Tennessee has reviewed the Adoption and Foster Care Analysis and Report System (AFCARS) Notice of Proposed Rule-making and appreciates the extended period for submitting comments. Tennessee is in the final stages of finishing up its AFCARS Improvement Plan from the 2013 review. These proposed new requirements represent a substantial effort, both from a case management and a technology perspective.

Tennessee recognizes the importance of AFCARS data in monitoring performance on federal permanency measures and effective management of federal funds to support programs and initiatives to improve outcomes. However, collection of AFCARS data elements has a significant impact on child welfare casework, particularly when many elements are those that cannot be collected in the normal workflow of the case. Additionally, some of these elements are not used by the State in its performance outcomes and therefore would be collected exclusively for federal reporting purposes.

In addition to the added burden on front-line staff to collect and document the information, there is also a burden and cost involved with enhancing TN's SACWIS/CCWIS to allow the documentation of the information. Much of the work planned for future enhancements involves creating interfaces with existing systems such as Education and Medicaid. For some proposed elements, it would seem that the best course of action would be to obtain information from those systems already in place rather than require States to build the same or similar elements in their SACWIS/CCWIS.

> **Education Elements – Child Information: Section 1355.43 (b)(16)**
> - o TN Department of Children's Services strives to ensure stability for children in out of home care, which includes, to the extent practicable, keeping those children in their same school districts. DCS, working in collaboration with state and local education agencies, works to strengthen and support the academic achievements of these children.
> - o While TN's SACWIS/CCWIS is considered the system of record for child welfare data, TN's Department of Education (DOE) holds responsibility for the capture and tracking of education data for TN's children in public schools.
> - o TN DCS fully intends to develop an interface that will derive educational data for the custodial population from the DOE system of record and update each child TFACTS record with that data. The intent is to eliminate the need for DCS case management staff to enter any educational data in TFACTS. This will not only reduce the amount of time staff spend on gathering information and entering into TFACTS, but the quality and timeliness of the data is sure to be much better as it will come straight from the source. It will also get TN one step closer to CCWIS compliance.
> - o If we interface with DOE, then we are dependent on whatever data elements are captured in their system. If some of the proposed AFCARS education requirements are NOT captured in the DOE system, then would DCS have to develop those elements in addition to the interface and hold case managers responsible for entering that? That would seem to defeat the purpose of the interface.
> - o TN DCS respectfully recommends that ACF consider acquiring this information from the US Department of Education.

- **Sexual Orientation Elements – Child Information – Section 1355.44(b)(2); Living Arrangement and Provider Information – Section 1355.44(e)(19, 25); Exit to Adoption and Guardianship Information – Section 1355.44(h)(8, 14)**
  - TN recognizes the need to better understand the experiences of LGBTQ youth in foster care. Those youth may have unique service needs and may be at an increased risk for poor outcomes.
  - However, TN questions the purpose and intent of gathering/reporting this information for foster and adoptive parents. TN does not ask or require these parents to disclose that information. Rather, TN asks its foster and adoptive parents whether they are willing to accept a youth who identifies with a sexual orientation that is different from their own. That in no way indicates the sexual orientation of the parents but identifies them as a potential resource for LGBTQ youth, and that's the most important aspect of this.
  - TN intends to add the ability to document Sexual Orientation information in TFACTS for any person. However, TN respectfully requests that ACF not require reporting of this information for anyone other than older youth (12 and over) who are in the AFCARS reporting population. Requiring staff to respond to an element for youth under 12 and for foster/adoptive parents will increase the amount of information gathering and data entry they are responsible with little benefit.

- **ICWA – Child Information: Section 1355.44(b)(3-8)**
  - There are 153 new data elements being proposed for AFCARS 2.0…..65 of those new elements are ICWA-related.
  - Tennessee is one of 14 States without a federally or State recognized tribe. Over the past 5 years, less than 1% (47 out of 35,269) of TN's AFCARS reporting populations have a documented tribal affiliation.
  - Using the ACF estimate of 10 hours per case[1] at $42.00 per hour[2], the cost of staff searching sources, gathering info and entering the collected data into TFACTS comes to $19,740 over a 5 year span. However, all staff that carries at least one custodial client on their caseloads must be trained on how to obtain, document and report ICWA-related information…just in case. The average number of custodial case managers over the past 5 years is 1,150.
  - While these numbers may not reflect the same level of burdens a in those states that encounter a higher volume of ICWA-qualified children in their populations, please consider the following information related to the costs of development in TFACTS (TN's SACWIS/CCWIS). TFACTS currently only enables capture of Race (American Indian/Alaska Native) and Tribal Affiliation for any person created. Any ICWA elements above and beyond that would be new development. TN has estimated that this development project would have an approximate duration of six (6) months (design/develop/test/implement) and an approximate resource cost of $280,300.
  - TN already has a list of Management Advisory Committee approved and prioritized TFACTS projects whose estimated collective duration extends two years into the future. Introducing a new ICWA project into the midst of that would disrupt and delay

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[1] "Adoption and Foster Care Analysis and Reporting System" Fed. Reg. Vol 81, No 240
[2] "Adoption and Foster Care Analysis and Reporting System" Fed. Reg. Vol 81, No 240

work on projects that, once implemented, would support the critical daily business of the Agency.
- o It is TN's opinion that the costs associated with fully implementing all proposed ICWA requirements are prohibitive when compared to the actual/expected usage of the elements. Additionally, the disruption to development schedule for established priority projects would be significant.
- o TN respectfully requests that ACF scale down the number of proposed new ICWA requirements to only capture if a child is a member of a federally-recognized tribe and if so, which one. TN doesn't understand the value of indicating how we know and who we asked.

- ➢ **Health, Behavioral or Mental Health Conditions – Child Information: Section 1355.44(b)(13)**
  - o Tennessee DCS does not reliably receive specific diagnostic information about youth in a usable format. This information is communicated from healthcare providers to TN DCS on a paper form that is handwritten and frequently illegible. This makes it impossible for us to capture the diagnostic information requested by ACF. DCS is always happy to evaluate ways in which we could improve our own practice; however, DCS ultimately depends on each healthcare provider in the community to provide clear documentation, which is outside our locus of control.
  - o Even if health care providers were to provide clear, legible information, DCS does not have a staff of clinicians who are able to transcribe or translate that clinical information from a paper document into meaningful diagnostic codes for the purposes of federal tracking.
  - o By contrast, our Tennessee Medicaid system (TennCare) receives encounter information for each appointment for billing purposes, which captures diagnostic information.
  - o Tennessee DCS has a long-range goal of building an interface with Medicaid so that we can retrieve data directly from this agency regarding items such as diagnosis. However, this system has not yet been built and until that time, we have nothing but handwritten documentation from medical providers, which is illegible and uninterpretable by non-clinicians.
  - o Tennessee DCS respectfully recommends that since Medicaid systems directly and electronically receives billing information including diagnosis, that ACF should consider obtaining this data from the US Department of Health and Human Services Medicaid systems.

Thank you for the thoughtful consideration these comments.