

## Kentucky 83 FR 11449 Comments

### 1. Overly burdensome elements, non-ICWA related

- **Living Arrangement and Provider Information**

- Jurisdiction or country where child is living should be removed, as this not relevant nationally or needed for IV-B or IV-E monitoring.

- **General and Child Info**

- There are 11 elements/sub-elements under education, under General and Child Info, that could be simplified, as this appears to be excessive. For example:
  - School enrollment and education level are repetitive. These are asking the same thing. One should be deleted.
  - Proximity and district/zoning are repetitive and could be combined.
  - Child request and parent/legal guardian request could be combined.
  - Other is not needed.

1.a.i. The hours spent annually on searching data sources, gathering information and entering the information into the electronic case management system is not captured for data elements. However, the additional gathering and entering of this information falls to field staff who are already overly burdened. The current workforce is extremely understaffed, therefore, adding any additional burden to the extremely high caseloads is unreasonable. Additionally, when field staff are not able to meet the requirements, financial penalties are incurred, which only adds to workforce and support issues.

1.a.ii. An annual estimate of hours spent to modify existing procedures and systems to collect, validate and verify would not be an accurate representation of the work that would need to be completed. A one time estimate would be a better description of the work. Standards of Practice (SOP) changes would be required to guide field staff in the collecting of data elements during investigations and throughout the life of the case. This would require work from many program and technical staff, with an estimate of 1,000 hours to complete, for the procedure modification, for both ICWA and non-ICWA. At this time, Kentucky is unable to estimate the minimum number of hours to modify the existing system to collect, validate, and verify. Due to the larger number of elements to be tentatively added to the system, further analysis is needed.

1.a.iii. The hours spent annually to complete training and administrative tasks associated with training personnel on the AFCARS requirements is estimated, at a minimum, at 2,537, for both ICWA and non-ICWA. This would be in addition to the 8,500 hours (2017 training hours) already spent training field and administrative staff. A work group would have to be developed to identify all of the new elements, identify where in TWIST the new elements are captured, identify if new trainings are necessary, and determine which existing trainings are affected. New curriculums and training materials would have to be printed. Web-based training development and dissemination to staff would be required, as well as communication to field staff regarding the changes.

b. Hours spent annually extracting the information for AFCARS reporting and transmitting to the ACF, for both ICWA and non-ICWA.

<b><u>AFCARS 2.0 IMPLEMENTATION</u></b>	<b><u>TASKS</u></b>	<b><u>HOURS</u></b>	<b><u>COMMENTS</u></b>
Create new 2.0 extract file	-Project Management -Analysis -Development -Unit Testing	375	
Testing	-Break/Fix	150	
Implementation	-Production deployment	8	
Bi-annual extract	-A & B file extracts	40	Includes dry runs, data checks & updates
<b>TOTALS:</b>		<b>573</b>	
<b><i>NOTE-1: these hours do not include the enhancements to i-twist to incorporate new field and tables to the database as well as new screens to allow workers to enter the data.</i></b>			
<b><i>NOTE-2: at this time, the FINAL Technical Bulletin has not been published on the Federal website</i></b>			

2. Specific limitations Kentucky will encounter in reporting the ICWA-related data elements include:

- The addition of these elements would be very labor intensive regarding modifications to the SACWIS. This would take resources away from the state that are needed in other areas.
- Kentucky, as well as many other states, faces major budget constraints on a daily basis. The time and resources involved in modifying the SACWIS could potentially cost more than states have available for such a project.
- Kentucky has very few ICWA cases compared to some other states. This is an intensive burden to create areas in the SACWIS for data entry that will not be used as often.
- There are many additional elements being proposed. This would add a lot of data entry requirements for field staff who are already overly burdened.

2.a. SACWIS currently does not capture children who are considered Indian children as defined by ICWA, only those identified by field staff as Native American.

2.b.i. The hours spent annually on searching data sources, gathering information and entering the information into the electronic case management system is not captured for data elements. However, the additional gathering and entering of this information falls to field staff who are already overly burdened. The current workforce is extremely understaffed, therefore, adding

any additional burden to the extremely high caseloads is unreasonable. Additionally, when field staff are not able to meet the requirements, financial penalties are incurred, which only adds to workforce and support issues. This is particularly burdensome when Kentucky has very few ICWA cases.

