



June 18, 2019

Kathleen McHugh
U.S. Department of Health and Human Services
Administration for Children and Families
Director, Policy Division
330 C Street SW,
Washington, DC, 20024
cbcomments@acf.hhs.gov

**Re: Notice for Proposed Rulemaking amending the Adoption and Foster Care Analysis and Reporting System (AFCARS)
(Apr. 19, 2019) [RIN 0970-AC72]**

Dear Ms. McHugh:

FosterClub, the national network for young people in foster care, is pleased to provide comments on decisions related to the proposed data removal in AFCARS. If you would like to discuss further, please contact Celeste Bodner, FosterClub, 503-717-1552 or celeste@fosterclub.com.

Thank you for the opportunity to submit.

Sincerely,

A handwritten signature in black ink that reads "Celeste Bodner".

Celeste Bodner
Executive Director
celeste@fosterclub.com

Comments from FosterClub on proposed rulemaking amending the Adoption and Foster Care Analysis and Reporting System (AFCARS)

We are pleased that the Children's Bureau is soliciting feedback on the Adoption and Foster Care Analysis and Reporting System (AFCARS).

As an overarching message, we applaud ACF efforts to engage youth and alumni in shaping what's counted under federal data and hope that ACF will continue to engage young people in elevating current needs, challenges and successes experienced by youth and alumni in order to lead to better outcomes for children, youth and families served by the system.

The Bureau highlighted a concern for the burden of AFCARS data collection on states as a core reason for eliminating several data elements from the December 2016 Proposed Final Rule. While we recognize the value in reviewing data collected to ensure usefulness, we also know that accountability can't happen without data.

As young leaders from FosterClub discussed the proposed elimination of certain data elements, youth felt the "burden" of data collection, as defined by the Children's Bureau, ultimately translates into the burden of recognizing the experiences, identities and support of children. We strongly urge the Children's Bureau to prioritize accountability, well-being, and visibility of children and youth over consideration to the burden of data collection to jurisdictions.

It is important to track key data elements to ensure the foster care population is being represented accurately and funding needs can be assessed and provided accordingly. Recording this data gives child welfare agencies concrete evidence of the population they are serving and can use these data elements to implement innovative change to issues surrounding child welfare. We at FosterClub believe that listening to the voice of the people you serve results in improvements. The child welfare system can't serve that voice if you don't track that voice. Refusing to gather the most comprehensive data of the populations you serve does a disservice to the youth, parents, and families you serve.

Based on the perspectives collected by our young leaders, and through input collected from the FosterClub team, we are pleased to provide our recommendations regarding several data element sets:

Transition Plan - Sections 1355.44(f)(8) and 1355.44(f)(9)

In the Notice of Proposed Rule-Making, two data elements included in the 2016 final rule (whether or not transition planning has taken place and the date it took place) are proposed to be eliminated. Challenges faced by transition age-youth are well-documented; for example: 56% of foster youth have completed high school or GED at age 19, compared to 87% of the general

population peers.¹ In addition, “by age 21, young people who experienced foster care reported significantly lower rates of high school completion and employment than all young people in the general population.”² Data relating to transitional planning is vital to keep track of to hold states accountable to ensuring transitioning youth are provided the services that are needed. Anecdotally, we hear from our young leaders that although it is federally required, they are not receiving the transition planning.

“When exiting out of foster care at the age of 18, I never received a transition plan. I didn’t even know what it was. Now that I know it is federally required, I’m disappointed my state didn’t enforce this.”

— Cassidy, 2 years in Montana’s foster care system

Measuring whether or not a transition plan has been provided is the base level of measurement for transition planning. While we hear from young people that transition plan effectiveness varies from state to state and, even, caseworker to caseworker, reporting whether or not a transition plan has been provided (as is required by federal law) will help to ensure the foster care system’s compliance with young peoples’ hard-fought requirement that a transition plan be developed prior to aging out of the system.

Recommendation: FosterClub strongly condemns removing data relating to transition planning as states should be held accountable for ensuring youth receive transition plans prior to aging out of foster care.

Juvenile Justice Involvement - Section 1355.44(f)(5)

It is critical to keep data elements relating to juvenile justice involvement. Foster youth are disproportionately affected by the juvenile justice system. Among foster youth who have had five or more placements, more than 90 percent will be involved in the juvenile justice system, according to research by the Juvenile Law Center. The “foster care to prison” pipeline is consequently negatively impacting our youth.

Members of the National Foster Care Youth & Alumni Council, a group administered by FosterClub, have been exploring the experiences of crossover youth and how policies impact

¹ [Transition-Age Youth in Foster Care in the U.S.](#) Child Trends. August 29, 2017.

