

# **An Overview of the Adoption and Foster Care Analysis and Reporting System (AFCARS) 2020 Final Rule**

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**Children's Bureau**

An Office of the Administration for Children & Families



## Webinar Presenters

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## Participating in Today's Webinar

Respond to periodic polling questions

Ask questions during the presentation

- by submitting them using the *Question and Answer* feature
- over the phone using the *Raise Hand* feature

After the webinar, email questions to

[AFCARS@acf.hhs.gov](mailto:AFCARS@acf.hhs.gov)

## TECHNICAL ASSISTANCE

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- This webinar is the first in a series, and while we expect to address some key questions, we anticipate questions will continue to surface
- CB is diligently working to fully operationalize the changes to AFCARS 2.1 and to develop guidance for states and tribes
- We want to acknowledge that there are challenges and concerns with the new elements, such as new or changing definitions and difficulty in collection
- We want to be clear and deliberate in the technical assistance resources offered to help with this implementation

## WEBINAR SERIES

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- We are planning quarterly webinars
- Next webinar tentatively scheduled for August 31
- We will house the recorded webinars and handouts on the CB website
- A direct link will be emailed when the recording is posted
- Please use the [AFCARS@acf.hhs.gov](mailto:AFCARS@acf.hhs.gov) mailbox for technical assistance questions

# Presentation Overview

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- AFCARS Background
- Reporting Population
- Compliance & Penalties
- Out-of-Home Data File
- Adoption and Guardianship Assistance Data File
- Comprehensive Child Welfare Information System (CCWIS)
- Resources and Next Steps

# How familiar are you with the new AFCARS 2020 final rule?



- **Very.** I'm starting to strategically think about what changes need to be made in our system.
- **Somewhat.** I've read the new rule, but haven't had time to fully process it.
- **Not very.** I haven't yet had time to think about this.
- **I'm not sure.**



