only''; ''Adoption-Title IV–E agreement Medicaid only''; ''Title IV–E guardianship assistance agreement''; ''State/tribal guardianship assistance agreement''; or ''no agreement'' if there is no assistance agreement.

(15) *Siblings in adoptive or guardianship home.* Indicate the number of siblings of the child who are in the same adoptive or guardianship home as the child. A sibling to the child is his or her brother or sister by biological, legal, or marital connection. Do not include the child who is subject of this record in the total number. If the child does not have any siblings, the title IV–E agency must indicate ''not applicable.'' If the child has siblings, but they are not in the same adoptive or guardianship home as the child, the title IV–E agency must indicate ''0.''

[85 FR 28424, May 12, 2020]

### § 1355.45 Adoption and guardianship assistance data file elements.

A title IV–E agency must report the following information for each child in the adoption and guardianship assistance reporting population, if applicable based on § 1355.42(b).

(a) *General information*—(1) *Title IV–E agency.* Indicate the title IV–E agency responsible for submitting the AFCARS data to ACF per requirements issued by ACF.

(2) *Report date.* The report date corresponds to the end of the current report period. Indicate the last month and the year of the report period.

(3) *Child record number.* The child record number is the encrypted, unique person identification number. The record number must be encrypted in accordance with ACF standards. Indicate the record number for the child.

(b) *Child demographics*—(1) *Child's date of birth.* Indicate the month, day and year of the child's birth.

(2) *Child's sex.* Indicate ''male'' or ''female.''

(3) *Child's race.* In general, a child's race is determined by the child or the child's parent(s) or legal guardian(s). Indicate whether each race category listed in the data elements described in paragraphs (b)(2)(i) through (viii) of this section applies with a ''yes'' or ''no.''

(i) *Race—American Indian or Alaska Native.* An American Indian or Alaska Native child has origins in any of the original peoples of North or South America (including Central America), and maintains Tribal affiliation or community attachment.

(ii) *Race—Asian.* An Asian child has origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(iii) *Race—Black or African American.* A Black or African American child has origins in any of the black racial groups of Africa.

(iv) *Race—Native Hawaiian or Other Pacific Islander.* A Native Hawaiian or Other Pacific Islander child has origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(v) *Race—White.* A White child has origins in any of the original peoples of Europe, the Middle East or North Africa.

(vi) *Race—Unknown.* The child or parent or legal guardian does not know the race, or at least one race of the child. This category does not apply when the child has been abandoned or the parents failed to return and the identity of the child, parent(s), or legal guardian(s) is known.

(vii) *Race—Abandoned.* The child's race is unknown because the child has been abandoned. Abandoned means that the child was left alone or with others and the parent(s) or legal guardian(s)' identity is unknown and cannot be ascertained. This includes a child left at a ''safe haven.''

(viii) *Race—Declined.* The child or parent or legal guardian has declined to identify a race.

(4) *Hispanic or Latino ethnicity.* In general, a child's ethnicity is determined by the child or the child's parent(s) or legal guardian(s). A child is of Hispanic or Latino ethnicity if the child is a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race. Indicate whether this category applies with a ''yes'' or ''no.'' If the child or the child's parent

or legal guardian does not know or cannot communicate whether the child is of Hispanic or Latino ethnicity, indicate ''unknown.'' If the child was abandoned indicate ''abandoned.'' Abandoned means that the child was left alone or with others and the parent(s) or legal guardian(s)' identity is unknown and cannot be ascertained. This includes a child left at a ''safe haven.'' If the child or the child's parent(s) or legal guardian(s) refuses to identify the child's ethnicity, indicate ''declined.''

(c) *Adoption and guardianship assistance agreement information*—(1) *Assistance agreement type.* Indicate whether the child is or was in a finalized adoption with a title IV–E adoption assistance agreement or in a legal guardianship with a title IV–E guardianship assistance agreement, pursuant to sections 473(a) and 473(d) of the Act, in effect during the report period. Indicate ''title IV–E adoption assistance agreement'' or ''title IV–E guardianship assistance agreement,'' as appropriate.

(2) *Adoption or guardianship subsidy amount.* Indicate the per diem dollar amount of the financial subsidy paid to the adoptive parent(s) or legal guardian(s) on behalf of the child during the last month of the current report period, if any. The title IV–E agency must indicate ''0'' if a financial subsidy was not paid during the last month of the report period.

(d) *Adoption finalization or guardianship legalization date.* Indicate the month, day and year that the child's adoption was finalized or the guardianship became legalized.

(e) *Agreement termination date.* If the title IV–E agency terminated the adoption assistance or guardianship assistance agreement or the agreement expired during the report period, indicate the month, day and year that the agreement terminated or expired; otherwise leave this data element blank.

(f) *Adoption or guardianship placing agency.* Indicate the agency that placed the child for adoption or legal guardianship. Indicate ''title IV–E agency'' if the reporting title IV–E agency placed the child for adoption or legal guardianship. Indicate ''private agency under agreement'' if a private agency placed the child for adoption or legal guardianship through an agreement

with the reporting title IV–E agency. Indicate ''Indian tribe under contract/ agreement'' if an Indian tribe, tribal organization or consortia placed the child for adoption or legal guardianship through a contract or an agreement with the reporting title IV–E agency.

[81 FR 90569, Dec. 14, 2016, as amended at 85 FR 28433, May 12, 2020]

### § 1355.46   Compliance.

(a) *Files subject to compliance.* ACF will evaluate the out-of-home care and adoption and guardianship assistance data files that a title IV–E agency submits to determine whether the data complies with the requirements of § 1355.43 and the data file submission and data quality standards described in paragraphs (c) and (d) of this section. ACF will exempt records related to a child in either data file whose 18th birthday occurred in a prior report period and will exempt records relating to a child in the adoption and guardianship assistance data file who is in a title IV–E guardianship from a compliance determination as described in paragraph (e) of this section.

(b) *Errors.* ACF will utilize the error definitions in paragraphs (b)(1) through (5) of this section to assess a title IV–E agency's out-of-home care and adoption and guardianship assistance data files. This assessment of errors will help ACF to determine if the title IV–E agency's submitted data files meet the data file submission and data quality standards outlined in paragraphs (c) and (d) of this section. ACF will develop and issue error specifications.

(1) *Missing data.* Missing data refers to instances in which a data element has a blank or otherwise missing response, when such a response is not a valid option as described in §§ 1355.44 or 1355.45.

(2) *Invalid data.* Invalid data refers to instances in which a data element contains a value that is outside the parameters of acceptable responses or exceeds, either positively or negatively, the acceptable range of response options as described in §§ 1355.44 or 1355.45.

(3) *Internally inconsistent data.* Internally inconsistent data refers to instances in which a data element fails an internal consistency check designed