



Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption

The primary responsibility for child welfare services rests with the States. Each State has its own legal and administrative structures and programs that address the needs of children and families. However, States must comply with specific Federal requirements and guidelines in order to be eligible for Federal funding under certain programs.

Beginning with the passage of the Child Abuse Prevention and Treatment Act (CAPTA) in 1974, the U.S. Congress has implemented a number of laws that have had a significant impact on State child protection and child welfare services.¹ Such legislation frequently requires Federal departments and agencies, such as the Children's Bureau within the U.S. Department of Health and Human Services (HHS), to issue or amend Federal policy and regulation.² New legislation also prompts responses at the State level, including enactment of State legislation, development or revision of State agency policy and regulations, and implementation of new programs.

¹ The Federal Government started providing grants to States for preventive and protective services and foster care payments in 1935 with the Child Welfare Services Program, title IV-B of the Social Security Act. In 1961, legislation provided for foster care maintenance payments under the Aid to Dependent Children Program, title IV-A of the Social Security Act. Both of these programs were amended by the Adoption Assistance and Child Welfare Act of 1980.

² For information on Children's Bureau policy, visit its website at <https://www.acf.hhs.gov/cb/laws-policies>.

The largest federally funded programs that support State and Tribal efforts for child welfare, foster care, and adoption activities are authorized under titles IV-B and IV-E of the Social Security Act (the Act). These programs are administered by HHS and include the title IV-B Child Welfare Services and Promoting Safe and Stable Families (formerly known as Family Preservation) programs, the title IV-E foster care program, the title IV-E adoption assistance program, and the title IV-E John H. Chafee Foster Care Program for Successful Transition to Adulthood. The Social Services Block Grant is authorized under title XX of the Act and funds a wide range of programs that support various social policy goals.

To provide a framework for understanding the Federal legislation that has shaped the delivery of child welfare services, this publication presents a summary of Federal legislation since 1974 that has had a significant impact on the field. It provides an overview of each act and its major provisions. To browse or search the summaries of acts included in this publication, visit the [Major Federal Legislation Index and Search](#). The full text of the acts included in this publication can be found on Information Gateway's [Index of Federal Child Welfare Laws](#). In instances when the names of programs have changed over time, the name used in this factsheet is correct as of the time of the relevant legislation's enactment.

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P.L. 115-271**Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act or the SUPPORT for Patients and Communities Act****Overview**

H.R. 6

Enacted October 24, 2018

Purpose: To amend titles IV-B and IV-E of the Social Security Act and the Child Abuse Prevention and Treatment Act (CAPTA); to make public health reforms to combat the opioid crisis by advancing treatment and recovery initiatives, improving prevention, protecting communities, and bolstering efforts to combat illicit synthetic drugs; and to boost programs that fight, treat, and stop substance abuse and support access to mental health services

Note: The Children's Bureau offers guidance on section 8082(b) of this legislation in Program Instructions [ACYF-CB-PI-18-09](#) and [ACYF-CB-PI-18-10](#), both of which were issued November 30, 2018.

Major Provisions of the Act

- Amended title IV-B to require the U.S. Department of Health and Human Services (HHS) to create a family recovery and reunification program replication project to replicate a 'recovery coach' program for parents with children in foster care due to parental substance abuse and authorized \$15 million to carry out the project
- Amended title IV-E so that receipt of prevention and family services and programs (1) is not considered receipt of aid for the purposes of eligibility of any other program under the Social Security Act and (2) does not permit a State to reduce medical or other assistance available to a title IV-E prevention recipient
- Clarified that, if the cost of providing a title IV-E prevention service to an individual would have been paid from another public or private source if not for the enactment of P.L. 115-123, a title IV-E agency is not considered to be a legally liable third party for the cost of providing such a service to that individual
- Amended CAPTA to authorize the Secretary of HHS to make grants to States to assist child welfare agencies and other service providers to facilitate collaboration in developing, updating, implementing, and monitoring plans of safe care
- Required HHS to provide written guidance and technical assistance to support States in complying with and implementing plans of safe care and to improve the long-term safety and well-being of children
- Created an interagency task force (to include the HHS Administration for Children and Families) to make recommendations regarding best practices to identify, prevent, and mitigate the effects of trauma on infants, children, youth, and their families and to better coordinate the Federal response to families impacted by substance use disorders and other forms of trauma
- Required the Secretary of HHS, in consultation with the divisions of HHS administering substance use disorder or child welfare programs, to develop and issue guidance to States that identifies opportunities to support family-focused residential substance use treatment programs
- Amended title XIX (Medicaid) to require States to ensure that former foster youth are able to keep their Medicaid coverage across State lines until age 26
- Required the Secretary of HHS to award grants to develop, enhance, or evaluate family-focused residential treatment programs to increase the availability of such programs that meet the requirements for promising, supported, or well-supported practices specified in this act
- Repealed the Abandoned Infants Assistance Act of 1988

P.L. 115-123**Family First Prevention Services Act****Overview**

H.R. 1892

Enacted February 9, 2018

Purpose: To amend and reauthorize through fiscal year (FY) 2021 title IV-B of the Social Security Act and amend title IV-E to create new optional funding under title IV-E, to place title IV-E payment limits on child care institutions, to reauthorize the Adoption Incentive Program through 2021, and to establish other changes (enacted as division E, title VII of the Bipartisan Budget Act of 2018

Note: The Children's Bureau offers guidance on the provisions of this legislation in Information Memorandum [ACYF-CB-IM-18-02](#), issued April 12, 2018; Program Instruction [ACYF-CB-PI-18-06](#), issued May 31, 2018; Program Instruction [ACYF-CB-PI-18-07](#), issued July 9, 2018; Program Instructions [ACYF-CB-PI-18-09](#), [ACYF-CB-PI-18-10](#), [ACYF-CB-PI-18-11](#), and [ACYF-CB-PI-18-12](#), which were issued November 30, 2018; Program Instruction [ACYF-CB-PI-19-01](#), issued January 8, 2019; and Program Instruction [ACYF-CB-PI-19-02](#), issued February 26, 2019.

Major Provisions of the Act

- Reauthorized title IV-B, subpart 1, through FY 2021
- Amended title IV-B, subpart 1, to require that State and Tribal title IV-B agencies take the following actions:
 - » Establish procedures to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities and are not placed in settings that are not foster family homes as a result of the inappropriate diagnoses
 - » Document steps taken to track and prevent child maltreatment deaths (State title IV-B agencies only)
- Reauthorized title IV-B, subpart 2, through FY 2021
- Removed the term 'time-limited' from the definition of 'family reunification services' and expanded the definition to include services to a family for 15 months after the child returns home
- Reserved \$8,000,000 for FY 2018 for competitive grants that support the recruitment and retention of high-quality foster families to increase capacity to place more children in family settings and that are focused on States, Indian Tribes, or Tribal consortia with the highest percentage of children in nonfamily settings
- Amended the Regional Partnership Grant program that assists children and families affected by substance use to focus on heroin, opioids, and other substance use by requiring that grantees take the following actions:
 - » Facilitate the implementation, delivery, and effectiveness of title IV-E prevention services
 - » Include the State agency responsible for administering the substance use prevention and treatment block grant as a partner in all partnership grants (unless the lead applicant is an Indian Tribe or consortia, which allows the inclusion of the State child welfare agency as a partner to be optional)
 - » Improve the substance use treatment outcomes for parents, including retention in treatment and successful completion of treatment
- Provided funding for the development of an electronic interstate case-processing system to expedite the interstate placement of children in foster care or guardianship or for adoption
- Amended title IV-B, subpart 3, requirements for regulations (developed in consultation with an Office of Management and Budget interagency workgroup) designating (1) federally required data-exchange standards for title IV-B and IV-E agencies or information that Federal law requires title IV-B and IV-E agencies to electronically exchange with other agencies and (2) Federal reporting and data exchanges required by law
- Revised the definition of 'foster family home' to limit a home to six children (with exceptions)
- Amended title IV-E to require procedures for any child care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal records checks and child abuse and neglect registry checks on any adult working in the institution
- Required the submission of information on whether the title IV-E agency's licensing standards are in accord with model standards identified by the Secretary of Health and Human Services
- Required a certification that, with respect to title IV-E foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the State or Tribe will not enact policies or practices that would result in a significant increase in the population of youth in the State's or Tribe's juvenile justice system