## **AFCARS Final Rule**

# **AFCARS BACKGROUND AND HISTORY OF REGULATION DEVELOPMENT**



# BACKGROUND AND HISTORY

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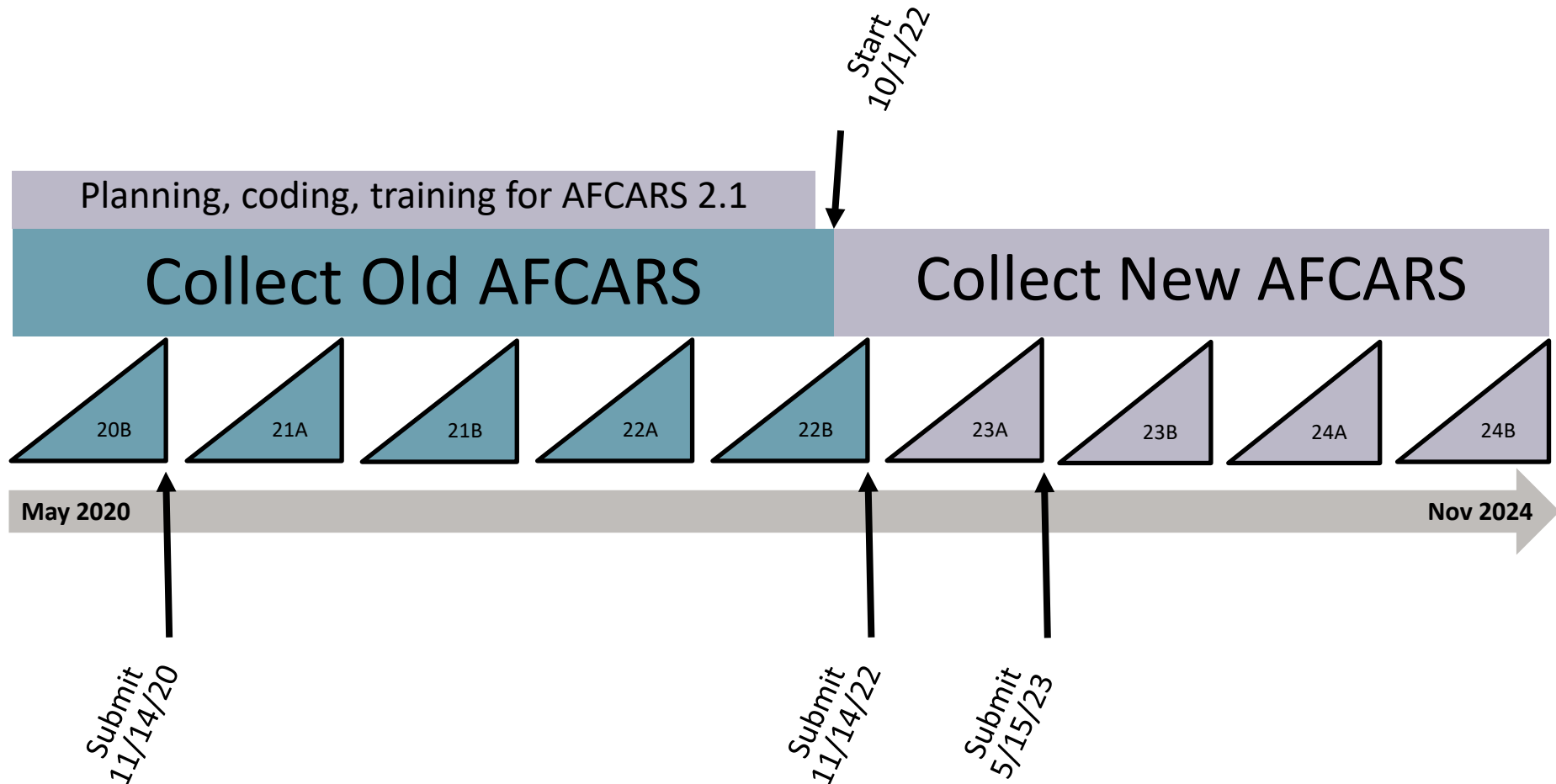
- AFCARS regulations were originally published in December 1993 in response to the statutory mandate for adoption and foster care data in [Section 479 of title IV-E of the Social Security Act](#).
- CB issued a final rule in December 2016 ([81 FR 90524](#)). This was the first revision to AFCARS since 1993 and significantly expanded the data elements. This rule increased the number of data points that must be reported.
- HHS Regulatory Reform Task Force (precipitated by E.O. 13777) identified 2016 rule as one where burden may impose costs that exceed benefits.
- In response, CB issued an ANPRM ([83 FR 11449](#)) in March 2018 seeking public comment on streamlining the data elements and removing any undue burden imposed by the 2016 final rule.
- Based on the public comments, CB identified data elements that were not needed to meet a title IV-B/IV-E statutory requirement and program monitoring, congressional reporting, or budgeting.

# BACKGROUND AND HISTORY

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- CB issued NPRM ([84 FR 16572](#)) in April 2019 that proposed to streamline the out-of-home care data elements to reduce the reporting burden and made conforming amendments in a few other sections .
- CB issued final rule ([85 FR 28410](#)) in May 2020 which did not substantively change the 2019 NPRM.
- In general, substantive changes from AFCARS 1.0 to the new AFCARS were not made to the below sections:
  - Scope ([45 CFR 1355.41](#))
  - Reporting Populations ([45 CFR 1355.42](#)),
  - Data Reporting Requirements ([45 CFR 1355.43](#))
  - Adoption and Guardianship Assistance File ([45 CFR 1355.45](#)),
  - Compliance ([45 CFR 1355.46](#)) and
  - Penalties ([45 CFR 1355.47](#)).
- The Code of Federal Regulations will be updated sometime after July 13.

# Timeline



# REPORTING POPULATION

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## § 1355.42(a) Out-of-home care reporting population

- Includes a youth **of any age** who:
  - is in foster care under the placement and care responsibility of the title IV-E agency for more than 24 hours
  - is receiving title IV-E foster care maintenance payments under a title IV-E agreement
  - has run away or whose whereabouts are unknown at the time the title IV-E agency becomes responsible for the child.
- Once the child enters the reporting population, he or she remains in the reporting population until the title IV-E agency's responsibility for the child ends or the child's title IV-E foster care maintenance payment ends.

