



June 13, 2018

Ms. Kathleen McHugh, Director
Division of Policy Division
Children's Bureau, Administration for Children and Families
United States Department of Health and Human Services
330 C Street, SW
Washington, DC 20024

**RE: RIN 0970-AC72
Adoption and Foster Care Analysis and Reporting System (AFCARS)**

Dear Ms. McHugh,

Child Trends is a highly respected nonpartisan research organization focused exclusively on improving the lives and prospects of children, youth, and their families. For nearly 40 years, decision makers have relied on our rigorous research, unbiased analyses, and clear communication to improve public policies and interventions that serve children and families. Pursuant to the notice published in the Federal Register on March 15, 2018 (45 CFR 1355), Child Trends submits these comments expressing support for full implementation of the AFCARS Final Rule issued in 2016 (Final Rule).

Over the years, Child Trends has conducted numerous studies involving the analysis of data from state and local child welfare administrative data systems. We have seen these data—and the research informed by these data—inform policymakers, practitioners, and other stakeholders about the lives and prospects of children in foster care. These data are critically important to increasing our understanding of how to develop services and supports that keep children safe and set them on a healthy trajectory.

Given this experience, we believe that the Administration of Children and Families' AFCARS Final Rule, as published on December 14, 2016 (81 FR 90524), is necessary to meet the increased need in the field for data that can be leveraged to build the evidence base around children involved in foster care.

Below, we offer our perspectives and recommendations regarding AFCARS. Although gathering the additional data required in the 2016 Final Rule will take some additional work for states, we include examples of the ways in which new data will improve the lives of the children and families involved in the child welfare system, and inform the

regular work of state agencies and the development of strategies to reduce the burden to states.

1. Retain all data elements from the 2016 Final Rule.

As described in our Comments to RIN 0970-AC47, dated April 16, 2018, the new data elements in the 2016 Rule will provide valuable information and provide states and researchers a deeper understanding of how children and youth interact with the child welfare system over time. As such, the child welfare field will be better able to meet the needs of these children and their families by creating better interventions and services. These data are a critical component in improving outcomes, as they allow the field to understand the relevant population and outcomes, and how the makeup of the population varies by state and over time; track implementation of key federal and state initiatives; and conduct analysis on what policy environments lead to the best outcomes for children and youth in foster care. The 2016 Rule will allow the field to understand advances in child welfare policy, the shifting needs of the country (e.g., the effects of the opioid epidemic or of parent deportation), and how foster care involvement over time impacts the unique needs and outcomes of young people.

AFCARS is our nation's sole consistent source of information on children and youth experiencing foster care, and—although clarified over time—the guidelines have not changed since being established in 1993. However, priorities and policies surrounding the child welfare system have shifted considerably since AFCARS was created. Additionally, as the field has changed, our understanding of the risk factors associated with entering foster care have also expanded, along with our understanding of the needs of children once they are in foster care and the long-term trajectories of children who do not achieve permanency. We believe that all elements added by the Final Rule are needed to address the needs of children in foster care. For example:

- **Circumstances around a child's removal.** The 2016 Final Rule will require states to gather more nuanced information on why children have been removed from their homes, including prenatal drug and alcohol exposure, parental deportation, family conflict due to a child's sexual orientation or gender identity, homelessness, and whether the child was a victim of sex trafficking. Understanding the context and conditions surrounding children's removals is important to current policy and practice discussions. For example, understanding the prevalence of prenatal drug and alcohol exposure is critically important to developing and testing strategies to address the opioid epidemic, where prenatal drug exposure is of particular concern.
- **Foster family home types.** Since AFCARS was originally developed, policies have expanded to increasingly recognize and support the ways in which relatives and nonrelated kin serve as a placement resource for children in foster care. Over the past decade, federal and state legislation has encouraged the placement of children in foster care with relatives and nonrelated kin; and, since 2008, federal law has required child welfare agencies to identify relatives when

children enter foster care. Inclusion of this category will help states understand their progress toward the goal of placing children with relatives and nonrelated kin.