- Required that, no later than October 1, 2027, State title IV-E agencies use an electronic interstate case-processing system for interstate placements
- Provided new optional title IV-E funding to reimburse programs for time-limited (1 year in duration) services for mental health and substance use prevention and treatment services and in-home parent skills-based programs for candidates for foster care (as defined in the act) and the parents and kin caregivers of those children and youth, regardless of whether the child is title IV-E eligible (while allowing Tribal prevention programs to be adapted to the culture and context of the Tribal communities served)
- Amended title IV-E to allow foster care maintenance payments for up to 12 months for an eligible child placed with a parent in a licensed residential family-based substance use treatment facility
- Limited title IV-E foster care payments to 2 weeks for placements of children in child care institutions, unless it is a licensed residential family-based treatment facility or a 'specified setting,' including the following:
 - » A qualified residential treatment program
 - » A setting specializing in providing prenatal, postpartum, or parenting supports for youth
 - » A supervised setting in which the child is living independently (in cases in which the child has reached age 18)
 - » A setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims
- Required the following of qualified residential treatment programs:
 - » Have a trauma-informed treatment model that is designed to address the needs of children with serious emotional or behavioral disorders
 - » Facilitate participation of family members, to the extent appropriate, in the child's treatment program
 - » Document how family members are integrated into the treatment process for the child, including after discharge, and how sibling connections are maintained
 - » Provide discharge planning and family-based aftercare support for at least 6 months after discharge
 - » Are licensed and accredited in accordance with title IV-E requirements
- Created optional funding for kinship navigator programs that meet the previous kinship navigator grants requirements and that meet the promising, supported, or well-supported practices requirements of the title IV-E prevention services program, regardless of whether the children served are eligible for title IV-E
- Delayed until June 30, 2024, the full implementation of the title IV-E adoption assistance phase-in of 'applicable child' requirements, thus requiring that title IV-E agencies determine that a child is 'not an applicable child' if the child will not reach age 2 by the end of the FY the adoption assistance agreement is entered into
- Renamed the John H. Chafee Foster Care Independence Program as the Chafee Foster Care Program for Successful Transition to Adulthood and revised it in the following manner:
 - » Specified that the program is available to youth who have experienced foster care at age 14 or older
 - » Made education and training vouchers (ETVs) available to eligible youth ages 14-26
 - » Limited participation in the ETV program to 5 years total
 - » Permitted States and Tribes to provide the Chafee program to youth up to age 23 if the agency extended the age for title IV-E foster care to 21 or provides comparable services to those youth using nontitle IV-E funds
 - » Clarified that youth may be eligible for the program if they aged out of foster care at an age other than 18 as long as they have not reached age 21 (or age 23 if the State or Tribe has extended foster care to youth up to age 21)
- Amended the Court Improvement Program to require State court grantees to train specified legal professionals on child welfare policies and title IV-E payment limitations for children in nonfoster family homes

P.L. 114-198 Comprehensive Addiction and Recovery Act of 2016

Overview

S. 524

Enacted July 22, 2016

Purpose: To address various aspects of substance use disorders, particularly opioid use disorder, with (1) provisions that affect multiple agencies and systems, including the addition of various requirements regarding the Child Abuse Prevention and Treatment Act (CAPTA) and (2) the act's title V (Addiction and Treatment Services for Women, Families, and Veterans) to help States address the effects of substance use disorders on infants, children, and families

Note: The Children's Bureau offers guidance on the provisions of this legislation in Information Memorandum [ACYF-CB-IM-16-05](#), issued August 16, 2016; Program Instruction [ACYF-CB-PI-17-02](#), issued January 17, 2017; and Program Instruction [ACYF-CB-PI-17-05](#), issued April 10, 2017.

Major Provisions of the Act

Amended CAPTA in the following ways:

- Required the Secretary of Health and Human Services (HHS), through the national clearinghouse established under CAPTA (42 U.S.C. § 5104), to maintain and disseminate information about the CAPTA State plans and best practices related to plans of safe care for infants born and identified as being affected by substance use or withdrawal symptoms or a fetal alcohol spectrum disorder
- Modified the CAPTA State plan requirement of 42 U.S.C. § 5106a for plans of safe care for infants born and identified as being affected by substance use or withdrawal symptoms or fetal alcohol spectrum disorder to add the following requirements for the State:
 - » Ensure the safety and well-being of infants following their release from the care of health-care providers by (1) addressing the health and substance use disorder treatment needs of the infant and affected family member or caregiver and (2) monitoring these plans to determine whether and how local entities are making referrals and delivering appropriate services to the infant and affected family member or caregiver (in accordance with State requirements)
 - » Develop plans of safe care for infants affected by all substance use (not just illegal substance use, as was the requirement prior to this change)
- Required States to report the following, to the maximum extent practicable, in the National Child Abuse and Neglect Data System:
 - » Number of infants identified as being affected by (1) substance use or withdrawal symptoms resulting from prenatal drug exposure or (2) a fetal alcohol spectrum disorder
 - » Number of infants with safe care plans
 - » Number of infants for whom service referrals were made, including services for the affected parent or caregiver
- Required the HHS Secretary to monitor States to ensure compliance with the requirements of section 42 U.S.C. § 5106a, with a specific focus on the policies and procedures related to plans of safe care, by conducting activities, in addition to the State plan review, such as the following:
 - » A comparison of activities carried out by the State to comply with the requirements of 42 U.S.C. § 5106a with the State plan most recently approved under § 432 of the Social Security Act (title IV-B, subpart 2)
 - » A review of information available on the State's website relating to its compliance with the requirements of 42 U.S.C. § 5106a
 - » Site visits, as may be necessary to carry out such monitoring
 - » A review of information available in the State's Annual Progress and Services Report

P.L. 114-22**Justice for Victims of Trafficking Act of 2015****Overview**

S. 178

Enacted May 29, 2015

Purpose: To (1) provide justice for victims of trafficking through grants to States for child abuse investigation and prosecution programs, services for victims of child pornography, and domestic child human-trafficking deterrence programs and (2) authorize specialized training programs for law enforcement officers, first responders, health-care and child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to identify victims and acts of child human trafficking and to facilitate the rescue of child victims of human trafficking

Note: The Children's Bureau offers guidance on the provisions of this legislation in Information Memorandum [ACYF-CB-IM-15-05](#), issued July 16, 2015.

Major Provisions of the Act

- Amended the Child Abuse Prevention and Treatment Act to require that a State's plan for its child protective services system include an assurance that the State has in effect and is enforcing a law requiring the following:
 - » Identification and assessment of all reports involving children known or suspected to be victims of sex trafficking
 - » Training child protective services workers in identifying, assessing, and providing comprehensive services for children who are sex trafficking victims
- Required each State receiving a grant to submit an annual data report that includes the number of children determined to be victims of sex trafficking
- Provided that a child is considered to be a victim of child abuse and neglect and of sexual abuse if the child is identified by a State or local agency as being a victim of sex trafficking or a victim of severe forms of trafficking in persons
- Gave States the option to define 'child' as a person who has not reached age 24
- Authorized a program of 3-year renewable block grants administered by the U.S. Department of Justice (DOJ) to develop, improve, or expand domestic child human-trafficking deterrence programs that assist law enforcement and other entities in rescuing and restoring the lives of trafficking victims while also investigating and prosecuting offenses involving child human trafficking, including the following strategies:
 - » Specialized training programs for law enforcement officers, first responders, health-care and child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel to identify victims and acts of child human trafficking and to facilitate the rescue of child victims of human trafficking
 - » Anti-trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims
 - » Problem-solving court programs for trafficking victims
- Expanded the Federal definition of 'child abuse' to include human trafficking and the production of child pornography
- Required the DOJ to ensure the following:
 - » All task forces within the Innocence Lost National Initiative engage in activities, programs, or operations to increase the investigative capabilities of law enforcement officers in detecting, investigating, and prosecuting persons who patronize or solicit children for sex
 - » All components and task forces with jurisdiction to detect, investigate, and prosecute cases of child labor trafficking engage in activities, programs, or operations to increase the capacity of such components to deter and punish child labor trafficking
- Amended the Crime Control Act of 1990 to include the following:
 - » Require State reports on missing children to include a recent photograph of the missing child (if available)
 - » Reduce the period for verifying and updating records on missing children in a State law enforcement system and in National Crime Information Center (NCIC) computer networks from 60 to 30 days
 - » Require notification to the National Center for Missing and Exploited Children of each report received of a child reported missing from foster care or a child care institution
 - » Permit NCIC to update its missing person record with additional information obtained from investigations
- Required DOJ to make a database with information on counseling and hotline resources, housing resources, legal assistance, and other services for trafficking survivors, trafficking victim advocates, crisis hotline personnel, foster parents, and law enforcement personnel to be available on the website of the Office of Juvenile Justice and Delinquency Prevention

