



Doug Burgum, Governor  
Christopher Jones, Executive Director

June 12, 2018

Kathleen McHugh  
United States Department of Health and Human Services  
Administration for Children and Families  
Children's Bureau Policy Division  
330 C Street SW  
Washington, DC 20024

RE: AFCARS Open Comment Response Period ~ Billing Code: 4184-25-P  
RIN 0970-AC72

Thank you for the opportunity to respond to the request for AFCARS public comment. North Dakota is a state-supervised/county-administered child welfare system including four Title IV-E Tribal agreements, 53 county agencies, eight regional offices as well as statewide Division of Juvenile Services working collaboratively to meet the needs of foster children.

Since 2009, North Dakota has utilized an internal data management system: FRAME. FRAME was developed and is managed by the North Dakota Department of Human Services (NDDHS) Information and Technology Services (ITS) to meet federal compliance with reporting requirements based upon all case management activity from child protection, in home prevention services, and foster care. Over time, North Dakota has worked to adapt FRAME to ensure compliance with Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements while preparing for AFCARS 2.0 implementation. The Administration for Children and Families (ACF) has provided technical assistance to North Dakota in efforts to dissect the FRAME system functioning in relation to SACWIS.

Current North Dakota Administration (Governor and Extended Cabinet) is very innovative with a technology driven mindset that has allowed for further exploration into the desired change for child welfare data management. North Dakota has been data poor, having difficulty extracting data from FRAME. With new Administration, North Dakota has been allowed opportunities to explore a data management system upgrade. This internal Department decision to move forward with planning and implementation of a new data system, such as CCWIS, has been granted. Children & Family Services (CFS) is working with the NDDHS Executive Office, Information Technology Services and Fiscal Administration to prepare for legislative approval during the 2019 ND legislative session (January – April 2019). All financial budget decisions require legislative oversight and approval. The advocacy from CFS has been heard and action is in motion for a new data management system. This excitement of new developments that will enhance our state ability to enter and extract child welfare data more effectively and efficiently in turn offers

great challenges. The timeframe and funding to support overall statewide implementation of a new system on top of new federal reporting requirements is complicated.

The comment period was specific to learning about challenges or burden presented to states and tribes to fully execute the new requirements of AFCARS. The recent proposal allows for a delay of implementation of all AFCARS data requirements from 2019 to 2021. The delay in implementation of the federal reporting requirements has both positive and negative outcomes on the state and tribes. Below, North Dakota highlights general statements specific to the new AFCARS regulations and the impact the additional data elements has on our state child welfare system.

**North Dakota Comments:**

1. **North Dakota was one of three states selected to receive a five year ICWA State Partnership grant:** North Dakota is pleased to be part of the nationwide movement to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families. It is understood the new data elements identified in AFCARS will advance the reporting collection criteria for ICWA eligible youth. North Dakota greatly values the need to meet compliance by accessing additional data specific to ICWA. The AFCARS data elements will require states to do more in the area of ICWA data collection, ultimately doing better for clients and overall delivery of services. Currently, ND has access to the ND Juvenile Court database. There are ICWA related data elements reviewed and tracked in state, however the overall lack of ICWA specific identification in the ND FRAME data management system and required federal AFCARS makes it challenging to adequately and effectively track outcomes and target prevention strategies for this defined population of clients.
  - a. **Benefits** of tracking ICWA data in AFCARS for this grant include:
    - Access to new data elements to assist in statewide planning, as well as achievement of ICWA related goals and tracking.
    - Opportunity to have more consistent, reliable, and streamlined data available for program improvement strategies.
  - b. **Challenges** of tracking ICWA data in AFCARS for this grant include:
    - The volume of ICWA related data elements complicates the momentum of gained knowledge as ND recognizes the need for significant data enhancements to an already established FRAME data system or the delay as we await the purchase and implementation of a new system with the required data enhancements.
    - The volume of data elements minimizes the success of data gains by the overshadowed weight of data collection needs that must be collected and entered to meet compliance.
    - Some of the data elements will be complicated to obtain.

