families in the Child Welfare System HHS-2012-ACF-ACYF-CA-0538
- Initiative to Improve Access to Needs-Driven, Evidence-Based/Evidence-informed Mental and Behavioral Health Services in Child Welfare HHS-2012-ACF-ACYF-CO-0279

For more information on CB discretionary grant programs including a list of funded grantees from FY2000 to FY2012, please visit: <http://www.acf.hhs.gov/programs/cb/grants/discretionary-grant> and http://basis.caliber.com/cbgrants/ws/library/docs/cb_grants/GrantHome

APPENDIX B: Data and Information Sharing Websites and other Resources

Child Welfare Information Gateway – Webpage on Information Sharing

https://www.childwelfare.gov/management/info_systems/info_sharing.cfm

National Child Welfare Resource Center for Child Welfare Data and Technology

<http://www.nrcewdt.org/data-sharing/>

National Resource Center on Substance Abuse and Child Welfare

<http://www.ncsacw.samhsa.gov/resources/information-sharing.aspx>

National Data Archive on Child Abuse and Neglect

<http://www.ndacan.cornell.edu>

ACF Interoperability Initiative

<https://www.acf.hhs.gov/initiatives-priorities/interoperability>

National Information Exchange Model

<https://www.niem.gov/Pages/default.aspx>

Data Quality Campaign – Using Data to Improve School Achievement

<http://www.dataqualitycampaign.org>

HHS Office of Human Subjects Research Protection

<http://www.hhs.gov/ohrp/>

Child Welfare Systems of Care Library

<https://www.childwelfare.gov/management/reform/soc/library.cfm>

Children’s Mental Health Systems of Care Documents Library of Data Sharing Agreements

http://tapartnership.org/enterprise/docs/RESOURCE%20BANK/RB-INFORMATION%20SYSTEMS,%20HIPAA,%20EHR/Examples/40_Examples_of_Data-Sharing_Agreements_2009.pdf