2.b.ii. Standards of Practice (SOP) changes would be required to guide field staff in the collecting of new ICWA data elements during the investigation and throughout the life of the case. An annual estimate of hours spent to modify existing procedures and systems to collect, validate and verify would not be an accurate representation of the work that would need to be completed. A one-time estimate would be a better description of the work. Standards of Practice (SOP) changes would be required to guide field staff in the collecting of data elements during investigations and throughout the life of the case. This would require work from many program and technical staff, with an estimate of 1,000 hours to complete, for the procedure modification, for both ICWA and non-ICWA. At this time, Kentucky is unable to estimate the minimum number of hours to modify the existing system to collect, validate, and verify. Due to the larger number of elements to be tentatively added to the system, further analysis is needed.

2.b.iii The hours spent annually to complete training and administrative tasks associated with training personnel on the AFCARS requirements is estimated at 2,537, for both ICWA and non-ICWA. Web-based training development and dissemination to staff would be required, as well as communication to field staff regarding the changes.

c. Hours spent annually extracting the information for AFCARS reporting and transmitting to the ACF, for both ICWA and non-ICWA.

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3. Recommendations on which data elements should be retained, that are important to understanding and assessing the foster care population at a national level. Rationale and any relevance to IV-B and IV-E monitoring.

- **Child Information**
  - Developmental delay, developmental disability, pregnant/fathered, and parenting youth placed together should be retained. All would lend to the capturing of data relevant to assessing the foster care population nationally.
  - Prior adoption date, adoption termination date, and intercountry adoption should be retained. All would lend to the capturing data on adoption recidivism. Intercountry adoption is also consistent with Title IV-B requirements.
- **Child and Family Circumstances at Removal**
  - Psychological/emotional abuse, medical neglect, and domestic violence should all be retained, as they lend to the capturing of data regarding types of maltreatment, nationally.
  - Sex trafficking victim prior to removal, and while in foster care should also be retained for consistency with Title IV-E requirements for the identification and reporting of sex trafficking victims.
- **Living Arrangement and Provider Information**
  - Child's relationship to foster parent should be retained, as this could yield relevant data to inform recruitment. It is also already collected for adoptive parents.
- **Permanency Planning**
  - Case worker visit dates with children should be retained for consistency with IV-B requirements for monthly visits with children.

4. Recommendations to simplify data elements to facilitate the consistent collection and reporting of AFCARS data. Rationale.

- **Living arrangements**
  - Available ICWA foster care and pre-adoptive placement preferences, and Foster care and pre-adoptive placement preferences under ICWA could be combined, as the only difference is the addition of 'placement does not meet ICWA placement preferences' to Foster care and pre-adoptive placement preferences under ICWA.
- **Child Information**
  - There are 11 elements/sub-elements under education, under General and Child Info, that could be simplified, as this appears to be excessive. For example:
    - School enrollment and education level are repetitive. These are asking the same thing. One should be deleted.
    - Proximity and district/zoning are repetitive and could be combined.

- Child request and parent/legal guardian request could be combined.
- Other is not needed.
- There are three (3) elements that require the name of the tribe. This is repetitive and unnecessary. The suggestion would be to leave the element 'Indicate the name of the Indian tribe(s) that the court found is the Indian child's tribe, if listed on the court order' and eliminate the two that state 'Indicate the name(s) of all federally recognized Indian tribe(s) identified that may potentially be the Indian child's tribe(s)' and 'Indicate the name(s) of the Indian tribe(s) that were sent notice for a child custody proceeding as required by ICWA'

5. Recommendations on which data elements should be removed, that would not yield reliable national information about children in the child welfare system. Not needed for the monitoring of IV-B and IV-E programs. Rationale.

- **Living Arrangement and Provider Information**
  - Jurisdiction or country where child is living should be removed, as this not relevant nationally or needed for IV-B or IV-E monitoring.
- **ICWA Elements**
  - Application of ICWA
    - Indicate whether the state title IV-E agency knows or has reason to know that the child is an Indian child as defined by ICWA.- This element is repetitive. If staff have already asked mother, father, child, etc. about Indian heritage and reported that in the previous suggested elements, then this element would not be necessary.
  - Active efforts to prevent removal and reunify for Indian family
    - Most of the elements under this category should be deleted, as they are not specific to only ICWA cases. Most of these elements are requirements for all cases. Suggest deleting all of these elements, with the exception of the following two (2): 'Invite representative of the Indian child's tribe to participate in the proceedings' and 'Consider alternative ways of addressing the needs of the Indian child's parent and extended family if services do not exist or are not available'.
  - Removals
    - Elements under this category should be deleted, as they are not specific to only ICWA cases. These elements are required for all cases.
  - Termination of parental rights
    - All elements under this category should be deleted, as they are not specific to only ICWA cases. These elements are required for all cases.

- Adoption proceedings
  - 'Indicate whether the Indian child exited foster care to adoption' should be deleted. This element is not specific to only ICWA cases.