- Extended the statute of limitations for civil actions against perpetrators of human trafficking offenses until 10 years after the victim reaches age 18
- Amended the Runaway and Homeless Youth Act to include within criteria for awarding grants for services to runaway and homeless youth whether such youth have been subject to severe forms of trafficking in persons or sex trafficking
- Required training for Federal Government personnel, including embassy reporting officers, regional bureaus' trafficking-in-persons coordinators, and their superiors, related to trafficking in persons that will include a distance-learning course on trafficking-in-persons issues and the U.S. Department of State's obligations under the act
- Authorized DOJ to give preferential consideration in awarding public safety and community-oriented policing grants to a State that has in effect a law that includes the following:
 - » Treats a minor who has engaged in a commercial sex act as a victim of a severe form of trafficking in persons
 - » Discourages or prohibits charging or prosecuting that minor for a prostitution or sex trafficking offense based on such conduct
 - » Encourages the diversion of that minor to appropriate service providers, including child welfare services, victim treatment programs, child advocacy centers, rape crisis centers, or other social services
- Required the U.S. Department of Health and Human Services (HHS) to annually (beginning in fiscal year 2017) make grants for a national communication system to assist victims of severe forms of trafficking in persons to communicate with service providers
- Required the HHS Health Resources and Services Administration to award a grant to an accredited school of medicine or nursing with experience in the study or treatment of victims of a severe form of trafficking to train health-care professionals to recognize and respond to trafficking victims, with the following requirements for grantees:
 - » Develop evidence-based best practices for health-care professionals to recognize and respond to victims of trafficking
 - » Implement a pilot program to test the best practices and educational materials developed for health-care professionals
 - » Analyze and report on the pilot program

P.L. 113-183

Preventing Sex Trafficking and Strengthening Families Act

Overview

H.R. 4980

Enacted September 29, 2014

Purpose: To amend the Social Security Act with provisions to prevent and address sex trafficking of children in foster care, to develop a reasonable and prudent parent standard to allow a child in foster care to participate in age-appropriate activities, to extend and improve adoption incentives, and for other purposes

Note: The Children's Bureau offers guidance on this legislation in Information Memorandum [ACYF-CB-IM-14-03](#), issued October 23, 2014; Program Instruction [ACYF-CB-PI-14-06](#), issued November 21, 2014; and Program Instruction [ACYF-CB-PI-15-07](#), issued June 26, 2015.

Major Provisions of the Act

Amended the title IV-E State plan provisions to require that State agencies do the following:

- Develop policies and procedures for identifying, documenting in agency records, and determining appropriate services for any child or youth over whom the State agency has responsibility and who the State has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking
- Authorize a State, at its option, to identify and provide services to any individual under age 26 who may be a victim of sex trafficking without regard to whether the individual is or was in foster care
- Report to law enforcement authorities instances of sex trafficking
- Include sex trafficking data in their reports to the Adoption and Foster Care Analysis and Reporting System
- Locate and respond to children who have run away from foster care
- Report immediately information on missing or abducted children or youth to law enforcement authorities for entry into the National Crime Information Center database and to the National Center for Missing and Exploited Children

- Develop a reasonable and prudent parent standard for a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities and apply this standard to any foster family home or child care institution receiving title IV-E funds
- Develop strategies to assist foster parents in applying a reasonable and prudent parent standard in a manner that promotes child safety while also allowing children to experience normal and beneficial activities

Provided for the following additional amendments to title IV-E:

- Make it a purpose of the John H. Chafee Foster Care Independence Program to ensure that children who are likely to remain in foster care until age 18 have regular, ongoing opportunities to engage in age or developmentally appropriate activities
- Limit the option of being placed in a planned permanent living arrangement to children age 16 or older and prescribe documentation and determine requirements for such an option
- Give children age 14 and older authority to participate in the development of their own case plans, in consultation with up to two members of the case planning team, as well as plan for the transition to successful adulthood
- Require that children who are leaving foster care at age 18 or older be provided with a copy of their birth certificate, Social Security card, health insurance information, medical records, and a driver's license or equivalent State-issued identification card
- Extend through fiscal year 2016 the Adoption Incentive Payments program, revise the program's State eligibility requirements, and revise the program's formula for determining the award amount given to a State
- Rename the Adoption Incentive Payments program as the Adoption and Legal Guardianship Incentive Payments program
- Preserve a child's eligibility for kinship guardianship assistance payments when a guardian is replaced with a successor guardian
- Direct the Secretary of Health and Human Services to report to Congress on information about (1) children who run away from foster care and their risk of becoming sex trafficking victims; (2) State efforts to provide specialized services, foster family homes, child care institutions, or other forms of placement for children who are sex trafficking victims; and (3) State efforts to ensure children in foster care form and maintain long-lasting connections to caring adults, even when a child in foster care must move to another foster family home or when the child is placed under the supervision of a new caseworker
- Require the Secretary to include in the annual report to Congress on State performance on child protection and child welfare program outcome measures any State-by-State data on children in foster care who have been placed in a child care institution or another setting that is not a foster family home, as well as State-by-State data on children in foster care who are pregnant or parenting

Amended the following provisions within title IV-B:

- Extend the Family Connection Grant program through fiscal year 2014
- Make universities eligible for matching grants under the Family Connection Grant program
- Require a kinship navigator to promote partnerships between public and private agencies to increase their knowledge of the needs of individuals willing and able to be foster parents for children in foster care who are themselves parenting children

Amended title XI to establish the National Advisory Committee on the Sex Trafficking of Children and Youth in the United States to advise the Secretary of Health and Human Services and the Attorney General on practical and general policies concerning improvements to the nation's response to the sex trafficking of children and youth in the United States

P.L. 112-34

Child and Family Services Improvement and Innovation Act

Overview

H.R. 2883

Enacted September 30, 2011

Purpose: To amend part B of title IV of the Social Security Act to extend the Child and Family Services Program through fiscal year (FY) 2016 and for other purposes

Note: The Children's Bureau offers guidance on this legislation in Information Memorandum [ACYF-CB-IM-11-06](#), issued October 6, 2011, and Program Instruction [ACYF-CB-PI-11-09](#), issued December 9, 2011.

Major Provisions of the Act

- Required each State plan for oversight and coordination of health-care services for any child in foster care to include an outline of the following:
 - » The monitoring and treatment of emotional trauma associated with a child's maltreatment and removal from the home
 - » Protocols for the appropriate use and monitoring of psychotropic medications
- Required each State plan for child welfare services to describe the following:
 - » Activities to reduce the length of time children under age 5 are without a permanent family
 - » Activities to address the developmental needs of such children who receive benefits or services
 - » The sources used to compile information on child maltreatment deaths that the State agency is required by Federal law to report, as well as why the compilation does not include information on such deaths from specified State entities--if it does not--and how the State will include such information
- Revised provisions regarding monthly caseworker visits so that they require that States take necessary steps to ensure the total number of monthly caseworker visits to children in foster care during a FY is at least 90 percent (raised to 95 percent for FY 2015 and thereafter) of the total number of such visits that would occur during the year if each child were visited once a month while in care
- Required a State Safe and Stable Families Program plan to describe how the State identifies which populations are at the greatest risk of maltreatment and how services are targeted to them
- Revised requirements for time-limited family reunification services provided (1) to a child removed from the child's home and placed in out-of-home care and (2) to the child's parents or primary caregiver in order to facilitate the child's safe, appropriate, and timely reunification with the parents or caregiver, with the following services being required:
 - » Peer-to-peer mentoring and support groups for parents and primary caregivers
 - » Services and activities designed to facilitate visitation of children by parents and siblings
- Extended through FY 2016 the specified reservations of funds for monthly caseworker visits and Regional Partnership Grants and required monthly caseworker visit grants to be used to improve the quality of monthly caseworker visits, with an emphasis on improving caseworker decision-making on the safety, permanency, and well-being of children in foster care
- Revised requirements for grants to assist children affected by a parent's or caretaker's methamphetamine or other substance use to remove the specification of methamphetamine and apply the grant program generally to children affected by a parent's or caretaker's substance use
- Revised the Court Improvement Program to require grants be awarded to the highest State courts for increasing and improving engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption
- Allowed a court to submit one application, rather than separate applications, for more than one grant
- Directed the U.S. Department of Health and Human Services (HHS), in order to improve data matching, to designate nonproprietary and interoperable standard data elements for any category of information required to be reported
- Required State title IV-B and title IV-E agencies to meet the educational stability case-plan requirement at the time of each placement change, not just at the initial placement into foster care
- Amended the case-review system definition to require that each child age 16 and older in foster care receives a free copy of any consumer credit report each year until discharged from foster care and be offered assistance in interpreting the credit report and resolving any inconsistencies
- Renewed through FY 2014 the authority of HHS to authorize States to conduct child welfare program demonstration projects likely to promote the objectives of titles IV-B or IV-E and enacted the following changes:
 - » Repealed the requirement for State project applications to consider certain types of proposals and replaced the requirement with specified conditions for State eligibility to conduct a new demonstration project
 - » Limited any child welfare demonstration project to 5 years unless HHS determines that it should be continued
 - » Required States authorized to conduct a demonstration project to obtain an evaluation of its effectiveness by an independent contractor
- Authorized a State to elect to establish a program to achieve the following:
 - » Permit title IV-E foster care maintenance payments to a long-term therapeutic family treatment center on behalf of a child residing in the center
 - » Identify and address domestic violence that endangers children and results in the placement of children in foster care

