

# **HHS Publishes Revised AFCARS Final Rule Streamlining ICWA-related Reporting**

Category: Policy Blog

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On May 12, 2020 the Department of Health and Human Services (HHS) published a final rule with revisions to the Adoption and Foster Care Analysis Reporting System (AFCARS) regulations. The streamlined final rule will lessen the AFCARS data-reporting requirements for Title IV-E agencies.

The expanded 2016 AFCARS regulations covered Indian Child Welfare Act of 1978 (ICWA)-related data elements to be reported to HHS. The streamlined rule asked Title IV-E agencies to report if a child is an Indian child as defined by ICWA, if the child is a tribal member, of which tribe a child is a member of, and if the ICWA applies to the child, was the tribe sent legal notice. No other ICWA-related data elements are to be reported.

The National Council of Urban Indian Health submitted [comments](#) on the potential rule change, as did Tribes and tribal organizations. Commenters with tribal interests did not support reduction in the data elements of required reporting and requested all ICWA-related data elements be reinstated from the 2016 Final Rule as they are needed to assess ICWA compliance. The commenters also claimed the data helps to address disparities and analyze outcomes for Indian children and families.

The Administration for Children and Families (ACF) explained the reduction in the ICWA-related data elements was recommended due to the low population of American Indian/ Alaska Native children in foster care. ACF further explained that DOI is the lead agency for all ICWA compliance and the 2016 ICWA-related data elements place HHS in a position of interpreting ICWA requirements without having the authority to do so. The only authority they have is over the collection data elements related to the Title IV-E programs.

The rule will go into effect on July 13, 2020.