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921 SW Washington Street, Suite 312 phone (503) 297-2217
Portland, OR 97205 toll free (866) 449-2217

fax (503) 297-1277
www.NationalCrittenton.org

June 12, 2018

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

Dear Ms. McHugh:

National Crittenton submits the following comments regarding the Notice of Proposed Rulemaking at 83 Fed. Reg. 11449 (Proposed Rule) proposing to streamline the Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements and request comments regarding whether new data elements are overly burdensome. National Crittenton strongly requests that U.S. Department of Health and Human Services, Administration for Children and Families (ACF), Administration on Children Youth and Families (ACYF), Children's Bureau (Children's Bureau) maintain the current data elements in the December 14, 2016 AFCARS Final Rule (Final Rule). The data elements in the Final Rule previously went through a thorough notice and comment period, during which comments on the burden of data elements were addressed and the data elements adjusted as described in the Final Rule.

National Crittenton represents a family of twenty-six agencies across the United States operating in 31 states and the District of Columbia. Working in partnership with public systems, our agencies provide innovative, comprehensive, gender- and culturally-responsive, trauma-informed and developmentally appropriate services. These services are provided in a range of settings for girls, young women, and their families – from in-home and school-based early learning centers to residential treatment foster care placements, community-based mental health services, wrap-around family support, and diversion and re-entry juvenile justice programs, among others. Our agencies are on the front lines of meeting the needs and supporting the potential of young people who have spent time in the child welfare, juvenile justice, substance abuse treatment and mental health systems and runaway and homeless shelters. TNCF has long advocated for the use of data to inform policy and practice, and, as we noted in our comments in April, we believe the inclusion of new data elements included in the 2016 update to AFCARS would represent a huge step forward for the child welfare field.

We recommend that the data elements in the Final Rule be retained and not further streamlined. The 2016 Final Rule represents a "streamlining" of the original proposed rule (2015 NPRM and 2016 SNPRM) and the burdens identified by commenters were addressed in the Final Rule. In fact, states and tribal entities and other stakeholders have had numerous opportunities to provide public comments on AFCARS data elements including in 2003, 2008, 2010, 2015, and 2016. The Final Rule data elements reflect those numerous public comments, are not overly burdensome and will provide nationwide information regarding children and families whose existence and experiences have remained officially invisible. Any burden involved in implementing new data elements is outweighed by the benefit of more informed state

and federal policy resulting in improved outcomes for some of the most marginalized children in the child welfare system and reduced systemic costs.

The data elements related to pregnant and parenting young people in foster care, crossover youth, health and mental health, sexual orientation, gender identity and gender expression, American Indian/American Native young people, and race and ethnicity are urgently needed. Our agencies are on the front lines of serving young people, particularly young women and girls, “at the margins” of society who are particularly affected by the compounding and interrelated issues of race, sexual orientation and gender identity, public systems involvement, and adversity. Working in partnership with public child welfare systems, our agencies rely on timely, accurate data to inform our service delivery and ensure our services and systems are meeting the needs of our most vulnerable young people and helping to stop the vicious cycles of poverty, racism, trauma, and system involvement.

Because AFCARS has not been updated since 1993, data elements added in the Final Rule reflect significant advances in child welfare policy and practice and include statutorily required data from the Preventing Sex Trafficking and Strengthening Families Act (P.L. 110-351) and changes in foster care services and oversight in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L.110-351), and the Child and Family Services Improvement and Innovation Act (P.L. 112-34). Critically, the Final Rule will also provide data to ensure implementation and oversight of the Indian Child Welfare Act (P.L. 95-608), improving outcomes for tribal youth. The burden on states of implementing new data element collection will be reduced with the current development of the new Comprehensive Child Welfare Information System (CCWIS), and many of the data elements will also assist states in implementing the recently passed Family First Prevention Services Act (“Family First,” P.L 115-123).

What’s more, the longer these changes are delayed, the harder it will be for states to improve their data collection systems to improve these additional requirements. As time goes on, more child welfare laws will be passed, and states will be even further behind in keeping up with these federal reforms.

We urge the U.S. Department of Health and Human Services, ACYF, ACF, Children’s Bureau to retain all of the data elements in the 2016 AFCARS Final Rule and proceed without delay to work with states to implement them. We appreciate the opportunity to comment on the benefits of these data elements and look forward to working with you to ensure that they are implemented as soon as possible.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a horizontal line extending to the right.

Jeannette Pai-Espinosa
President
National Crittenton