



Child Welfare Division
627 North 4th Street
Baton Rouge, LA
70802

(O) 225.342.4044
(F) 225.342.9087
www.dcf.la.gov

John Bel Edwards, Governor
Marketa Walters, Secretary

June 13, 2018

Kathleen McHugh
Division of Policy
Children's Bureau,
Administration on Children, Youth and Families
1250 Maryland Ave., S.W., 8th Floor
Washington, D.C. 20024
Via the Internet: <http://www.regulations.gov/>

RE: Notice of Proposed Rule Making
Adoption and Foster Care Analysis and Reporting System (AFCARS)
Posted on: Federal Register/Vol. 80, No. 240/Wednesday, December 14, 2016

Dear Ms. McHugh:

The State of Louisiana, Department of Children and Family Services respectfully submits these comments in response to the Notice of Proposed Rulemaking (NPRM) on the Adoption and Foster Care Analysis and Reporting System, issued by the Administration on Children Youth and Families earlier this year.

One of the primary concerns in reviewing the recommended changes is the quantity of changes and the depth of required information in data reporting elements. While we acknowledge that most of the data elements are already being discussed with the client or are otherwise known to the caseworker, the additional time to enter yet more data elements, many of which have a great deal of subjectivity, reflect differences in state/local policies, and are often just a self-reported, point in time measure; so that, on face value, it does not seem to justify the extra time. More specifically, additional time required of case workers in documenting more data from clients and stakeholders, resulting in less time for actual engagement of and service provision to clients; the time required by supervisory staff to ensure accuracy of information entered in the data system; the time required of technical staff to develop the changes in data systems to capture and report the additional data elements; and, the costs associated with system upgrades.

We believe the implementation cost estimates are grossly under-estimated. Costs associated with systems changes and ongoing management of the data for AFCARS reporting are expected to cost Louisiana substantially more than the amount considered in the NPRM. In addition, Louisiana would have to be able to fund additional staff positions to sustain the same level of service delivery in order for staff time to be re-allocated to more data collection and data entry. The estimates do not fully account for all the costs associated with such an extensive change in reporting.

Additionally, there are concerns regarding the specific data elements. Please see details related to those concerns in the table below:



ELEMENT	COMMENT
Gender	Eliminate this item. A person's gender identification can be noted however should not be required as a data element for reporting purposes and can cause confusion of accuracy when based upon client self-report as opposed to medical documentation.
Sexual Orientation	Eliminate this item. The child's sexual orientation probes into a child's personal issues that the child may not feel comfortable or safe disclosing to the agency. Additionally, children may not be at a developmental stage to truly understand the meaning of sexual orientation or even to interpret their own preferences. This documented identification could follow a child and cause unnecessary issues later in life.
Race – Abandoned	Eliminate this option. If race is unknown for any reason, it should be reported as unknown.
Race - Declined	Eliminate this option. If race is not identified it should be reported as unknown.
Ethnicity – Abandoned	Eliminate this option. If ethnicity is unknown for any reason, it should be reported as unknown.
Ethnicity – Declined	Eliminate this option. If child was abandoned this is captured elsewhere. If ethnicity is unknown for any reason, it should be reported as unknown.
Timely health assessment	Eliminate this item unless the only purpose is to assess a state's compliance with its own policy. States have different policies on frequency of health assessments. The need for health assessments and follow up is driven by child's age and physical condition. Responses on this item could not be compared across states since there is no standardization.
Health, behavioral or mental health conditions.	Eliminate this item. It will take a great deal of time and effort to review medical records to determine the exact date of onset. The elements of "existing condition, previous condition and does not apply" should be removed as the diversity of each child's individual condition cannot be captured within the limited list of diagnoses. There is no capacity for explanation of unusual circumstances or errors.
Educational stability	Eliminate. This will be extremely subjective and data will not be reliable. Educational stability is assumed to be sustaining a child in the same school placement. However, many factors could determine educational stability even when moving schools. The reasons for educational stability are specific to the child and should not be limited to 5 options such as proximity, district rules, residential facility services, child or parent request. States should be able to determine the individual need of a child and make the decisions which best serve the needs of the individual child to achieve the child's best possible personal educational outcomes.
Prior Adoption	Eliminate requirement to report multiple adoptions as this will be difficult to assure accurate information. Leave as is where the most recent prior adoption is reported. If there is more than one prior adoption, it is unclear how reliable the information would be.
Prior Adoption Date(s)	Same as above -Leave as is where the most recent adoption date, if known, is reported if there is a prior adoption
Prior adoption type	Same as above - Limit to the most recent prior adoption only. This information may be unknown or the adoptive family may refuse to provide the information. If there is more than one prior adoption, it is unclear how reliable the informants would be.
Prior Guardianship Date(s)	Same as above - Limit to the most recent previous guardianship, if date is known
Environment at removal	Clarification of the purpose of data collection and meaning of the term environment would be beneficial in determining the viability of investing staff time in data collection, data entry and data reporting.
Child and family circumstances at removal	This has been 'Reasons for Removal'. There is concern about using this field and assigning it a different definition and purpose. 'Circumstances' are not equivalent to 'Reason for Removal'. Several items can be chosen however many of these could be circumstances within the home or geographic area, not actual reasons for removal such as "inadequate access to mental health services" and could be subjective depending on the case worker or the state policy or a variety of other considerations. Also not sure how this differs significantly from the field "environment".
Victim of sex trafficking prior to entering foster care	This information is not readily available and the child may not disclose this information if a parent may get into legal trouble. This needs to have an option for selecting unknown, as well as being something which can change if additional information is revealed.
Dates of each report (references reports to	If the Child Welfare agency was not the reporter and was not involved with the victim at the time it may be difficult to obtain the dates of the reports from anyone. Additionally, it is