- Delays in implementation may not provide benefit to the current state ICWA Partnership grant.

**2. Prioritizing the data elements:** Given the volume of new data elements required in proposed rulemaking, the overall impression is the need for additional capacity to complete the data collection and entry of the new elements. It is greatly appreciated that PL 113-183 Preventing Sex Trafficking data requirements have been added to the detail of AFCARS; however the priority of the volume of data fields is requested as states have been asked to increase the data collection from an estimated 90 unduplicated data fields (66 foster care data elements and 37 adoption elements) to over 250 unduplicated data elements in order to meet compliance.

- a. North Dakota agrees that if a data system had all of the required elements ready for data entry; it would be easier to comply with the increased data request. Workers would have accessible data fields that are located more efficiently and effectively allowing for easier navigation of an online electronic record. The current FRAME system would not allow for ease and would require significant amount of time to upgrade the current system to accommodate the volume of data elements.
- b. Requested to prioritize critical data elements in lieu of requiring additional helpful data. In the event there was a priority for AFCARS elements, ND would contend that the priority elements are demographics, case planning specifics, etc. However, it is requested that the additional data elements that are descriptive, yet not overly essential be removed from the final report data elements:
  - #56 through #62 - excess school related information
  - #185, #197, #244, #256 – excess descriptive sexual orientation of providers
- c. The desire to fully engage in ICWA is highly recognized. North Dakota would be adding over 30 data elements specific to ICWA requirements. The addition of the data elements is possible, but complicated as a percent of the data elements are less accessible. It is requested to prioritize the data elements #8 through #24, #97-100, #103 to #105, #160 and #171
  - Remove = #25-28,

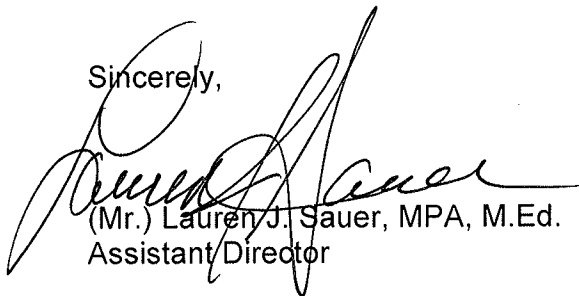
**3. North Dakota is pursuing the final approval for implementation of a new data management system:** North Dakota continues to complete the process of internal approval for the implementation of a new statewide data management system (Ex: CCWIS). As stated in our introduction, North Dakota is held to a legislative budget build that must be approved by the state legislative process. As NDDHS advocates for legislative support for a new data management system, ND requests an extension and delayed implementation of AFCARS until October 2021.

- a. A delayed implementation is requested as it is understood the process of data management system transition is time intensive, costly, and creates temporary data deficits. At this time, FRAME is under development every day with upgrades and modifications being made to comply with federal reporting requirements. Financially, continual system upgrades is a burden. A delayed implementation would not require upgraded data fields in an antiquated system, rather it is projected that an upgrade to a new data management system that is better suited to meet the federal requirements will be more efficient and effective.
- b. North Dakota is aware of the ACF funding available to support the implementation of a new computer system for data collection and regulations. North Dakota asks that ACF support the requested transition to a new data management system (ex:CCWIS) in lieu of FRAME.

This letter allowed our state the ability to comment on the AFCARS data requirements, and is asking ACF for an extension or delay in implementation of full compliance with AFCARS until October 2021 as NDDHS advocates for legislative support of a new data management system.

Please provide North Dakota with a response regarding the delayed implementation by contacting Lauren J. Sauer, Assistant Director of Children & Family Services.

Sincerely,



(Mr.) Lauren J. Sauer, MPA, M.Ed.  
Assistant Director