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: Tribal Agencies Administering or Supervising the Administration of the Foster Care, Adoption Assistance and Guardianship Assistance programs under title IV-E of the Social Security Act, Indian Tribes, Tribal Organizations and Tribal Consortia (tribes); Tribal Information Systems Administrators; and Other Interested Parties

SUBJECT: Direction-setting and decisions regarding child welfare reporting mandated by title IV-E and the potential acquisition of tribal child welfare information systems

LEGAL AND RELATED REFERENCES: 45 CFR Part 95; 45 CFR Part 92; 45 CFR 1355.50-5; Social Security Act Section 479; OMB Circular A-87; ACYF-CB-IM-05-02 (Issued May 3, 2005); ACYF-CB-IM-05-04 (Issued May 3, 2005); 75 FR 66319 (October 28, 2010)

PURPOSE: This Information Memorandum (IM) provides guidance to tribes who administer child welfare programs funded by title IV-E of the Social Security Act and are considering options to support related data collection, including the development or purchase of an automated child welfare information system.

BACKGROUND: Changes to title IV-E of the Social Security Act on October 1, 2009 provide direct federal funding of foster care, adoption, and kinship guardianship assistance programs administered by Indian tribes, tribal organizations, and tribal consortia. In response to these changes, federal regulations at 45 CFR 1355.40 were amended, requiring that tribal IV-E programs comply with the same mandates for foster care and adoption reporting that apply to state title IV-E agencies, except where requirements are waived or modified for tribes. Thus, tribal title IV-E agencies must submit case-level reporting to the Adoption and Foster Care Analysis and Reporting System (AFCARS), but are exempted from data collection and reporting related to the National Youth in Transition Database.

Tribes who operate a child welfare program funded by title IV-E may wish to consider developing or purchasing an automated child welfare information system to track child placements, assist in program management, and support federal reporting related to child welfare program activities. An automated system is not a requirement, but its adoption is encouraged as a means to effectively collect and manage data on children in the care and custody of the title IV-

E agency. Tribes who do not currently operate an automated child welfare data system may consider alternative forms of data collection and reporting for their child welfare programs. The decision whether or not to build or buy a child welfare data system to support federal reporting and tribal program management should reflect the preferences and best interests of the tribe, its children in care, and its child welfare and information technology staff. Tribes considering the use of proprietary commercial off the shelf software should review the guidance in Program Instruction ACF-OA-PI-13-01, *Waiver Process for the Use of Federal Funding for Commercial Off-the-Shelf (COTS) Software Products* which is available on the Children's Bureau website or from the assigned federal analyst. This PI outlines the steps a tribe must take to conform to relevant federal regulations associated with obtaining title IV-E funding for a COTS, including those related to open procurements and data ownership.

INFORMATION: A tribe who wishes to explore the use of an automated system for the collection and storage of child welfare data should consider the business value, the cost of technology support, and the relative benefits of various information collection and storage approaches. Tribal decisions about the scope of child welfare programs under title IV-E and the way that services are delivered should be in place before data collection practices are addressed. The tribe should define its child welfare program policies and establish its standard business processes and program rules. These tribal policies and business practices will establish the scope and framework for the assessment of child welfare data collection and automation.

Basic considerations in the assessment of data collection and reporting approaches include tribal authority, program practices, and population.

- Does the tribal code address the collection of data and its protection? In addition to the mandatory data for federal reporting, the tribe may wish to collect data about child placement, costs of service delivery, the needs of families and children, and potential service resources, such as foster parents or kinship care providers. Because child welfare data collection often includes information of a sensitive or private nature, the ability of tribal staff to collect, secure, and store this information, regardless of its format, should be carefully examined. The tribal code or tribal policies should define the authority to collect and secure confidential child welfare information.

- What do child welfare staff want and need? Program staff should also be asked for input on the types of data they need in their work with children and families, and for their preferences and recommendations regarding its collection and storage. Staff who work with children and their families can provide their own assessment of the best ways to collect and record data in a structured manner, whether in electronic or in paper form. They may have useful insights or raise relevant concerns about such data collection issues as the time required for recording, intrusiveness to families, or the importance of certain kinds of information to support their work with children and families.

- Does the size of the child welfare population justify an investment in an automated system? A tribe with a small population of children in care may be able to manage and store its child welfare data using paper records; while a tribe with a larger number children across a wide geographic area may find that a database program or even an

automated spreadsheet may provide a practical solution to data collection and organization.

Attention to business practices and data needs should be coupled with consideration of information technology resources. From a technology perspective, the tribe should consider what it can reasonably afford to spend on the operation and maintenance of an automated child welfare system. The extent of available technology support for current information technology should also be examined.

- Can existing systems be modified or extended to include child welfare data collection? If the tribe currently uses an automated information system for governance, or has a system to support the operation of other service delivery programs, the potential to adapt an existing information system for the collection of child welfare data may be considered.

- Can the tribe's budget for information technology absorb the cost of a new system or system expansion? If the tribe has a budget for information technology development or expansion, decision makers should assess if that budget can absorb the operational costs of a new child welfare data collection system, or the expansion of existing automated systems to incorporate child welfare data.

- Does the tribe have an information technology support staff, or access to support resources? The availability of information technology personnel resources who can operate and maintain a child welfare system, or contractor resources who can be hired or retained for this work is necessary. Similarly, the tribe should consider the need for staff resources who can provide support and assistance to system users and extract needed reports and outputs in its cost considerations.

If a tribe believes that the operation of an automated system is justified and supportable, staff should explore options available from multiple vendors, to obtain the best fit and most advantageous price.

SUMMARY: While ACF encourages tribes to examine the feasibility of an automated approach to data collection and storage, there are no regulations or policies that require the use of automated data collection and storage. To capture and store the child welfare data they must report, tribes may use a paper-based process, basic office automation products such as spreadsheets or data bases, or an automated system. ACF will provide technical assistance to Tribal IV-E agencies to assure that their data can be transmitted securely in an electronic file format and that the data file meets ACF's submission criteria.

Federal title IV-E funding for building or purchasing a Tribal Automated Child Welfare System (TACWIS) is available to a tribe if certain conditions are met. Relevant federal requirements are outlined at 45 CFR 1355.50-57.

If a tribe determines that it wishes to pursue development or purchase of an automated system with title IV-E dollars, it should work with assigned federal analysts from the Division of State Systems to explore federal requirements for a TACWIS and validate that the procurement

process for automated data systems and equipment follows tribal and federal policies and regulations.

INQUIRIES: Director, Division of State Systems, Children's Bureau, Administration on Children, Youth and Families, Administration for Children and Families

/s/

Mark Greenberg
Acting Commissioner
Administration on Children, Youth and Families