- Set forth child welfare improvement policies, at least two of which a State must have implemented or planned to implement within a certain period of time
- Treated as a State any Indian Tribe, Tribal organization, or Tribal consortium operating a title IV-E program

P.L. 111-320 **CAPTA Reauthorization Act of 2010**

Overview

S. 3817

Enacted December 20, 2010

Purpose: To amend and reauthorize the Child Abuse Prevention and Treatment Act (CAPTA), the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988, as well as for other purposes

Note: The Children's Bureau offers guidance on the provisions of this legislation in Information Memorandum [ACYF-CB-IM-11-02](#), issued February, 15, 2011.

Major Provisions of the Act

- Amended the State plan eligibility provisions to require submission of a plan that will remain in effect for the duration of the State's participation in the program, with the following required of States:
 - » Review periodically and revise the plan to reflect any changes in State programs
 - » Provide notice to the U.S. Department of Health and Human Services (HHS) of any substantive changes related to child abuse prevention that may affect the State's eligibility for the grant program
 - » Provide notice to HHS of any significant changes in how the State is using grant funds
 - » Prepare and submit to HHS an annual report describing how CAPTA funds were used
- Directed the Secretary of HHS to complete studies and reports to Congress on the following:
 - » Shaken baby syndrome
 - » Efforts to coordinate the objectives and activities of agencies and organizations responsible for programs and activities related to child abuse and neglect
 - » The effectiveness of citizen review panels in examining State and local child protection agencies and evaluating the extent to which they fulfill their child protection responsibilities
 - » How provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals cooperating, consulting, or assisting in making good faith reports of child abuse or neglect
- Authorized grants to public or private agencies and organizations to develop or expand effective collaborations between child protective services (CPS) entities and domestic violence service entities to improve the following:
 - » Collaborative investigation and intervention procedures
 - » Provision for the safety of the nonabusing parent and children
 - » Provision of services to children exposed to domestic violence that also support the caregiving role of the nonabusing parent
- Amended the requirements for State plan assurances to include laws, policies, or programs for the following:
 - » Identifying categories of mandated reporters
 - » Including fetal alcohol spectrum disorders in procedures for the referral and development of a plan of safe care for substance-exposed newborns
 - » Including differential response in screening and assessment procedures
 - » Requiring that guardians ad litem be trained in early childhood, child, and adolescent development
 - » Providing that reunification not be required when a parent has committed intrafamilial sexual abuse or must register with a sex offender registry
 - » Ensuring the provision of technology to track CPS reports from intake through final disposition
 - » Encouraging the appropriate involvement of families in decision-making
 - » Promoting and enhancing collaboration among child protective, substance use, and domestic violence agencies
 - » Requiring training and programs that address the needs of unaccompanied homeless youth

- » Ensuring collaboration with community-based prevention programs and families affected by child abuse and neglect in the development of the State plan
- » Ensuring that the State, to the maximum extent possible, has coordinated its CAPTA State plan with its title IV-B State plan
- Required additional data in the annual State data reports, including the following:
 - » The number of families that received differential response as a preventive service
 - » Caseload requirements and the average caseload for CPS workers
 - » The education, qualifications, and training requirements for CPS personnel
 - » The number of children referred to CPS under policies established to address the needs of infants born affected by illegal substance use or fetal alcohol spectrum disorder
 - » The number of children under age 3 involved in a substantiated case of child abuse or neglect who were eligible for referral to agencies providing early intervention services and the number of those children who were actually referred
- Reauthorized the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, including appropriations, through fiscal year 2015, with the following required amendments:
 - » Efforts to promote the adoption of older children, minority children, and children with special needs
 - » Recruitment of prospective adoptive families for children in foster care, including developing and using procedures to notify relatives when a child enters the child welfare system
- Authorized grants to States for improving efforts to increase the placement of children in foster care who are legally free for adoption and required that grant applications describe the following:
 - » How the State plans to improve the placement rate of children in permanent homes
 - » The methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs who are legally free for adoption
 - » The State's evaluation plan for determining the effectiveness of programs and methods of placement
 - » How the State plans to coordinate activities under this subsection with relevant activities under 42 U.S.C. § 673

P.L. 111-148

Patient Protection and Affordable Care Act

Overview

H.R. 3590

Enacted March 23, 2010

Purpose: To amend the Public Health Service Act to provide better health-care coverage for all Americans and improve health-care services for underserved communities, as well as for other purposes

Note: The Children's Bureau offers guidance on the provisions of this legislation in Program Instruction [ACYF-CB-PI-10-10](#), issued June 7, 2010.

Major Provisions of the Act

Provisions relevant to child welfare practice include the following:

- Extended Medicaid coverage to children formerly in foster care who are younger than age 26
- Required a State Children's Health Insurance Program (CHIP) plan, beginning January 1, 2014, to use modified gross income and household income to determine CHIP eligibility
- Required a State to treat any child who is determined to be ineligible for Medicaid as a result of the elimination of an income disregard based on expense or type of income as a targeted low-income child eligible for CHIP
- Amended title V of the Social Security Act (Maternal and Child Health Services) to provide grants to eligible entities for early childhood home-visitation programs
- Required the case review system for children aging out of foster care and independent living programs to include information about the importance of having a health-care power-of-attorney for transition planning
- Reauthorized appropriations for health centers to serve medically underserved populations
- Reauthorized appropriations for fiscal years 2010-2014 for the expansion and improvement of emergency medical services for children who need treatment for trauma or critical care

- Authorized the award of grants and cooperative agreements for demonstration projects for the provision of coordinated and integrated services to special populations through the colocation of primary and specialty care services in community-based mental and behavioral health settings
- Established a Pregnancy Assistance Fund for grants to States to assist pregnant and parenting teens and women
- Increased from \$10,000 to \$13,170 the dollar limitation on the tax credit for adoption expenses and the tax exclusion for employer-provided adoption assistance, allowed an inflation adjustment to such limitation after 2010, and made the credit refundable

P.L. 110-351

Fostering Connections to Success and Increasing Adoptions Act of 2008

Overview

H.R. 6893

Enacted October 7, 2008

Purpose: To amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for Tribal access to title IV-E foster care and adoption funds, and improve incentives for adoption, as well as for other purposes

Note: The Children's Bureau offers guidance on the provisions of this legislation in Program Instruction [ACYF-CB-PI-08-05](#), issued October 23, 2008.

Major Provisions of the Act

- Created a new plan option for States and Tribes to provide kinship guardianship assistance payments under title IV-E on behalf of children who have been in foster care and whom a relative is taking legal guardianship
- Extended eligibility for Medicaid to children receiving kinship guardianship assistance payments
- Required fingerprint-based criminal records checks of relative guardians, as well as child abuse and neglect registry checks of relative guardians and adults living in the guardian's home, before a relative guardian may receive title IV-E kinship guardianship assistance payments on behalf of a child
- Amended the John H. Chafee Foster Care Independence Program to allow services to youth who leave foster care for kinship guardianship or adoption after age 16
- Amended the Education and Training Voucher Program to permit vouchers for youth who enter into kinship guardianship or are adopted from foster care after age 16
- Authorized grants to State, local, or Tribal child welfare agencies and private nonprofit organizations for the purpose of helping children who are in or at-risk of foster care reconnect with family members through the following:
 - » Kinship navigator programs
 - » Efforts to find biological family and reestablish relationships
 - » Family group decision-making meetings
 - » Residential family treatment programs
- Permitted States to extend title IV-E assistance to otherwise eligible youth remaining in foster care after reaching age 18 and to youth who at age 16 or older exited foster care to either a kinship guardianship or adoption, provided that they have not yet reached ages 19, 20, or 21, as the State may elect, and are in school, employed, engaged in another activity designed to remove barriers to employment, or incapable of doing so due to a documented medical condition (effective October 1, 2010)
- Allowed States to claim Federal reimbursement for short-term training for relative guardians; private child welfare agency staff providing services to children receiving title IV-E assistance; child abuse and neglect court personnel; agency, child, or parent attorneys; guardians ad litem; and court-appointed special advocates
- Extended the Adoption Incentive Program through fiscal year (FY) 2013 and doubled incentive payment amounts for special needs (to \$4,000) and older child adoptions (to \$8,000)
- Revised adoption assistance eligibility criteria to delink the adoption assistance program from the Aid to Families With Dependent Children requirements
- Phased-in, from FY 2010 to FY 2018, the revised adoption assistance eligibility criteria based on whether the child is defined as 'an applicable child,' primarily related to the age of the child in the year the agreement is entered into

