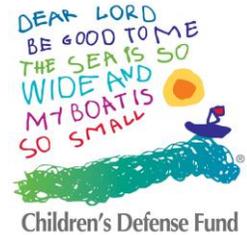


# The Adoption and Foster Care Analysis and Reporting System (AFCARS): Final Rule



January 6, 2016

*The Adoption and Foster Care Analysis and Reporting System (AFCARS) is a data collection system designed to collect uniform and reliable information across the states on the experiences and characteristics of the children in foster care and children adopted with involvement of the public agency responsible for administering funds distributed under Title IV-E of the Social Security Act. AFCARS was established under Section 479 of Title IV-E to provide data that could help assess and inform federal, state and tribal child welfare policy and practice, develop budgets, monitor compliance, and draw national statistics and trends. While AFCARS data have been useful in understanding the functioning of the child welfare system, the AFCARS regulations had not been updated since they were first published in December 1993. They were therefor outdated and no longer able to best support current data needs, utilize advancements in technology, nor reflect new statutory data requirements enacted since 1993. The long overdue changes made under the final rule in December 2016 will provide more comprehensive information on children involved in the child welfare system, including historical data and new data elements, and more insight into national statistics and trends to help better assess the system and inform national child welfare policies.*

## Background on the AFCARS Final Rule

On December 14, 2016, the final rule for the AFCARS regulations was published in the Federal Register at Sections 1355.41-1355.37. The rule combines and finalizes the AFCARS revisions proposed in a Notice of Proposed Rule Making (NPRM) on February 9, 2015 and a Supplemental Notice of Proposed Rule Making (SNPRM) on April 7, 2015 that included additional data elements related to the Indian Child Welfare Act (ICWA). The final revisions reflect the 126 comments received by the Administration on Children and Families in response to the NPRM and 91 comments for the SNPRM.

## Summary of the Major Changes made in the AFCARS Final Rule

### Reporting Populations

- There will now be two reporting populations: 1) the out-of-home care population, and 2) the adoption and guardianship assistance population, which will have to be reported in two separate data files.
- This second and new data file on the adoption and guardianship assistance population was added given the growing dominance of this population as a component of the Title IV-E beneficiary population.
- Title IV-E agencies will continue to have 45 days after the end of the reporting period to transmit the AFCARS data files. The NPRM had proposed shortening this to 30 days.

### Data Structure

- The final rule changes AFCARS to start supporting longitudinal data analysis, which is a major step forward in the analysis of data on children in out of home care. Specifically, the out-of-home

data file will be a combination of point-in-time data (e.g. demographics) and information on the events in the child's life over time (e.g. every living arrangement and permanency plan). The second and new data file for the adoption and guardianship assistance reporting population will not contain any longitudinal data elements.

### *New and Revised Data Elements*

- The final rule adds and clarifies the types of case-level information collected on children who enter foster care and children who are under a Title IV-E adoption or guardianship assistance agreement. These changes are designed to help enhance analyses of factors that may affect a child's permanency and to incorporate various data elements from legislation enacted since 1993. The changes include:
  - Revised data elements designed to better capture the circumstances affecting the child and family at the time of removal, including issues such as homelessness, educational neglect, if they were victims of sex trafficking, parental immigration detainment or deportation, and family conflict related to a child's sexual orientation or gender identity/expression.
  - New data related to the Indian Child Welfare Act (ICWA), including reason to know a child is an Indian child as defined in ICWA, court determine ICWA applies, notification of child custody proceedings, and transfers to tribal court.
  - Revised data elements to better describe the child's environment at removal (e.g. parent household, relative household, justice facility, medical/mental health facility) and the location (e.g. out-of-state/tribal service area, in-state/tribal service area, out of country) and type of living arrangements in which children are placed by the Title IV-E agency. Furthermore, if the child is not placed in a foster family home, the agency needs to report whether the child is living in one of the following thirteen living arrangements: Group home-family-operated, group home-staff-operated, group home-shelter care, residential treatment center, child care institution, child care institution-shelter care, supervised independent living, juvenile justice facility, medical or rehabilitative facility, psychiatric hospital, runaway, whereabouts unknown and placed at home.
  - New data elements on caseworker visits with children in foster care.
  - New data elements to identify pregnant or parenting youth in care, including whether the minor parent has their children with them in foster care.
  - New data on siblings, including total number of siblings of a child, number of siblings in foster care, and number of siblings in the same living arrangement (on the last day of the report period), and number of the child's siblings who are in the same adoptive or guardianship home.
  - Revised data elements that enhance understanding of permanency planning for children in foster care, including dates of the permanency plan, the periodic reviews and permanency hearings, as well as whether the child has a transition plan and the date of the transition plan.
  - New data elements that inform us about the child's educational needs, including the child's school enrollment, educational level, educational stability and involvement with special education.
  - Revised data elements on the child's health, including timely health assessments, and expanded data elements on the child's health, behavioral and mental health conditions.
  - Revised data elements that enhance our understanding of prior adoptions and legal guardianships.
  - New data elements were included related to the sexual orientation of the child, the child's foster parents, and adoptive or legal guardians as a way to better help meet the needs of

LGBTQ youth in foster care. The rule notes that this information should be obtained and maintained in a manner that reflects respectful treatment, sensitivity, and confidentiality.

- Revised and new data elements designed to capture the number and characteristics of children who are receiving Title IV-E adoption and guardianship assistance, including information on the amount of the subsidy and adoption and guardianship finalization and subsidy termination dates.
- Revised data elements on the type of financial and medical assistance provided to the child, including Title IV-B, state/tribal foster care, state/tribal adoption assistance, Title IV-E guardianship assistance, Chafee, Title XXI (SCHIP), or SSBG.
- The final rule retained the majority of data elements proposed in the NPRM, but some were removed and others modified. The final rule retained nearly all of the data elements included in the SNPRM on Indian children and ICWA.

### *Compliance and Penalties*

- The final rule strengthens ACF's ability to hold Title IV-E agencies accountable for submitting quality data by requiring that agencies meet basic file standards (e.g. timely data submissions and more specific data quality standards). Agencies that don't meet the standards will have six months to correct and resubmit the data, and if the standards are then still not met ACF will apply penalties for noncompliance which is 1/6 of 1 percent of the agency's Title IV-E foster care administrative costs. .

### **Implementation Timeframe**

Title IV-E agencies have two fiscal years to comply with the changes made under the Final Rule. The implementation date for the new AFCARS data collection is October 1, 2019, meaning that data files that must be submitted no later than May 15, 2020 must be compliant with the final rule. There will not be a phase-in period for the ICWA-related data elements. During the two-year implementation period, Title IV-E agencies will be required to continue submitting AFCARS data using the current format without interruptions because this data is used for various reports, planning and monitoring, and to help determine the Adoption and Guardianship Incentive Awards.