

# Congress of the United States

Washington, DC 20510

February 13, 2018

The Honorable Alex Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue S.W.  
Washington, D.C. 20201

Dear Secretary Azar:

We are writing to strongly oppose the recent decision to delay the implementation of updates to the Adoption and Foster Care Analysis and Reporting System (AFCARS) by two additional years thereby preventing the implementation of key congressionally mandated provisions of the *Preventing Sex Trafficking and Strengthening Families Act*, among other laws. The long overdue updates to AFCARS were intended to provide child welfare leaders, policymakers, providers and other stakeholders with valuable additional information regarding the experience of children in our foster care system. The delay of these changes will impact the ability of policy and decision makers to more effectively evaluate our foster care system and make informed recommendations to improve care for foster children.

The Administration for Children and Families (ACF) requires that title IV-E foster care agencies collect and report data to ACF regarding children in out-of-home care and who exit out-of-home care. This extremely important data system tracks the experiences of vulnerable children in our foster care system and provides valuable information regarding how federal laws regarding foster care are being implemented at the state level. The current AFCARS data points have not been revised or updated since they were first finalized in 1993. A few examples of critical new data elements that will be collected through the proposed updated system include physical and mental health diagnoses, education stability, whether a child was a victim of sex trafficking, and information on children subject to the Indian Child Welfare Act to improve our understanding of the experiences of American Indian/Alaskan Native children in the child welfare system.

In the past twenty-five years, Congress has passed numerous landmark laws that have changed the ways foster care is provided in addition to the oversight processes. These include the *Social Security Act Amendments of 1994* (P.L. 103-432), the *Adoption and Safe Families Act of 1997* (P.L. 105-89), the *Adoption Promotion Act of 2003* (P.L. 108-145), the *Fostering Connections to Success and Increasing Adoptions Act of 2008* (P.L. 110-351), the *Child and Family Services Improvement and Innovation Act* (P.L. 112-34), and the aforementioned *Preventing Sex Trafficking and Strengthening Families Act* (P.L. 113-183). Several of these acts statutorily mandated updated data collections, and the creation of new enforcement tools to ensure states report quality data, all of which the Administration is now blocking. Given these large changes in policy, the proposed updates to AFCARS are necessary to implement the law, facilitate meaningful oversight, and develop recommendations for further improvements to the foster care system.

We strongly encourage the ACF to rescind the decision to delay the implementation of updates to the AFCARS data collection. The critical new information gained from these data updates can be used to improve the lives of vulnerable children in our foster care system and promote both oversight and positive changes in child welfare programs.

Sincerely,

*Ron Wyden*

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Ron Wyden  
Ranking Member  
Senate Finance Committee

*Danny K. Davis*

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Danny K. Davis  
Ranking Member  
Ways and Means Subcommittee on  
Human Resources