

ACF

Administration
for Children
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children, Youth and Families

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INFORMATION MEMORANDUM

TO: State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act

SUBJECT: Notice of Proposed Rulemaking for AFCARS authorized under Title IV-E of the Social Security Act

LEGAL AND RELATED REFERENCES: Title IV-E of the Social Security Act; 45 CFR 1355 and Appendices

PURPOSE: The purpose of this Information Memorandum (IM) is to inform State, Tribal and Territorial Title IV-E agencies of a proposed rule on AFCARS.

BACKGROUND: Currently, the Children's Bureau (CB) collects Adoption and Foster Care Analysis and Reporting System (AFCARS) case-level information from title IV-E agencies on all children in foster care and those who have been adopted with title IV-E agency involvement. It is regulated under 45 CFR 1355.40 and the Appendices of 1355. Title IV-E agencies must submit the AFCARS data twice a year based on two six-month reporting periods. We propose to update these regulations as described below.

INFORMATION: The proposed rule provides the first update of AFCARS regulations since 1993. The AFCARS regulations need to be revised and updated to: 1) incorporate statutory requirements that have passed since 1993, in particular the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351); 2) implement the statutory authority to assess penalties for noncompliant data submissions; and 3) enhance the type and quality of information title IV-E agencies report to CB by modifying and expanding data elements and requiring title IV-E agencies to submit historical data. This NPRM will allow CB to gather historical data and improve the data collected by including more comprehensive data on children in foster care and adding new data elements to better measure child welfare performance and outcomes of children and families. The NPRM was published on February 9, 2015 in the Federal Register (<http://www.gpo.gov/fdsys/pkg/FR-2015-02-09/pdf/2015-02354.pdf>) that

amends the Federal regulations at 45 CFR 1355.40 and repeals the Appendices A-E. Additional explanatory information on the NPRM is available at <http://www.acf.hhs.gov/programs/cb/laws-policies/whats-new>. In sum, this NPRM:

- **Revises the Reporting Populations and Data Structure:** We propose two reporting populations: the out-of-home care reporting population and the adoption and guardianship assistance reporting population. The out-of-home care reporting population includes a child of any age who is in foster care or a child who has run away or whose whereabouts are unknown at the time the title IV-E agency becomes responsible for the child. The adoption and guardianship assistance reporting population includes any child who is in a finalized adoption or legal guardianship under a title IV-E assistance agreement. Additionally, we propose that title IV-E agencies report AFCARS information in two separate data files: an out-of-home care data file and an adoption and guardianship assistance data file.
- **Revise Data Elements:** We propose to keep (and in some instances revise) the vast majority of data elements currently in AFCARS and add new data elements to enrich our analysis of a child's experience in foster care and a child's exit to adoption/guardianship, etc. We modify existing data elements on the child's placements, permanency plans, circumstances surrounding the child at removal, and reasons for exiting foster care, among others. We propose new data elements that will allow us to better understand the characteristics of children in foster care, such as timely plans to transition out of foster care and the frequency of caseworker visits.
- **Strengthen Data Quality through Compliance and Penalties:** A title IV-E agency must meet basic file standards, such as timely data file submissions and more specific data quality standards; if it does not upon initial submission of the data, the agency will have six months to correct and submit its data. If a title IV-E agency does not meet the standards after corrective action, CB will apply the penalties required in statute.

COMMENTS: Please submit comments on the NPRM to www.regulations.gov on or before April 10, 2015.

/s/
Mark Greenberg
Acting Commissioner
Administration on Children, Youth and Families

/s/
JooYeun Chang
Associate Commissioner
Children's Bureau

Attachments:

[Notice of Proposed Rulemaking](#) (80 FR 7131)
Children's Bureau Regional Program Managers