## § 1355.42(b) Adoption and guardianship assistance reporting population

- Includes a youth whose:
  - adoption or guardianship was finalized during the report period
  - adoptive parents or guardians have a title IV-E adoption or guardianship assistance agreement.

## FILE SUBMISSION

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- Overall change in what is reported; no longer just reporting on current removal episode and placement
- Information will be reported on the current **and all prior** episodes of removals and the current **and all prior** living arrangements
  - For youth that had removal episodes before Oct 1, 2022, need to report only three elements
    - Date of removal
    - Date of exit (discharge from foster care)
    - Exit reason
  - Need to report the full information for all youth who have a new removal after Oct 1, 2022 and who are in foster care on Oct 1, 2022.
- The file submission will change from a flat ASCII file to an xml file

# COMPLIANCE AND PENALTIES

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**§ 1355.46-47** The final rule holds title IV-E agencies financially accountable for submitting quality data.

- Submitted files will be checked for compliance based on standards and quality of the data files.
- The data file standards will be based on:
  - Timely submission of the file
  - Proper format of the file
- The data quality standards will be based on:
  - A threshold error rate for applicable records (missing data, invalid data, internally inconsistent data, and tardy transactions)
  - Free of cross-file errors that exceed the acceptable thresholds
- CB has started the process to develop error specifications for data quality standards.

## COMPLIANCE AND PENALTIES

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- CB will make a **determination of compliance** for each of the data files for each submission period.
- CB will exempt records from a compliance determination
  - For a child whose 18<sup>th</sup> birthday occurred in a prior report period [both data files].
  - For a child who is in a title IV-E *guardianship* [adoption and guardianship assistance data file].
- If the file is determined to be noncompliant, the agency will have 6 months to correct the records and submit a corrected data file.

# COMPLIANCE AND PENALTIES

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- If an agency is still determined to be noncompliant after 6 months, CB will apply the penalties required in statute.
- For A files (due on May 15), CB will assess the penalty based on the agency's claims for the **third** quarter of the federal fiscal year.
- For B files (due on November 14), CB will assess the penalty based on the agency's claims for the **first** quarter.
- Penalty is  $\frac{1}{6}$  **of 1%** of the agency's title IV-E foster care administrative and training funds.
- If submissions continue to be out of compliance, the penalty increases to  $\frac{1}{4}$  **of 1%** of the funds.
- CB will offset the agency's title IV-E foster care grant award in the amount of the penalty from the agency's claims.





## **AFCARS Final Rule**

# **OUT-OF-HOME CARE DATA FILE**

## CHILD INFORMATION

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### § 1355.44(b) Child Information

Added Indian Child Welfare Act (ICWA) data elements for ***state*** title IV-E agencies only

- (b)(3) Reason to know a child is an “Indian Child”
- (b)(4)(i) Child’s tribal membership – federally recognized tribe
- (b)(4)(ii) All federally recognized Indian tribe(s) that may potentially be the Indian child's tribe(s)
- (b)(5)(i) Application of ICWA
- (b)(5)(ii) Date of Application of ICWA
- (b)(6) Notification whether the Indian child's tribe was sent legal notice

## CHILD INFORMATION

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### § 1355.44(b)(7-8) Child race and ethnicity

- Added *abandoned* and *declined* options
- Replaced option of *unable to determine* with *unknown*

# CHILD INFORMATION

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## § 1355.44(b)(9-10) Health assessment and child diagnosed conditions

- Added element on whether the child had a *health assessment*
- Revised options for whether the child has a *health, behavioral, or mental health condition*
  - child has a diagnosed condition
  - exam or assessment conducted and none of the conditions apply
  - exam or assessment conducted but results not received
  - no exam or assessment conducted
- Revised list of *diagnosed conditions*
  - Intellectual disability
  - Autism spectrum disorder
  - Visual impairment and blindness
  - Hearing impairment and deafness
  - Orthopedic impairment or other physical condition
  - Mental/emotional disorders
  - Attention deficit hyperactivity disorder
  - Serious mental disorders
  - Developmental delay
  - Developmental disability
  - Other diagnosed condition

