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June 13, 2018

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

Dear Ms. McHugh:

The state of South Dakota respectfully submits comments regarding the additions and changes to AFCARS data elements included in the Final Rule dated December 14, 2016 (ANPRM RIN 0970-AC72). The South Dakota Division of Child Protection Services (SD-CPS) believes these changes would require a significant investment of not only staff resources, but also funding associated with staff to implement the proposed changes. The rule includes 272 elements, of which 153 are new elements. This represents an onerous resource burden for SD-CPS.

While states recognize the value in adding additional information to monitor and analyze outcomes for children in the child welfare system, there needs to be more recognition of the ever increasing demands put on state child welfare staff due to the complexity of the work, and a workable balance struck between the two. Significantly increasing the AFCARS data elements increases the burden on already stretched resources needed to provide services to children and families. The addition of 153 data elements in addition to the 120 elements already being tracked and recorded, will divert time away from direct casework, potentially cause delays in timely permanency for children, and affect other critical services for children that ensures their safety and well-being. Moreover, some of the new data requirements will not add value as they are already reported through South Dakota's SACWIS.

Outcomes in child welfare are the responsibility of many systems, not just child welfare agencies. This rule places all of the responsibility for reporting on state child welfare agencies. For example, the ICWA-related data elements in the final rule are based on the Department of Interior regulations, not the Department of Health and Human Services and many of those functions are the responsibility of the courts. Data elements such as if ICWA applies to the case; the Indian tribe determined to be the Indian child's tribe; whether the Indian child's parent or Indian custodian and the child's tribe were sent legal notice 10 days prior to the first child custody proceeding; decisions related to transfer from state to tribal court; provision of active efforts; evidence of testimony from a qualified expert witness; and court findings related to the standard of "serious emotional or physical damage" and the rulings related to evidentiary standards such as clear, convincing, or beyond a reasonable doubt are findings made by a court. However, the responsibility of capturing this data is placed on state child welfare agencies. In

addition to the burden of collection and entering these data elements, the penalties for non-compliant data will fall on the state child welfare agency not the agency charged with the task. States will be penalized funding from the Department of Health and Human Services for failing to report or inaccurately reporting Department of Interior data. The entity responsible for the data should be the entity charged with collecting and maintaining the data.

Some of the new data elements are duplicative of information collected and maintained elsewhere. When an abuse/neglect report is made, SD-CPS begins inquiring about the child's race. If there is any indication the child is potentially an Indian child, SD-CPS proceeds as if it is an ICWA case in policy and practice. In addition, SD-CPS has the required interface with IV-A which allows for import of race information from IV-A, if known. If the child is identified in the IV-A system as an Indian child, the state proceeds with the case following ICWA requirements. Inquiries with the child's parents, Indian custodian, and tribe(s) are made and documented in the State's SACWIS, ICWA Affidavits, court reports, and case narrative along with any dates. Such duplication is unnecessary, doesn't improve outcomes for children and creates additional burdens for staff.

Additional examples of duplication of effort by staff are capturing data related to health assessments and caseworker visits. SD-CPS has policy and procedures in place to direct staff related to timely health assessments for children and that information is captured in the State's SACWIS. This information is also gathered through the Child and Family Service Reviews and SD-CPS conducts ongoing case reviews that emulate the CSFR process. SD-CPS already reports information related to monthly caseworker visits and location of those visits from the state's SACWIS to the Children's Bureau in an aggregated data format.

SD-CPS believes the time estimate related to data entry by staff is low. SD-CPS estimates the time required by staff to compile and enter the required data elements would be close to 15 hours per year per child, 12 hours for direct staff and an extra three hours for supervisors. This would not only require additional time for data entry, but also additional time for ensuring data is current due to placement moves or changes in permanency goals. Supervisors would need to devote additional time to ensure timely data entry in the database matches court reports and other items, further limiting their time to provide clinical supervision to front line staff.

SD-CPS averages 1,242 Indian children in foster care each year. Using this average, the number of extra hours devoted to compiling and entering data supervisory oversight would be 14,904 hours for workers and 3,726 hours for supervisors, totaling 18,630 additional work hours per year. The average salary for a family services specialist is \$19.73 per hour and the average salary for a family services specialist supervisor is \$25.49 per hour. The estimated cost on an ongoing basis for a family services specialist would be \$294,055.92 (14,904 x \$19.73) and \$94,975.74 (3,726 x \$25.49) for a Family Services Specialist Supervisor at a total cost of \$389,031.66.

Based on previous projects, the State estimates 2,500 hours of technical staff time devoted to research, workgroup participation, development, testing of revised screens and/or new screens, and mapping of new AFCARS elements to the screens. Cost to SD-CPS for technical time is \$73.50 per hour for a total estimated cost of \$183,750.00 (2,500 X \$73.50) for development and implementation of SACWIS/CCWIS and AFCARS changes. The State also estimates additional child welfare staff time for

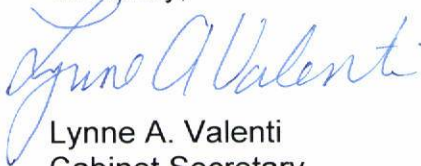
workgroups, testing, and implementation to be 150 hours for three SD-CPS SACWIS program staff and approximately 75 hours each for three SD-CPS staff with responsibilities related to foster care, adoption, and monitoring of Title IV-E Agreements with tribes. Estimated hours for SD-CPS staff for development, testing, implementation, and training is 675 hours at an average salary for six staff of \$26.98 per hour for a total cost of \$18,211.50 (675 hours x \$26.98). The total initial project costs, including implementation and training, are estimated to be \$201,961.50.

The estimated ongoing hours and associated costs for the six SD-CPS staff would be \$3,561.36 (132 hours x average salary \$26.98 per hour) based on previous projects and previous AFCARS data quality oversight. The estimated ongoing hours and associated costs for the technical staff would be \$2,205.00 (30 hours x \$73.50 per hour). The total estimated ongoing costs per year for program and technical staff is \$5,766.36.

The South Dakota Department of Social Services (SDDSS) requests your thoughtful consideration of the significant burden the new AFCARS data elements places on program and technical staff, as well as financial resources. SDDSS recognizes the value of data in evaluating the child welfare system; however, it is a delicate balance between allocating time between direct service, data collection, and data entry. The task of balancing falls to staff who already have significant caseloads and difficult jobs. We are concerned that the addition of 153 new data elements will tip the balance and could thereby negatively impact our child welfare system. While there is value in adding additional information to monitor and analyze outcomes for children in the child welfare system, data collection should not be duplicative, and the expected results may not be realized due to staff having to choose between data entry and direct service.

If you have questions regarding South Dakota's comments, please contact Virgena Wieseler, Division Director of SD Child Protection Services at (605) 773-3227 or Tonia Bogue, SACWIS Project Director at (605) 688-4330 ext. 229.

Sincerely,



Lynne A. Valenti
Cabinet Secretary

CC: Virgena Wieseler, Division Director of Child Protection Services
Tonia Bogue, SACWIS Project Director
Susan Nichols, ACF Child Welfare Specialist, Region VIII