



April 16, 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-AC47  
**Adoption and Foster Care Analysis and Reporting System (AFCARS)**

Dear Ms. McHugh:

Child Trends is a 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 communications to improve public policies and interventions that serve children and families.

Children and youth in foster care constitute a population of special concern to policymakers and the public, given that they are in the custody of public child welfare agencies. Furthermore, their nearly universal experience of trauma resulting from abuse or neglect and from separation from their families of origin, places them at risk for worse health, education, and social connectedness outcomes than their peers in the general population. Comprehensive data about these vulnerable children and their experiences in foster care are critical to supporting their long-term success. As an institution dedicated to promoting research-based, data-driven solutions to the challenges facing children, we are grateful for this opportunity to weigh in on the Adoption and Foster Care Analysis Reporting System (AFCARS) 2016 Final Rule.

**We write to encourage the Children's Bureau to implement the Final Rule within the original timeframe, requiring states to submit data by October 1, 2019.** Although we do recognize the burden gathering and reporting these data places on states, we believe they are critical to fulfilling the Children's Bureau's mission: "to improve the overall health and well-being of our nation's children and families."

AFCARS has been the sole, consistent source of information on all children and youth experiencing foster care since 1995. 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 needs of and risk factors to children have also expanded. **AFCARS must be updated so that it includes those data with the greatest potential to yield information to move the field forward with better services, supports, and policies.**

In the two decades since AFCARS was originally designed, both researchers' and states' capacities regarding data have expanded. As capacity of states and localities to collect and manage electronic data has improved over time, so too has the potential utility of state child welfare administrative data that could be reported into AFCARS, due to the increased reliability, completeness, and quality of the data elements. Many researchers and analysts within state and local agencies, as well as those in independent research organizations and universities, now have access to affordable computing capacity that can examine patterns in, for example, the complete placement histories for hundreds of thousands of children.

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 step in improving outcomes, as they allow the field to understand the population and their outcomes, 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 us 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.

Below are our recommendations regarding some of the data elements that are of greatest importance to the field.

1. **Retain the data element capturing the 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, such as prenatal drug and alcohol exposure, parental deportation, family conflict due to a child's sexual orientation or gender identity, homelessness, and if 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. We currently lack this information on a national level. Similarly, at present we do not have national data on the numbers of children entering foster care due to parental deportation. Without this information, it is impossible for state and local child welfare agencies to prepare to support children as immigration policies change. The added information on removal reasons over time will allow for a better understanding of the lack of long term

stability some children face. This understanding could provide insight into needed family preservation services and prevent multiple foster care episodes.

2. **Retain the data element capturing foster family home types.** Since AFCARS was originally developed, policies have expanded to increasingly recognize and support the ways relatives and non-related kin serve as a placement for children in foster care. The 2016 Final Rule’s addition of the “kin foster family home” to the foster family type variable is beneficial to our understanding children’s foster care placement. Over the past decade, federal and state legislation has encouraged the placement of children who are in foster care with relatives and non-related kin and, since 2008, federal law has required child welfare agencies to identify relatives when children enter foster care. Including this category will help states understand their progress towards the goal of placing children with relatives and non-related kin.
3. **Retain data elements gathering information on 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 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 train and recruit foster families willing to care for foster youth with their babies, states need to understand the scope of the issue. Without providing better prevention services and placement options for parenting youth, states run the risk of young people leaving foster care and missing vital services for both themselves and their children.
4. **Retain data elements related to 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 us to understand when Native American children enter the foster care system, utilization of relatives or kin as a placement, and ways these cases flow through state and tribal courts. It will also hold agencies accountable for doing their due diligence in determining a child’s eligibility for ICWA and notification of tribes of the child’s involvement with child welfare. The way 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.
5. **Retain data elements gathering 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 they enter foster care, they are at elevated risk of experiencing challenging circumstances and further trauma, compared with other youth in foster care. For example, LGBTQ foster youth are more likely to be placed in congregate care settings, experience further victimization from peers and adults in the child welfare system, and experience negative outcomes than their cisgender straight peers. Such data would help states ensure that they have adequate services

and foster families who are well-prepared to care for this population, as well as help researchers understand under what circumstances their outcomes improve.

Again, we thank you for this opportunity. For any questions regarding these comments, please contact Elizabeth Jordan at Child Trends ([ejordan@childtrends.org](mailto:ejordan@childtrends.org); 240-223-9316).

Sincerely,

/s/

Carol Emig,  
President