## CHILD INFORMATION

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### **§ 1355.44(b) (11, 12, 14) School, enrollment, education level, and special education**

These 3 elements are completely new and are not currently reported

- Whether the child is enrolled in
  - Elementary
  - Secondary
  - Post-secondary education or training
  - College
- OR
  - Not school-age
  - Not enrolled

## CHILD INFORMATION

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### § 1355.44(b)(11, 12, 14) School, enrollment, education level, and special education

- *Level of education*
  - from kindergarten to 12<sup>th</sup> grade, GED, post-secondary education or college OR
  - not school age
- *Special education* if a child has an Individualized Education Program or Individualized Family Service Program

## CHILD INFORMATION

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### **§ 1355.44(b)(13) Child pregnant or parenting**

These 3 elements are completely new and are not currently reported

- Whether the child is pregnant
- Whether the child ever bore or fathered a child
- Whether the child and his/her child(ren) are placed together

## CHILD INFORMATION

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### § 1355.44(b)(15-16) Prior adoption or guardianship

- Revised the element of child's age at legalization to *prior adoption finalization date*
- Added whether there was a prior *intercountry adoption*
- Added whether the child experienced *prior legal guardianship* and the *date*



# CHILD INFORMATION

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## § 1355.44(b)(17) Financial and medical assistance

- Revised list of sources of *financial support and medical assistance* for the child
  - **State/Tribal adoption assistance.** The child is receiving an adoption subsidy or other adoption assistance paid for solely by the state or Indian tribe
  - **State/Tribal foster care.** The child is receiving a foster care payment that is solely funded by the state or Indian tribe
  - **Title IV-E adoption subsidy.** The child is determined eligible for a title IV-E adoption assistance subsidy
  - **Title IV-E guardianship assistance.** The child is determined eligible for a title IV-E guardianship assistance subsidy
  - **Title IV-A TANF.** The child is living with relatives who are receiving a Temporary Assistance for Needy Families (TANF) cash assistance payment on behalf of the child
  - **Title IV-B.** The child's living arrangement is supported by funds under title IV-B of the Act
  - **Chafee Program.** The child is living independently and is supported by funds under the John H. Chafee Foster Care Program for Successful Transition to Adulthood
  - **Other**

## CHILD INFORMATION

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### **§ 1355.44(b)(18) Title IV-E foster care during report period**

- Removed the dollar amount of the monthly foster care payment

## CHILD INFORMATION

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### **§ 1355.44(b)(19-21) Siblings**

These 3 elements are completely new and are not currently reported

- total number of siblings
- number of siblings in foster care
- number of siblings in same living arrangement

## PARENT OR GUARDIAN INFORMATION

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### § 1355.44(c)(1-4) Year of birth and tribal membership

- *Year of birth* is the same, except addition of *abandoned* if the parent is unknown
- Added whether the parent is a *member of an Indian tribe*

## PARENT OR GUARDIAN INFORMATION

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### § 1355.44(c)(5) Termination of parental rights

Different from current AFCARS

- Added *Termination/modification of parental rights* (voluntary, involuntary or not applicable)
- Added date of determination/modification of parental rights *petition* (with option of deceased)
- Removed current caretaker family structure

## REMOVAL INFORMATION

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### § 1355.44(d) Child's removal

- Different from old AFCARS in that the agency will report information on ***each of the child's removals*** instead of just the most recent
- This information will be reported for the child's current and all prior removals
- Need to report only 3 elements (*date of removal, date of exit, and exit reason*) on the prior removals of youth that had removal episodes before Oct 1, 2022

# REMOVAL INFORMATION

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## § 1355.44(d)(1) Child's removal

- *Date of child's removal* will be reported for each episode
- Removed elements on
  - date of first removal
  - total number of removals to date
  - date of latest removal
  - manner of removal from home

