



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

June 13, 2018

Ms. Kathleen McHugh, Director
Division of Policy
U.S. Department of Health and Human Services
Administration for Children and Families
330 C Street SW
Washington, DC 20024

Re: 45 CFR Part 1355
Adoption and Foster Care Analysis and Reporting System
RIN 0970-AC72

Dear Ms. McHugh:

The Pennsylvania Department of Human Services (DHS), Office of Children, Youth and Families (OCYF) respectfully submits these comments in response to the Advance Notice of Proposed Rule Making (NPRM) on the Adoption and Foster Care Analysis and Reporting System (AFCARS) published in the *Federal Register* on March 15, 2018, for the Administration for Children and Families (ACF) of the U.S. Department of Health and Human Services.

Pennsylvania welcomes the opportunity to comment on streamlining the AFCARS data elements and removing any undue burden related to AFCARS reporting. As a state-supervised, county-administered child welfare system, Pennsylvania gathered information regarding the proposed rule from both state and county agencies.

DHS/OCYF Comments:

Non-ICWA data elements

- There are two data elements related to siblings of a child in foster care. A sibling is defined as they are brother or sister by biological, legal, or marital connection. The first element asks if a child's siblings are also in foster care and the second element asks if the siblings are placed in the same placement setting as the child. As guidance has not yet been provided by the Children's Bureau on these elements it is unclear if the elements relate only to siblings removed from the same home. If the elements are limited to sibling groups that are removed from the same home, these elements are not overly burdensome; however, if these elements require reporting on siblings that were removed from separate homes, we consider this to be burdensome. In the latter situation, the children would likely be part of two or more separated family case records and not identified easily within a case management system. Additionally, in Pennsylvania the children may be in family case records in different counties adding to the complexity of logically identifying the children as siblings.

ICWA data elements

- The majority of the ICWA related elements are viewed as overly burdensome for Pennsylvania and its 67 local jurisdictions. As there are no federally recognized tribes in Pennsylvania, we have few children placed into foster care that meet the ICWA criteria. In federal fiscal years 2010 – 2014 American Indian/Alaskan Native children comprised less than one percent of the total number of children served in foster care. We understand that this is not the case for many other states and there may be a need to collect some level of data on ICWA. The 2016 AFCARS Final Rule added 65 new data elements related to ICWA. Pennsylvania proposes reducing the number of ICWA related data elements by eliminating those that relate to procedural information, such as notifications and transfers, and focus on those that provide information on proper identification of children covered under ICWA and information related to permanency and well-being outcomes.

Removal of Data Elements Related to Foster Youth Sexual Orientation and Gender Identity and Expression ("SOGIE")

The core objectives of safety, permanency, and well-being apply to all children in the custody of state child welfare systems, including LGBTQ children, and the Social Security Act requires collection of data regarding characteristics of all children in care. HHS should maintain the data elements in the AFCARS Final Rule related to sexual orientation, gender identity, and gender expression so that states and tribes can improve outcomes, identify and fund needed resources, and reduce disparities experienced by lesbian, gay, bisexual, transgender, and questioning ("LGBTQ") foster children.

County Children & Youth Agency Comments:

Currently, county data systems do not collect the additional data elements which will result in additional costs to update each county system. County children and youth agency staff are responsible for investigation of reports of abuse and neglect, assessment of general protective services reports, as well as the provision of on-going services to children and families. Given the nature of their work to ensure the safety, permanency and well-being of Pennsylvania's children, the expansion of the required AFCARS data would increase their workload. Additional staff may be needed to assist with data entry. Consideration should be given to ensuring that only data necessary to ensure outcome related to child safety, permanency and well-being is collected to prevent increasing the workload of staff who are already overburdened. Retaining quality staff is currently an issue as a result of documentation requirements that prevent staff from working with children and families.

Sincerely,



Cathy A. Utz
Deputy Secretary