law enforcement on sex trafficking)	unclear the purpose of collecting dates reports were made, when we are already collecting whether or not previous incidents were reported. It would seem that knowing reports had been made would be the critical issue, not the dates on which the reports were made. This will require a great deal of staff time to track down if an agency is even able to determine a child was a previous trafficking victim.
Living arrangement and provider information	Response options for living arrangements are confusing and some could potentially have overlap, which may lead to inconsistencies in data recording.
Good Cause under ICWA	States need more detailed information regarding reporting expectations to ensure consistency in decision making and reporting. To state it should be based upon whatever the court in the case rules leaves this element open for great diversity in circumstances across courts, tribes and states.
Child's relationship to the foster parents	This is extremely complex for data entry purposes. The purpose is not clear for reporting the relationship of the child to the foster parents to the degree indicated in the description of the elements.
Gender of foster parent	Eliminate this item. A person's gender identification can be noted however should not be required as a data element and can cause confusion of accuracy as gender identify may change and is not crucial to capacity to care for a child.
Sexual Orientation	Eliminate this item. The foster parent's sexual orientation should not be a factor in determining eligibility to foster children. Additionally, collection of this very personal information may be offensive to potential caretakers. As sexual orientation may change over time this could cause confusion of accuracy in data collection and is not crucial to capacity to care for a child.
Active Efforts	We recommend much more consideration prior to establishing such a lengthy and detailed list of data reporting elements which may not be sufficient to actually indicate active efforts. These elements appear to be more case planning elements as opposed o data collection elements. Onerous data collection for states. Benefit of data collection unclear.
Child's relationship to adoptive or guardian parents.	This is extremely complex for data entry purposes. It does not appear to serve a purpose to clarify the relationship of the child to the foster parents to the degree indicated in the description of the elements.

This state is currently involved in an AFCARS Improvement Plan (AIP) and CCWIS system development. While we do appreciate the opportunity to provide feedback regarding the proposed changes to the AFCARS process, we are very concerned about how these major changes would impact progress to our already arduous and extensive technical and programmatic work.

Sincerely,



Rhenda Hodnett, Ph.D, LCSW
Assistant Secretary, Child Welfare Division
Louisiana Department of Children and Family Services

RH/LL

