ACF **Administration for Children and Families**	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children and Families Administration on Children, Youth and Families
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	4. Key Words: Title IV-E of the Social Security Act; Notice of Proposed Rulemaking; Adoption and Foster Care Analysis and Reporting System (AFCARS); Indian Child Welfare Act of 1978 (ICWA)

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 (NPRM) on Adoption and Foster Care Analysis and Reporting System (AFCARS)

RELATED REFERENCES: Section 479 of the Social Security Act and 45 CFR 1355.41 through 1355.47

PURPOSE:

The purpose of this Information Memorandum (IM) is to inform title IV-E agencies that a NPRM was published proposing to amend the AFCARS regulations to require state title IV-E agencies to collect and report data elements related to the procedural protections of the Indian Child Welfare Act of 1978 (ICWA). This NPRM was published in the Federal Register on February 23, 2024 (89 FR 13652).

INFORMATION:

The NPRM proposes to require state title IV-E agencies to collect and report additional information on:

- Whether the state inquired with certain individuals as to whether the child is an Indian child as defined in ICWA and when the agency first discovered information indicating that the child is or may be an Indian child as defined in ICWA.
- Information on whether a court determined that ICWA applies for the child, and whether the court decision included testimony of one or more qualified expert witnesses was included for voluntary and involuntary terminations of parental rights, and removals.
- Whether the child's parent or Indian custodian was sent notice in accordance with ICWA.
- Information on requests to transfer cases to Tribal court.

- Information on meeting the placement preferences under ICWA.
- Whether the court determined that the state title IV-E agency made active efforts to prevent the breakup of the Indian family.

COMMENTS: Please submit comments on the NPRM to Regulations.gov on or before **April 23, 2024** to Regulations.gov.

/s/

Rebecca Jones Gaston, MSW (she|her|hers)
Commissioner
Administration on Children, Youth, and Families
Administration for Children and Families
U.S. Department of Health and Human Services

LINK: AFCARS NPRM February 23, 2024 (89 FR 13652).

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