- Allowed federally-recognized Indian Tribes, Tribal organizations, and Tribal consortia to apply to receive title IV-E funds directly for foster care, adoption assistance, and kinship guardianship assistance (effective October 1, 2009)
- Required the U.S. Department of Health and Human Services to provide technical assistance and implementation services to Tribes seeking to operate programs for titles IV-B and IV-E
- Authorized one-time grants to Tribes that apply to assist in developing a title IV-E program
- Required title IV-E agencies to identify and notify all adult relatives of a child, within 30 days of the child's removal, of the relatives' options to become a placement resource for the child
- Required each child receiving a title IV-E foster care, adoption, or guardianship payment to be a full-time student unless he or she is incapable of attending school due to a documented medical condition
- Required title IV-E agencies to make reasonable efforts to place siblings removed from their home in the same foster care, adoption, or guardianship placement
- Permitted title IV-E agencies to waive on a case-by-case basis a nonsafety licensing standard for a relative foster family home
- Required States to ensure coordination of health-care services, including mental health and dental services, for children in foster care
- Required that, 90 days prior to a youth's emancipation, the caseworker develop a personalized transition plan as directed by the youth
- Required that a case plan include a plan for ensuring the educational stability of the child in foster care

P.L. 109-432**Tax Relief and Health Care Act of 2006****Overview**

H.R.6111

Enacted December 20, 2006

Purpose: To amend the Social Security Act to exempt all children in foster care assisted under titles IV-B or IV-E and children receiving title IV-E adoption assistance from the Medicaid citizenship documentation requirements of the Deficit Reduction Act of 2005 (enacted as division B, section 405 of the Act)

Major Provisions of the Act

- Amended section 1903(x) of title XIX of the Social Security Act (the Act) (42 U.S.C. § 1386b) by including all children in foster care assisted by titles IV-B and IV-E of the Act and children receiving title IV-E adoption assistance in the groups exempt from the requirement to present documentary evidence of citizenship or nationality if they declare themselves to be citizens or nationals of the United States
- Added a new provision to title IV-E of the Act to require that State plans include procedures for verifying the citizenship or immigration status of children in foster care under State responsibility under titles IV-B or IV-E
- Amended section 1123A of the Act (42 U.S.C. § 1320a-2a) to include a review of State conformity with this requirement in the Child and Family Services Reviews

P.L. 109-288**Child and Family Services Improvement Act of 2006****Overview**

S. 3525

Enacted September 28, 2006

Purpose: To amend part B of title IV of the Social Security Act to reauthorize the Promoting Safe and Stable Families (PSSF) program, as well as other purposes

Major Provisions of the Act

- Amended title IV-B, subpart 1 (Child Welfare Services program) as follows:
 - » Changed the program from a permanent authorization to a 5-year authorization, with \$325 million for each fiscal year (FY) 2007-2011
 - » Established a new program purpose that allowed a broader array of services and activities and promoted more flexibility for States to design their programs accordingly
- Amended title IV-B, subpart 2, with respect to PSSF as follows:
 - » Reauthorized mandatory grants at \$345 million for each FY 2007-2011
 - » Authorized discretionary grant appropriations of \$200 million for each FY 2007-2011
 - » Appropriated \$40 million for FY 2006 for States to spend through September 30, 2009, to support monthly caseworker visits with children in foster care under the responsibility of the State
 - » Set aside an additional \$40 million for FY 2007-2011 to be divided between Regional Partnership Grants and the support of caseworker visits
- Required each State to annually submit forms that achieve the following:
 - » Report on planned child and family services expenditures for the immediately succeeding FY
 - » Provide specified information about PSSF and certain other programs, including the population and numbers of families and children served by the State agency
- Reserved specified funds for States to support monthly caseworker visits with children in foster care under State responsibility, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology
- Required targeted grants to increase the well-being of, and to improve the permanency outcomes for, children affected by methamphetamine or other substance use
- Authorized competitive grants to regional partnerships to provide, through interagency collaboration and integration of programs and services, services and activities designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caregiver's methamphetamine or other substance use
- Increased the set-asides for Indian Tribes from 2 to 3 percent of any discretionary funds appropriated and from 1 to 3 percent of the mandatory funds authorized and remaining after the separate reservation of funds for monthly caseworkers is made
- Required each State plan for child welfare services to describe standards for the content and frequency of caseworker visits for children in foster care that, at a minimum, ensure the following:
 - » Children are visited on a monthly basis
 - » Visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure children's safety, permanency, and well-being
- Reauthorized and extended through FY 2011 the program for mentoring children of prisoners
- Required the HHS Secretary to enter into a 3-year, renewable cooperative agreement with an eligible entity for a service delivery demonstration project to achieve the following:
 - » Identify children of prisoners in need of mentoring services
 - » Provide their families with a voucher for mentoring services and a list of providers in their residential area
 - » Monitor and oversee the delivery of mentoring services by providers that accept the vouchers
- Reauthorized and extended through FY 2011 the basic Court Improvement Program
- Amended title IV-E to require certain foster care proceedings to include consultation in an age-appropriate manner with the child who is the subject of the proceeding

P.L. 109-248**Adam Walsh Child Protection and Safety Act of 2006****Overview**

H.R. 4472

Enacted July 27, 2006

Purpose: To protect children from sexual exploitation and violent crime; to prevent child abuse and child pornography, with an emphasis on comprehensive strategies across Federal, State, and local communities to prevent sex offenders access to children; to promote internet safety; and to honor the memory of Adam Walsh and other child crime victims

Major Provisions of the Act

- Required (1) fingerprint-based checks of the national crime information databases for prospective foster or adoptive parents and (2) checks of State child abuse and neglect registries in which the prospective foster or adoptive parents and any other adults living in the home have resided in the preceding 5 years
- Permitted States that prior to September 30, 2005, had opted out of the criminal background checks until October 1, 2008, to comply with the fingerprint-based background check requirement (no State is exempt from those requirements after October 1, 2008)
- Required States to comply with any request for a child abuse registry check that is received from another State
- Required States to have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State and to prevent any such information from being used for a purpose other than conducting background checks in foster or adoptive placement cases
- Required the U.S. Attorney General, upon the request of a State, to conduct fingerprint-based checks of the national crime information databases to assist the following:
 - » Child welfare agencies in checking backgrounds of individuals under consideration as prospective foster or adoptive parents or in investigating child abuse or neglect incidents
 - » Private or public schools or educational agencies in checking backgrounds of prospective employees
- Directed the Secretary of Health and Human Services to take the following actions:
 - » Create a national registry of substantiated cases of child abuse or neglect
 - » Establish standards for the dissemination of information in the registry
 - » Conduct a study on the feasibility of establishing data-collection standards for the registry

P.L. 109-239**Safe and Timely Interstate Placement of Foster Children Act of 2006****Overview**

H.R. 5403

Enacted July 3, 2006

Purpose: To improve protections for children and to hold States accountable for the safe and timely placement of children across State lines

Major Provisions of the Act

- Required each title IV-E State plan for foster care and adoption assistance to provide that the State shall achieve the following:
 - » Have in effect procedures for orderly and timely interstate placement of children
 - » Complete home studies requested by another State within a specified period, which is 60 days in most cases but up to 75 days if specified circumstances warrant an extension
 - » Accept such studies received from another State within 14 days, unless reliance on the report would be contrary to the child's welfare
- Authorized grants for timely interstate home study incentive payments to States that have approved plans and that have completed such studies within 30 days
- Increased the required frequency of State caseworker visits for children in out-of-State foster care placements without imposing restrictions on either State's ability to contract with a private agency to perform those visits

