

# AFCARS 2.0

## The Adoption and Foster Care Analysis and Reporting System Proposed Rule

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# AFCARS 1.0 (Existing) – A History

- Existing AFCARS regulations published in 1993.
- Regulations addressed statutory mandate in section 479 of the Social Security Act to collect national data on foster care and adoption.
- The existing regulations specify the reporting population, standards for compliance, penalties for noncompliance, all data elements, and methods for collecting and reporting data.

# AFCARS 1.0 (Existing) – A History

- States started collecting AFCARS data in October 1994, and first reported information to ACF for FY 1995.
- Data quality improved over time but some States were still unable to comply and were subject to penalties at the time they were phased in for FY 1998.
- ACF rescinded the penalties that the regulation required for noncompliance as a result of State litigation and a subsequent settlement agreement.

# Need for Improved AFCARS Data

- Adoption Promotion Act of 2003 changed the law to require ACF to take fiscal penalties for lack of State compliance with AFCARS requirements and established a new penalty structure.
- AFCARS data supports many Federal activities, such as Child and Family Services Reviews (CFSRs), outcomes reports, adoption incentives, title IV-E eligibility reviews, budget estimates, program and policy purposes. Quality & more complete data is essential to these activities.
- Existing AFCARS needs to be updated to keep pace with the child welfare field and the field's use of technology.

# Need for Improved AFCARS Data

- In April 2003 ACF officially solicited comments on improving AFCARS through the Federal Register.
- Most prevalent concern is that the existing data are not rich enough to provide an adequate picture of a child's experiences in foster care and adoption and/or reflect how State program changes impact those children.

# New in AFCARS 2.0

- We have proposed revisions to AFCARS in the NPRM that will change State data requirements in four significant ways:
  1. Broader reporting populations
  2. Revised data structure
  3. New and refined data elements
  4. New compliance and penalty structure

# Out-of-Home Care – Reporting Population

- The out-of-home care reporting population includes all children placed away from their parents or guardians for a period in excess of 24 hours under the placement and care of the title IV-B/IV-E agency regardless of placement.
- Type of out-of-home care living arrangement is not relevant to whether the child is in the reporting population. For example, the population is inclusive of children under IVB/IVE agency placement and care responsibility in foster family homes, detention, psychiatric hospital, etc.
- Children will no longer be in the reporting population when the agency's placement and care responsibility ends, the child returns to his parents (i.e., after care) or the child reaches the age of majority, unless they are age 18 or older and receiving title IV-E payments.

# Out-of-Home Care - Data Structure

- The out-of-home care data structure contains a mixture of point-in-time and longitudinal data:
  - Most recent information based on a point of time in the period on certain characteristics of the child and originating household, such as diagnosed disabilities and race/ethnicity.
  - Most recent and historical (all) information on out-of-home entries and exits, moves between living arrangements, details on each foster family home provider, changes in permanency plan goal, etc.
- Child and family identifiers will remain the same for the child over time regardless of the jurisdiction within the State to ensure that data can be linked over report periods and to NYTD information.

# Out-of-Home Care – Data Elements

- Refined Elements. Propose to keep the vast majority of elements currently existing in AFCARS but with revisions for clarity. For example we are modifying elements on:
  - Circumstances surrounding the child's placement into out-of-home care
  - Health, behavioral or mental health conditions
  - The child's prior adoptions
  - Reasons for the child exiting care
  - The child's receipt of title IV-E and other Federal assistance
  - Foster family homes and other living arrangements

# Out-of-Home Care – Data Elements

- New elements. Proposed to better identify the characteristics of children in out-of-home care and their case. Some of the new elements include information on:
  - The child's environment just prior to the child's placement into care
  - The circumstances affecting the child and family during his or her stay in out-of-home care (including, substance abuse and need for mental health services)
  - The child's educational status
  - The child's involvement in the juvenile justice system
  - The child's siblings in out-of-home care
  - The child's own child(ren) living with them in care
  - The child's and foster parent's language
  - The location of the living arrangement and whether it is licensed/managed by a private agency
  - Any concurrent plans for the child
  - Termination of parental rights petitions

# Adoption Assistance

- Reporting population. Population includes children adopted with an adoption agreement with the title IV-B/IVE agency.
- Data structure. Point-in-time information on children receiving Federal or State adoption assistance/subsidy over the period of the assistance agreement.
- New elements. Include per diem amount of subsidy, nonrecurring adoption expenses, location of child's adoption, & agreement termination.

# Subsidized Guardianship

- Reporting population. Population includes children who exit out-of-home care to a subsidized guardianship under an agreement with the State title IV-B/IV-E agency.
- Data structure. Point-in-time information on children receiving subsidies, whether funded by State or Federal funds.
- New data elements. Fed or State source of subsidy, per diem subsidy amount, & termination of agreement.

# Compliance Standards

- Compliance is based on meeting two types of standards:
  - Basic file standards: timely file submissions, proper format, acceptable cross-file.
  - Data quality standards: certain elements must have no more than 10% of data that are missing, invalid, internally inconsistent or have tardy transactions.
- Compliance focuses on out-of-home care file.

# Corrective Action and Penalties

- A State that does not meet the standards upon initial submission of the data will have until the time when the next report period's data is due to correct and re-submit the data.
- If a State does not meet the standards after corrective action, ACF will apply the penalties required in statute.
- Penalty amounts are one-sixth of a percent of a State's title IV-E foster care administrative funds for initial noncompliance and one-fourth of a percent of such funds for continued noncompliance.

# Notice and Comment Procedures

- The proposed rule was issued for notice and comment on January 11, 2008, comments must be received by March 11, 2008.
- Stakeholders can view and comment on the proposed rule via [www.regulations.gov](http://www.regulations.gov). Persons can also comment via email to [CBcomments@acf.hhs.gov](mailto:CBcomments@acf.hhs.gov) and US postal mail (one method only please).
- The *proposed* rule does not effect existing AFCARS requirements and procedures. The proposed provisions are subject to change pursuant to a final rule.