- **Pregnant and parenting youth.** Much of what we know about pregnant and parenting youth in foster care comes from survey research. Without national data on this topic, we are unable to track trends over time. Studies have found that former and current foster youth are more likely to have their own children placed in foster care than are young adults without system involvement. To provide adequate reproductive health and pregnancy prevention (in addition to parenting services) to foster youth, and to train and recruit foster families willing to care for foster youth with their babies, states must understand the scope of the issue.
- **The Indian Child Welfare Act (ICWA).** Currently, Native American children are overrepresented in the foster care population and face some of the worst outcomes. New data required by the Final Rule would allow the field to understand the circumstances under which Native American children enter the foster care system, the rate of utilization of relatives or kin as a placement, and the ways in which these cases flow through state and tribal courts. It will also hold agencies accountable for due diligence in determining a child's eligibility for ICWA and for notification of tribes of the child's involvement with child welfare. The way that race/ethnicity is currently collected in AFCARS does not likely yield an accurate account of the number of Native American children in foster care, as it relies on the discretion of child welfare workers.
- **Information on the sexual orientation of foster youth.** Despite the fact that research has demonstrated that LGBTQ youth are at elevated risk for maltreatment and foster care placement, we lack national data on LGBTQ youth in foster care. Furthermore, once these youth enter foster care, they are at elevated risk of experiencing challenging circumstances and further trauma, relative to other youth in foster care. Data would help states ensure that this population receives adequate services and foster families who are well-prepared to care for them, and would help researchers understand the circumstances under which their outcomes improve.

2. State burden will be reduced and data quality increased by providing clear definitions for data elements, requiring documentation of any deviations or related contextual factors, and offering guidance for handling state policy nuances.

We believe that clarifying reporting procedures and including existing and new data elements will maximize the utility of AFCARS and decrease the burden on states. The data in the National Archive are most useful when data elements are defined and collected in a uniform manner across states. States also benefit from having clearly defined elements and collection requirements. When data elements are clearly defined and account for nuanced differences, then state administrators spend less time

navigating cumbersome reporting requirements that do not fit neatly with their state policies. For example, it is important to encourage uniform reporting of youth who are still in foster care at age 18 or older. However, differences in the way that states collect data on extended care—due to differences in services, funding streams, and policies—have resulted in AFCARS inconsistencies. The Final Rule provides a clear definition of the out-of-home care population that should be included in AFCARS, thereby increasing the consistency of data on extended care. Researchers could leverage better-quality data to understand states’ extended care utilization, as well as correlates of its use, informing recommendations for better and more consistent implementation of Title IV-B and IV-E programs. The best solution is to ensure that (1) guidelines to states are as clear as possible about the definitions of data elements that should be submitted to AFCARS; and (2) when data collected by states deviate from the AFCARS definition, or when state policies or practices might affect the interpretation or reliability of the data element, such explanations should be provided. This will limit the burden on states by providing clear and concise reporting requirements and technical assistance when those requirements do not align with a state policy or practice.

3. States can leverage existing capacity and infrastructure to collect and manage the added data elements.

In the two decades since AFCARS was originally designed, the capacity of states and localities to collect and manage electronic data has greatly improved. The original specifications for AFCARS were established 25 years ago, at a time when states’ information technology capabilities were far more limited than now. Most importantly, the usability of states’ administrative data reported into AFCARS has increased due to improved quality, reliability, and completeness.

4. While the 2016 Final Rule compels states to compile and report new data elements, an increase in public burden will be offset by reductions in costs for researchers and states.

From our experience collaborating with states and localities on transmitting data to researchers, we know that the process can be long and arduous for states that are already overburdened and short-staffed. Arranging for data sharing agreements—along with discussions to ensure that we understand the meaning and reliability of various data elements—gives us insight into the effort required for states to share data in meaningful ways with outside entities. A more robust AFCARS file would reduce the need for researchers and states to negotiate multiple data sharing agreements on *ad hoc* bases, provide assistance and oversight on the use of data, answer questions regarding the data, and review the interpretation of data to ensure quality.

5. Utilization of national archive to share AFCARS data promotes data security.

Given states’ legitimate concerns about sharing sensitive, confidential data, it is notoriously difficult for researchers to directly access state child welfare administrative data. States’ capacity to ensure security once the data has been shared is limited.

Therefore, it is imperative to find avenues to share administrative data that take the burden off states. AFCARS and the National Data Archive on Child Abuse and Neglect provide a venue for sharing state administrative data by screening research requests, providing a secure path to send data to researchers, and monitoring data sharing agreements.

Conclusion

Thank you for your time and commitment to the safety and well-being of children, youth, and families. We appreciate this opportunity to express our support for the 2016 Final Rule. We reiterate our belief that implementing the Final Rule will provide important and valuable insights into this vulnerable population that we currently lack. Although we acknowledge a potential increased burden to states, we believe that the importance of the data—combined with the increased technological capacity of states and the reduced burden on researcher requests for administrative data—mitigate this burden.

For any questions regarding these comments, please contact Elizabeth Jordan at Child Trends (ejordan@childtrends.org; 240-223-9316).

Sincerely,

/s/

Carol Emig
President