- Amended the definition of ‘case review system’ to include the following:
 - » Require a child’s health and education record to be supplied to the foster parent or foster care provider at the time of placement and to provide it to the child at no cost when he or she leaves foster care by reason of having attained the age of majority
 - » Provide for a relative caregiver’s, foster parent’s, and preadoptive parent’s right to be heard in certain proceedings respecting their child in foster care
- Included among the purposes of grants to the highest State courts the assessment of the court’s role in carrying out State laws requiring proceedings that determine the best strategy to use to expedite the interstate placement of children
- Required State courts to ensure foster parents, preadoptive parents, and relative caregivers of a child in foster care are notified of certain proceedings held with respect to that child
- Provided for consideration of out-of-State placements in permanency hearings, case plans, and case reviews
- Required each plan for child welfare services to include the assurance that the State will eliminate legal barriers to facilitate timely adoptive or permanent placements for children

P.L. 109-171

Deficit Reduction Act of 2005

Overview

S. 1932

Enacted February 8, 2006

Purpose: To provide--through title VII of this act--for reauthorization of the Temporary Assistance for Needy Families program, healthy marriage and family funds, the Court Improvement Program, the Promoting Safe and Stable Families program, and other child welfare programs

Major Provisions of the Act

- Prohibited access to Medicaid to an individual who declares he or she is a U.S. citizen unless one type of specified documentary evidence of U.S. citizenship or nationality is presented, with certain classes being exempted from this requirement (*Note: Children in foster care and children receiving title IV-E adoption assistance were later exempted from this requirement by P.L. 109-432.*)
- Replaced incentive bonuses to States for a decrease in the illegitimacy rate with healthy marriage promotion and responsible fatherhood grants and designated the use of funds for the following:
 - » Demonstration projects designed to test the effectiveness of Tribal governments or consortia in coordinating the provision of child welfare services to Tribal families at risk of child abuse or neglect
 - » Activities promoting responsible fatherhood
- Prescribed the contents of applications for Court Improvement Program grants, including grants for improved data collection and training, and made appropriations for fiscal year (FY) 2006-2010 for grants intended to achieve the following:
 - » Ensure the safety, permanence, and well-being needs of children are met in a timely and complete manner
 - » Provide for the training of judges, attorneys, and other legal personnel in child welfare cases
- Required that courts and agencies demonstrate meaningful collaboration in child welfare services programs
- Permitted States to allow public access to certain State court child welfare proceedings
- Authorized appropriations for FY 2006 for the Promoting Safe and Stable Families program
- Specified criteria under which States may receive Federal matching funds for allowable administrative expenses for children who are candidates for foster care, living in unallowable facilities, or placed with unlicensed relatives
- Clarified the home of removal for Aid to Families with Dependent Children (AFDC) purposes when determining the eligibility of a child for title IV-E foster care maintenance payments and revised adoption assistance eligibility criteria to require AFDC at the time of the child’s removal from the specified relative’s home only

P.L. 109-113**Fair Access Foster Care Act of 2005****Overview**

S. 1894

Enacted November 22, 2005

Purpose: To amend part E of title IV of the Social Security Act to allow foster care maintenance payments to be paid on behalf of eligible children through a nonprofit or for-profit child-placing or child care agency

Major Provisions of the Act

Amended section 472(b) of the Social Security Act (42 U.S.C. § 672(b)) by striking the word 'nonprofit' each place it appears

P.L. 108-145**Adoption Promotion Act of 2003****Overview**

H.R. 3182

Enacted December 2, 2003

Purpose: To reauthorize the Adoption Incentive Payments program under part E of title IV of the Social Security Act and for other purposes

Major Provisions of the Act

- Amended title IV-E to revise requirements with respect to States eligible to receive adoption incentives payments to provide payments for the following:
 - » Special needs adoptions that are not of older child adoptions
 - » Adoptions of older children (age 9 and older)
 - Modified requirements with respect to the determination of the numbers of special needs adoptions that are not of older children as well as adoptions of older children
 - Authorized the Secretary of Health and Human Services to impose specified penalties against a State for failure to provide necessary data to the Adoption and Foster Care Analysis and Reporting System
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P.L. 108-36**Keeping Children and Families Safe Act of 2003****Overview**

S. 342

Enacted June 25, 2003

Purpose: To amend and improve the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities Act, the Abandoned Infants Assistance Act, and the Family Violence Prevention and Services Act

Major Provisions of the Act

- Reauthorized CAPTA through fiscal year 2008
- Authorized an expanded interdisciplinary and longitudinal research program and provided for an opportunity for public comment on research priorities
- Emphasized enhanced linkages between child protective services (CPS) agencies and public health, mental health, and developmental disabilities agencies
- Mandated changes to State plan eligibility requirements for the CAPTA State grant, including the following:
 - » Policies and procedures to address the needs of infants born and identified as being affected by prenatal drug exposure
 - » Provisions and procedures requiring that a CPS representative advise an individual at the initial contact of complaints and allegations made against him or her

- » Provisions addressing the training of CPS workers regarding their legal duties to protect the legal rights and safety of children and families
- » Provisions to require a State to disclose confidential information to any Federal, State, or local government entity with a need for such information
- » Provisions and procedures for referral of a child under age 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals With Disabilities Education Act
- Directed the Secretary of Health and Human Services to provide for the implementation of programs to increase the number of older children in foster care placed in adoptive families, including a grants program to eliminate barriers to placing children for adoption across jurisdictional boundaries
- Amended the Abandoned Infants Assistance grants program to prohibit the award of a grant unless the applicant agrees to give priority to the following infants and young children:
 - » Those who are infected with or exposed to the human immunodeficiency virus or have a life-threatening illness
 - » Those who have been perinatally exposed to a dangerous drug

P.L. 107-133

Promoting Safe and Stable Families Amendments of 2001

Overview

H.R. 2873

Enacted January 17, 2002

Purpose: To extend and amend the Promoting Safe and Stable Families program, provide new authority to support programs for mentoring children of incarcerated parents, and amend the Foster Care Independent Living program under title IV-E to provide for educational and training vouchers for youth aging out of foster care

Major Provisions of the Act

- Amended title IV-B, subpart 2, of the Social Security Act
- Added findings to illustrate the need for programs addressing families at risk for abuse and neglect and those adopting children from foster care
- Amended the definition of family preservation services to include infant safe haven programs
- Added strengthening parental relationships and promoting healthy marriages to the list of allowable activities
- Added new focus areas to the research, evaluation, and technical assistance activities
- Allowed unused funds in title IV-B, subpart 2, to be reallocated
- Created a matching grant program to support mentoring networks for children of prisoners
- Reauthorized funds for the Court Improvement Program
- Authorized a voucher program as part of the John H. Chafee Foster Care Independence Program to provide for education and training, including postsecondary training and education, to youth who have aged out of foster care

P.L. 106-279**Intercountry Adoption Act of 2000****Overview**

H.R. 2909

Enacted October 6, 2000

Purpose: To provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption

Major Provisions of the Act

- Established the U.S. Central Authority within the Department of State with general responsibility for U.S. implementation of the Convention and annual reports to Congress
- Allowed the State Department to enter into agreements with one or more qualified accrediting entities to provide for the accreditation of agencies (nonprofit) and approval of persons (for-profit agencies and individuals) who seek to provide adoption services for adoptions covered by the Convention
- Permitted accrediting entities to do the following:
 - » Process applications for accreditation and approval
 - » Be responsible for oversight, enforcement, and compliance by adoption service providers with the Convention, the Intercountry Adoption Act (IAA), and implementing regulations
 - » Perform information collection activities
- Authorized U.S. adoption service providers to provide services for Convention adoptions only if they have been Convention-accredited or -approved
- Mandated the State Department and the Immigration and Nationalization Service (INS)* to establish a case registry for all intercountry adoptions, including incoming, outgoing, Hague Convention cases, and others
- Authorized the State Department to take the following actions:
 - » Monitor each accrediting entity's performance of its duties and its compliance with the Convention, the IAA, and applicable regulations
 - » Issue necessary certificates for the recognition of Convention adoptions and placements made in the United States as long as the State Department has received appropriate documentation to establish that the requirements of the Convention, the IAA, and other regulations have been met
- Established that Convention adoptions finalized in other countries party to the Convention be recognized throughout the United States
- Provided procedures and requirements to be followed for the adoption of a child residing in the United States by persons resident in other countries party to the Convention
- Outlined certain case-specific duties to be performed by the accredited agency, the approved person, or the prospective adoptive parents acting on their own behalf, if permitted by both countries involved
- Prohibited State courts from finalizing Convention adoptions or granting custody for a Convention adoption unless such a court has verified that the required determinations have been made by both the country of origin and the receiving country
- Amended the Immigration and Nationality Act to provide for a new category of children adopted, or to be adopted, under the Convention and who meet other requirements to qualify for immigrant visas
- Preserved Convention records on individual adoptions held by the State Department and INS without affecting Federal laws concerning access to identifying information
- Preempted State laws only to the extent that they are inconsistent with the IAA
- Had no effect on the Indian Child Welfare Act

* As of March 1, 2003, the functions of the U.S. Immigration and Naturalization Service were transferred to the U.S. Citizenship and Immigration Services, a bureau of the U.S. Department of Homeland Security.