² [Fostering Youth Transitions: Using Data to Drive Policy & Practice.](#) Annie E. Casey Foundation. November 18, 2019.

the experiences and outcomes of crossover youth. Council members believe that the barriers faced by crossover youth are compounded by the barriers they faced while in the foster care system, making this population especially at-risk for falling through the cracks. These barriers stem from the lack of data shared between systems and the lack of data informing research and literature on the experiences and outcomes of crossover youth. Council members created a poll for crossover youth to explore the circumstances leading to a foster youth's involvement in the Juvenile Justice system, services available to foster youth after they crossover, and the support they receive during and after their crossover experience.

Recommendation: FosterClub strongly condemns erasing data elements relating to juvenile justice involvement, as it is critical the child welfare system have an understanding of how many young people in foster care also have juvenile justice involvement.

“Once I entered the Juvenile Justice System, I had an entirely new team of adults working with me. They didn't know anything about me and it was a huge interruption to try and adjust to the new system. It would have helped to have the same judge, lawyer, advocate, and adults through my crossover experience.”

— Anonymous, Foster Care Alumni

Assessment & Date of Health Assessment - Sections 1355.44(b)(11)(ii) and 1355.44(b)(12)

FosterClub opposes the proposed removal of these data elements, which record the date and timeliness of a child's health assessment within AFCARS. This information is important for assessing access to healthcare for children and youth in foster care at the state and national level.

This data element is an important aspect of measuring a state's compliance with its Title IV-B Health Oversight and Coordination Plan. FosterClub supports the inclusion of health assessment dates in the 2016 final rule, which provides a baseline understanding of the health of children entering the child welfare system. ACF needs this data to assess whether states are complying with important federal requirements under the Title IV-B program.

Collecting and monitoring this data element will help states identify and respond to the needs of young people in ways that will assist them in implementing the FFPSA because meeting the trauma and any special medical needs will be crucial to delivering effective prevention services

and developing a service array that keeps youth in family settings rather than institutions.

Recommendation: FosterClub strongly condemns erasing data elements relating to health assessment and date of health assessment.

Educational Stability - Sections 1355.44(b)(16) - 1355.44(b)(16)(vii)

Data elements regarding if a child experienced a change in school enrollment due to proximity, district/zoning rules, residential facility enrollment, services/programs, youth's request, or parent/legal guardian request are proposed to be eliminated. It is crucial to collect data concerning educational stability because it reflects how educational instability contributes to the challenges or successes young people in foster care experience and allows for states to address how to minimize unnecessary school changes.

Studies indicate youth in foster care regularly experience school instability. The amount of school changes experienced by youth varies, but about 31% - 75% of youth change schools upon initially entering foster care (National Education Data Sheet 2018). Youth who experience frequent school changes show to have many negative effects, including lower scores on standardized tests, greater risk of dropping out, and trouble creating supportive adult relationships (National Education Data sheet 2018). Additionally, in a national study of 1,087 foster care alumni, youth who had even one fewer change in living arrangement per year were almost twice as likely to graduate from high school before leaving foster care (National Education Data sheet 2018).

“From 9th to 12th grade, I moved through 5 different school districts and 7 different schools in those 4 years. Transitioning from district to district was difficult; many of my credits were mixed up and some didn't transfer to the new district. I went to an alternative school to make up the missing credits that were lost in that process; although I worked hard, I still graduated almost a year later than I could have if I hadn't experienced all of those moves.”

— Miguel, 4 years in Utah's foster care system

Young people who have experienced foster care often relate that school served as a safe-haven through their foster care experience. School stability is essential if we are to ensure children and

youth are to maintain a sense of safety, connection to community and peers, and support from reliable adults; data collection is a key strategy to ensure child welfare and school districts are maximizing school stability.

Recommendation: FosterClub strongly condemns removing data elements relating to educational stability.

Data Relating to Personal Identity - Sections 1355.44(b)(2)(ii) - 1355.44(b)(3)

Removing these vital data elements will erase visibility to specific populations of young people in foster care, such as youth who identify as LGBTQ or Native American. Too many young people report 'losing who I am' when they enter foster care. A child's parents are generally the protectors and promoters of a child's evolving personal identity, and entry into foster care jeopardizes a child's ability to maintain or grow in their personal identity. Without data elements to track ties young people have to specific identities, these children and youth are not 'seen.' Further, we are unable to determine disproportionate representation or disparate outcomes for children and youth tied to a specific identity.

Recommendation: FosterClub strongly condemns removing data elements relating to a child's personal identity.

In closing, FosterClub asks that the Children's Bureau retain the data elements outlined in this document. Additionally, we align with and affirm comments from national advocates including the Juvenile Law Center, Children's Defense Fund, and the National Association of Counsel for Children, in retaining additional data elements.

Thank you for your time and consideration.