## REMOVAL INFORMATION

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### **§ 1355.44(d)(3) Environment at removal**

- Added type of environment the child was living in at the time of removal
  - parent household
  - relative household
  - legal guardian household
  - relative legal guardian household
  - justice facility
  - medical/mental health facility
  - other



# REMOVAL INFORMATION

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## § 1355.44(d)(4) Family circumstances at removal

### Added and revised circumstances

- Runaway
- Whereabouts unknown
- Physical abuse
- Sexual abuse
- Psychological or emotional abuse
- Neglect
- Medical neglect
- Domestic violence
- Abandonment
- Failure to return
- Caretaker's alcohol use
- Caretaker's drug use
- Child alcohol use
- Child drug use
- Prenatal alcohol exposure
- Prenatal drug exposure
- Diagnosed Condition
- Inadequate access to mental health services
- Inadequate access to medical services
- Child behavior problem
- Death of caretaker
- Incarceration of caretaker
- Caretakers significant impairment – physical/emotional
- Caretaker's significant impairment – cognitive
- Inadequate housing
- Voluntary relinquishment for adoption
- Child requested placement
- Sex trafficking
- Parental immigration detainment or deportation
- Family conflict related to child's sexual orientation, gender identity, or gender expression.
- Educational Neglect
- Public agency title IV-E agreement
- Tribal title IV-E agreement
- Homelessness

## REMOVAL INFORMATION

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### § 1355.44(d)(5-6) Sex trafficking

Six new elements

- Victim of sex trafficking **prior to** entering foster care
  - Whether reported to law enforcement and date
- Victim of sex trafficking **while in** foster care
  - Whether reported to law enforcement and date

## LIVING ARRANGEMENTS

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### § 1355.44(e) Living arrangements

- Revised terminology from *placement* to *living arrangement*
- Different from old AFCARS in that the agency will report information on ***each of the child's living arrangements*** instead of just the most recent
- This information will be reported for the child's current and all prior living arrangements

# LIVING ARRANGEMENTS

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## § 1355.44(e)(1) Date of living arrangement

- Removed number of previous placements in this episode
- Revised date of placement to *date of living arrangement* and clarified definition

- Enter first date of placement

OR

- Indicate the date of the voluntary placement agreement or court order providing the title IV-E agency with placement and care responsibility for the child
    - in the case of a child who has run away, whose whereabouts are unknown, or who is already in a living arrangement and remains there when the agency receives placement and care responsibility
    - rather than the date when the child was originally placed in the living arrangement.

# LIVING ARRANGEMENTS

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## § 1355.44(e)(2-4) Foster family home

Revised *current placement setting* to multiple elements

- Is it a foster family home? Choose all that apply.
  - Licensed home
  - Therapeutic foster family home [new]
  - Shelter care foster family home [new]
  - Relative foster family home
  - Pre-adoptive home
  - Kin foster family home [new]

OR

- Is it a type of other living arrangement? Choose only one.

• Group home-family operated	• Juvenile justice facility
• Group home-staff operated	• Medical or rehabilitative facility
• Group home-shelter care	• Psychiatric hospital
• Residential treatment center	• Runaway
• Qualified residential treatment program	• Whereabouts unknown
• Child care institution	• Placed at home
• Child care institution-shelter care	
• Supervised independent living	

## **LIVING ARRANGEMENTS**

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### **§ 1355.44(e)(5-6) Location of living arrangement**

- Where is the living arrangement?
  - In-state or in-tribal service area
  - Out-of-state or out-of-tribal service area
  - Out-of-country
  - Runaway or whereabouts unknown
- If out-of-service area or out-of-country, then report the jurisdiction or country where child is living

# LIVING ARRANGEMENTS

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## § 1355.44(e)(7-18) Foster parents

- Revised foster family structure to *marital status of foster parent(s)*
  - Married couple
  - Unmarried couple
  - Separated [new]
  - Single adult

# LIVING ARRANGEMENTS

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## § 1355.44(e)(7-18) Foster parents