P.L. 106-177**Child Abuse Prevention and Enforcement Act of 2000****Overview**

H.R. 764

Enacted March 10, 2000

Purpose: To reduce the incidence of child abuse and neglect

Major Provisions of the Act

- Authorized the use of Federal law enforcement funds by States to improve the criminal justice system in order to provide timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs engaged in the assessment of activities related to the protection of children, including against child sexual abuse, and placement of children in foster care
- Allowed the use of Federal grants by law enforcement to do the following:
 - » Enforce child abuse and neglect laws, including those protecting against child sexual abuse
 - » Promote programs designed to prevent child abuse and neglect
 - » Establish or support cooperative programs between law enforcement and media organizations to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders
- Increased the amount of federally collected funds available to the States for implementation of State Children's Justice Act reforms

P.L. 106-169**Foster Care Independence Act of 1999****Overview**

H.R. 3443

Enacted December 12, 1999

Purpose: To amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency

Major Provisions of the Act

- Revised the John H. Chafee Foster Care Independence Program to provide States with flexible funding that will enable programs that will do the following:
 - » Identify children who are likely to remain in foster care until age 18 and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance use prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention)
 - » Help children who are likely to remain in foster care until age 18 years receive the education, training, and services necessary to obtain employment
 - » Help children who are likely to remain in foster care until age 18 prepare for and enter postsecondary training and education institutions
 - » Provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults
 - » Provide financial, housing, counseling, employment, education, and other appropriate support and services to former recipients of foster care between ages 18 and 21 to complement their own efforts to achieve self-sufficiency
- Allowed funds to be used to pay for room and board for former foster youth ages 18 to 21
- Required the Secretary of Health and Human Services (HHS) to develop outcome measures to assess State performance in operating independent living programs
- Required the HHS Secretary to conduct national data collection on services, individuals served, and outcomes

- Mandated that State plans for foster care and adoption assistance include certification that prospective parents will be adequately prepared to provide for the needs of the child and that such preparation will continue, as necessary, after placement of the child
- Provided States with the option to extend Medicaid coverage to 18- to 21-year olds who have been emancipated from foster care
- Emphasized permanence by requiring that efforts to find a permanent placement continue concurrently with independent living activities
- Increased funding for adoption incentive payments

P.L. 105-89

Adoption and Safe Families Act of 1997

Overview

H.R. 867

Enacted November 19, 1997

Purpose: To promote the adoption of children in foster care and amend title IV-E of the Social Security Act

Major Provisions of the Act

- Reauthorized the Family Preservation and Support Services program:
 - » Renamed it the Promoting Safe and Stable Families program
 - » Extended categories of services to include time-limited reunification services and adoption promotion and support services
- Defined 'time-limited family reunification services' as the services and activities that are provided to a child who is removed from the child's home and placed in out-of-home care and to the parents or primary caregiver of that child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion (but only during the 15-month period that begins on the date that the child is considered to have entered foster care), including the following:
 - » Individual, group, and family counseling
 - » Inpatient, residential, or outpatient substance use treatment services
 - » Mental health services
 - » Assistance to address domestic violence
 - » Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries
 - » Transportation to or from any of those services and activities
- Ensured safety for abused and neglected children through the following:
 - » Ensured health and safety concerns are addressed when a State determines placement for abused and neglected children
 - » Required the U.S. Department of Health and Human Services (HHS) to report on the scope of substance use in the child welfare population and the outcomes of services provided to that population
 - » Added 'safety of the child' to every step of the case plan and review process
 - » Required criminal records checks for foster and adoptive parents who receive Federal funds on behalf of a child, unless a State has opted out of this requirement
- Accelerated permanent placement of a child in foster care through the following:
 - » Required States to initiate court proceedings to free a child for adoption once that child had been waiting in foster care for at least 15 of the most recent 22 months, unless there was an exception
 - » Allowed children to be freed for adoption more quickly in extreme cases
- Promoted adoptions through the following:
 - » Rewarded States that increased adoptions with incentive funds
 - » Required States to use reasonable efforts to move eligible children in foster care toward permanent placements
 - » Promoted adoptions of all children with special needs and ensured health coverage for adopted children with special needs
 - » Prohibited States from delaying or denying placements of children based on the geographic location of the prospective adoptive families
 - » Required States to document and report child-specific adoption efforts

- Increased accountability through the following:
 - » Required HHS to establish new outcome measures to monitor and improve State performance
 - » Required States to document child-specific efforts to move children into adoptive homes
 - Clarified 'reasonable efforts' through the following:
 - » Emphasized children's health and safety
 - » Required States to specify the circumstances when efforts to prevent foster placement or to reunify a child with his or her parents are not required
 - Required shorter time limits for making decisions about permanent placements through the following:
 - » Required permanency hearings to be held no later than 12 months after the child enters foster care
 - » Required States to initiate termination of parental rights proceedings after the child has been in foster care 15 of the previous 22 months, unless the child is in the care of a relative or severing the parent-child relationship is not in the child's best interests
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P.L. 104-235

Child Abuse Prevention and Treatment Amendments of 1996

Overview

S. 919

Enacted October 3, 1996

Purpose: To modify and reauthorize the Child Abuse Prevention and Treatment Act (CAPTA)

Major Provisions of the Act

- Reauthorized CAPTA through fiscal year 2001
- Abolished the National Center on Child Abuse and Neglect and created the Office on Child Abuse and Neglect within the U.S. Department of Health and Human Services
- Added new requirements to address the problems of false reports of abuse and neglect, delays in terminations of parental rights, and lack of public oversight of child protection
- Required States to institute an expedited termination of parental rights process for abandoned infants or when the parent is responsible for the death or serious bodily injury of a child
- Set the minimum definition of child abuse to include death, serious physical or emotional injury, sexual abuse, or imminent risk of harm
- Recognized the right of parental exercise of religious beliefs concerning medical care
- Continued the Community-Based Family Resource and Support Grants program, the Adoption Opportunities Act, the Abandoned Infants Assistance Act, the Victims of Child Abuse Act, the Children's Justice Act grants, and the Missing Children's Assistance Act
- Provided for Federal grants for the establishment of not less than three citizen review panels in each State, such as child fatality panels or foster care review panels, for the purpose of examining the policies and procedures of State and local agencies and, where appropriate, specific cases in order to evaluate the extent to which the agencies are effectively discharging their child protection responsibilities, including the following reviews:
 - » A review of the extent to which the State child protective services system is coordinated with the foster care and adoption programs established under title IV-E
 - » A review of child fatalities and near fatalities

P.L. 104-188**The Interethnic Provisions of 1996****Overview**

H.R. 3448

Enacted August 20, 1996

Purpose: To provide for adoption assistance through tax credits and (through title I, subtitle H, section 1808) and amend the Multiethnic Placement Act of 1994

Major Provisions of the Act

- Established the title IV-E State plan requirement that States and other entities that receive funds from the Federal Government and are involved in foster care or adoption placements may not deny any individual the opportunity to become a foster or adoptive parent based upon the race, color, or national origin of the parent or the child
- Established the title IV-E State plan requirement that States and other entities that receive funds from the Federal Government and that are involved in foster care or adoption placements may not delay or deny a child's foster care or adoptive placement based upon the race, color, or national origin of the parent or the child
- Strengthened the diligent recruitment requirement in the Multiethnic Placement Act (MEPA) by making it a title IV-B State plan requirement
- Established a system of graduated financial penalties for States that do not comply with the title IV-E State plan requirement established under this law
- Repealed language in MEPA that allowed States and other entities to consider the cultural, ethnic, or racial background of a child, as well as the capacity of the prospective parent to meet the needs of such a child
- Allowed an individual taxpayer to claim a tax credit for the amount of the qualified adoption expenses paid or incurred by the individual (not to exceed \$5,000, or \$6,000 in the case of a child with special needs)

P.L. 103-382**Multiethnic Placement Act of 1994****Overview**

H.R. 6

Enacted October 20, 1994

Purpose: To prevent discrimination on the basis of race, color, and/or national origin when making foster or adoptive placements (as enacted by title V, part E, subpart 1, of the Improving America's Schools Act of 1994)

Major Provisions of the Act

- Prohibited State agencies and other entities that receive Federal funding and were involved in foster care or adoption placements from delaying, denying, or otherwise discriminating when making a foster care or adoption placement decision on the basis of the parent's or child's race, color, or national origin
- Prohibited State agencies and other entities that received Federal funds and were involved in foster care or adoption placements from categorically denying any person the opportunity to become a foster or adoptive parent solely on the basis of race, color, or national origin of the parent or the child
- Required States to develop plans for the recruitment of foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom families are needed
- Allowed an agency or entity to consider the cultural, ethnic, or racial background of a child and the capacity of an adoptive or foster parent to meet the needs of a child with that background when making a placement
- Had no effect on the provisions of the Indian Child Welfare Act of 1978
- Made failure to comply with this law a violation of title VI of the Civil Rights Act

P.L. 103-66**Family Preservation and Support Services Program Act of 1993****Overview**

H.R. 2264

Enacted August 10, 1993

Purpose: To authorize funding for the Family Preservation and Support Services program through fiscal year 1998 (as enacted by title XIII, chapter 2, subchapter C, part 1 of the Omnibus Budget Reconciliation Act of 1993), as well as other purposes

Major Provisions of the Act

- Encouraged States to use funds to create a continuum of family-focused services for at-risk children and families
- Required States to engage in a comprehensive planning process to develop more responsive family support and preservation strategies
- Encouraged States to do the following:
 - » Use funds to integrate preventive services into treatment-oriented child welfare systems
 - » Improve service coordination within and across State service agencies
 - » Engage broad segments of the community in program planning at State and local levels
- Broadened the definition of 'family' to include people needing services regardless of family configuration: biological, adoptive, foster, extended, or self-defined
- Defined services to be provided by the States, including the following:
 - » Preservation services that include activities designed to assist families in crisis, often when the child is at risk of being placed in out-of-home care because of abuse and/or neglect
 - » Support services that include preventive activities (typically provided by community-based organizations) designed to improve the nurturing of children and to strengthen and enhance stability of families
- Provided grants to the highest court of each State to (1) conduct assessments of the roles, responsibilities, and effectiveness of State courts in handling child welfare cases, and (2) implement changes deemed necessary as a result of the assessments (known as the Court Improvement Program)

P.L. 102-295**Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992****Overview**

S. 838

Enacted May 28, 1992

Purpose: To amend the Child Abuse Prevention and Treatment Act to revise and extend programs under the act

Major Provisions of the Act

- Revised provisions for research and assistance activities to include the following:
 - » Cultural distinctions related to child abuse and neglect
 - » Culturally sensitive procedures with respect to child abuse cases
 - » The relationship of child abuse and neglect to cultural diversity
- Provided assistance for States in supporting child abuse and neglect prevention activities through community-based child abuse and neglect prevention grants
- Required the U.S. Department of Health and Human Services to provide information and service functions related to adoption and foster care, including the following:
 - » Onsite technical assistance
 - » National public awareness efforts to unite children in need of adoption with appropriate adoptive parents
 - » Operation of a National Resource Center for Special Needs Adoption

P.L. 100-294**Child Abuse Prevention, Adoption, and Family Services Act of 1988****Overview**

H.R. 1900

Enacted April 25, 1988

Purpose: To amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act, and the Family Violence Prevention and Services Act

Major Provisions of the Act

- Established the Inter-Agency Task Force on Child Abuse and Neglect, with responsibility for programs and activities related to child abuse and neglect
- Broadened the scope of research for the National Center on Child Abuse and Neglect within the U.S. Department of Health and Human Services to include investigative and judicial procedures applicable to child abuse cases and the national incidence of child abuse and neglect
- Established a national data-collection system to include standardized data on false, unfounded, or unsubstantiated cases and the number of deaths due to child abuse and neglect
- Expanded the Adoption Opportunities program to achieve the following:
 - » Increase the number of minority children placed in adoptive families, with an emphasis on recruitment of and placement with minority families
 - » Provide for postlegal adoption services for families who have adopted children with special needs
 - » Increase the placement of children in foster care who are legally free for adoption

P.L. 98-457**Child Abuse Amendments of 1984****Overview**

H.R. 1904

Enacted October 9, 1984

Purpose: To extend and improve provisions of laws relating to child abuse and neglect and adoption

Major Provisions of the Act

- Required States to have in place procedures with State protective systems to respond to reports of medical neglect, including instances of withholding medically indicated treatment from disabled infants with life-threatening conditions
- Directed the U.S. Department of Health and Human Services to develop regulations and to provide training and technical assistance needed by care providers to carry out the provisions of the act
- Required State-level programs to facilitate adoption opportunities for disabled infants with life-threatening conditions
- Provided for the establishment and operation of a Federal adoption and foster care data-gathering and analysis system
- Provided for a national adoption exchange to match children with special needs with prospective adoptive families

P.L. 96-272**Adoption Assistance and Child Welfare Act of 1980****Overview**

H.R. 3434

Enacted June 17, 1980

Purpose: To establish a program of adoption assistance; strengthen the program of foster care assistance for needy and dependent children; and improve programs for child welfare, social services, and aid to families with dependent children

Major Provisions of the Act

- Required States to make adoption assistance payments, which take into account the circumstances of the adopting parents and the child, to parents who adopt a child who is eligible for Aid to Families with Dependent Children (AFDC) and is a child with special needs
- Defined a child with special needs as a child who meets the following conditions:
 - » Cannot be returned to the parent's home
 - » Has a special condition such that the child cannot be placed without providing assistance
 - » Has not been able to be placed without assistance
- Required, as a condition of receiving Federal foster care matching funds, that States make 'reasonable efforts' to prevent removal of the child from the home and return those who have been removed as soon as possible
- Required participating States to establish reunification and preventive programs for all children in foster care
- Required the State to place a child in the least restrictive setting and, if the child will benefit, one that is close to the parent's home
- Required the court or agency to review the status of a child in any nonpermanent setting every 6 months to determine what is in the best interest of the child, with most emphasis placed on returning the child home as soon as possible
- Required the court or administrative body to determine the child's future status, whether it is a return to parents, adoption, or continued foster care, within 18 months after initial placement into foster care

P.L. 95-608**Indian Child Welfare Act of 1978****Overview**

S. 1214

Enacted November 11, 1978

Purpose: To establish standards for the placement of Indian children in foster and adoptive homes and to prevent the breakup of Indian families

Major Provisions of the Act

- Established minimum Federal standards for the removal of Indian children from their families
- Required Indian children to be placed in foster or adoptive homes that reflect Indian culture
- Provided for assistance to Tribes in the operation of child and family service programs
- Created exclusive Tribal jurisdiction over all Indian child custody proceedings when requested by the Tribe, parent, or Indian 'custodian'
- Granted preference to Indian family environments in adoptive or foster care placement
- Provided funds to Tribes or nonprofit off-reservation Indian organizations or multiservice centers for the purpose of improving child welfare services to Indian children and families
- Required State and Federal courts to give full faith and credit to Tribal court decrees
- Set a standard of proof for terminating Indian parents' parental rights that required the proof to be beyond a reasonable doubt

P.L. 95-266**Child Abuse Prevention and Treatment and Adoption Reform Act of 1978****Overview**

H.R. 6693

Enacted April 24, 1978

Purpose: To promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes and to extend and improve the provisions of the Child Abuse Prevention and Treatment Act

Major Provisions of the Act

- Required the following of the National Center on Child Abuse and Neglect within the U.S. Department of Health, Education, and Welfare:
 - » Develop a comprehensive plan for facilitating the coordination of activities among agencies
 - » Establish research priorities for making grants
 - » Set aside funds to establish centers for the prevention, identification, and treatment of child sexual abuse
- Established the Adoption Opportunities program to achieve the following:
 - » Facilitate the placement of children with special needs in permanent adoptive homes
 - » Promote quality standards for adoptive placement and the rights of adopted children
 - » Provide for a national adoption information exchange system
- Provided for annual summaries of research on child abuse and neglect

P.L. 93-247**Child Abuse Prevention and Treatment Act of 1974****Overview**

S. 1191

Enacted January 31, 1974

Purpose: To provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect

Major Provisions of the Act

- Provided assistance to States to develop child abuse and neglect identification and prevention programs
- Authorized limited Government research into child abuse prevention and treatment
- Created the National Center on Child Abuse and Neglect within the U.S. Department of Health, Education, and Welfare for the following purposes:
 - » Administer grant programs
 - » Identify issues and areas needing special focus for new research and demonstration project activities
 - » Serve as the focal point for the collection of information, improvement of programs, dissemination of materials, and information on best practices to States and localities
- Created the National Clearinghouse on Child Abuse and Neglect Information
- Established basic State grants and demonstration grants for training personnel and to support innovative programs aimed at preventing and treating child maltreatment



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