- Added child's relationship to the foster parent(s)
  - Relative
  - Non-relative
  - Kin
    - where there is a psychological, cultural or emotional relationship between the child or the child's family and the foster parent(s) and there is not a legal, biological, or marital connection between the child and foster parent
- Added foster parents' tribal membership
- Added sex of each of the foster parents



# PERMANENCY PLANNING

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## § 1355.44(f) Permanency Planning

- Revised most recent case plan goal to report *permanency plan*
- Updated response options to
  - Reunify with parent or legal guardian
  - Live with other relatives
  - Adoption
  - Guardianship
  - Planned permanent living arrangement
  - Permanency plan not established
- Removed emancipation and long term foster care

# PERMANENCY PLANNING

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## § 1355.44(f) Permanency Planning

Added five elements

- Dates of permanency plans
- Dates of periodic reviews
- Dates of permanency hearings
- Caseworker visit dates
- Caseworker visit location (child's residence or other location)

## EXIT INFORMATION

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### **§ 1355.44(g) General exit information**

Added whether the child was transferred to another agency

- State title IV-E agency
- Tribal title IV-E agency
- Indian tribe or tribal agency (non-IV-E)
- Juvenile justice agency
- Mental health agency
- Other public agency
- Private agency

## EXIT INFORMATION

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### § 1355.44(h) Exit to adoption and guardianship information

- Added adoptive parents or guardians tribal membership
- Added sex of adoptive parents or guardians
- Replaced adoptive parents or guardians family structure with *marital status*
- Added number of siblings in adoptive or guardianship home

## EXIT INFORMATION

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### § 1355.44(h)(14) Exit to adoption and guardianship information

- Replaced monthly subsidy and adoption agreement with *assistance agreement type*
  - Title IV-E adoption assistance agreement
  - State/tribal adoption assistance agreement
  - Adoption-Title IV-E agreement non-recurring expenses only
  - Adoption-Title IV-E agreement Medicaid only
  - Title IV-E guardianship assistance agreement
  - State/tribal guardianship assistance agreement
  - No agreement



## **AFCARS Final Rule**

# **ADOPTION & GUARDIANSHIP ASSISTANCE DATA FILE**

# ADOPTION AND GUARDIANSHIP ASSISTANCE DATA FILE

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## § 1355.45 Adoption and Guardianship Assistance Data File

- This data file is new and comprises only children with IV-E AA or GAP agreements
- Elements from the current adoption data file have been incorporated into and revised into the out-of-home care file
- Includes *assistance agreement termination date* because this is when the child exits the reporting population
- Revised *current child was placed by* element to *adoption or guardianship placing agency* (title IV-E agency, private agency under agreement, or Indian tribe under contract/agreement)



## **AFCARS Final Rule**

# **COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS)**



## § 1355.50-59

- Title IV-E funding is available to enhance or develop the state's CCWIS or non-CCWIS information systems to report AFCARS 2.1
- Title IV-E agencies may request funding to enhance their information systems through the Advance Planning Document (APD) process
- Contact your assigned DSS analyst for guidance on requesting funding. The list of assigned analysts is here:

<https://www.acf.hhs.gov/cb/resource/state-tribe-assignments>

## How helpful was this webinar?

- ☐ Very helpful
- ☐ Somewhat helpful
- ☐ Neither helpful or unhelpful
- ☐ Somewhat unhelpful
- ☐ Very unhelpful

Please be sure to fill out the evaluation survey link that will be sent to you after the webinar ends. This will help us to prepare for additional webinars in this series. Thank you.

# RESOURCES

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## **CB AFCARS Website**

<https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems/afcars>

## **Code of Federal Regulations, AFCARS**

[Current e-CFR](#) (to be updated sometime after July 13)

[May 2020 Final Rule](#)

[Dec 2016 Final Rule](#)

## **Information Memorandum**

[ACYF-CB-IM-20-07](#)

## **Questions?**

[AFCARS@acf.hhs.gov](mailto:AFCARS@acf.hhs.gov)

