

Key Federal Mandates

■ **Child Abuse Prevention and Treatment Act (CAPTA) of 1974, P.L. 93-247**, Amended in 1978, 1984, 1988, 1992, 2003

Reasons Initiated:

- Medical recognition of Battered Child Syndrome in 1961, as well as findings from medical reports, brought attention to the problem of child abuse.
- One of every 10 children brought to hospital emergency rooms were victims of physical abuse.
- A large majority of these cases went unreported.
- Federal government was urged to take interest in the welfare of abused and neglected children.
- States had developed reporting laws and responses to reports, without a lot of uniformity.

Objectives/Goals:

- To increase identification, reporting, and investigation of child maltreatment, thereby protecting children from harm.
- To monitor research and compile and publish materials for persons working in the field.

Services Provided/Measures Taken:

- Provided assistance to states to develop child abuse and neglect identification and prevention programs.
- Placed moral weight of Federal government behind professional intervention with troubled families.
- Enhanced the Federal government's role to be proactive in detection, prevention, and treatment of child abuse.
- Authorized limited government research into child abuse prevention and treatment.
- Created the National Center on Child Abuse and Neglect within the Department of Health and Human Services
- Created the National Clearinghouse on Child Abuse and Neglect Information.
- Established Basic State Grants and Demonstration Grants for training of personnel and to support innovative programs aimed at preventing and treating child maltreatment.

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

Reasons Initiated:

- Initiated in response to discontent with the public child welfare system.
- Problem of foster care "drift", or the sense of impermanence in foster homes and concerns about children placed in multiple foster placements over an extended period of time.

Key Federal Mandates (continued)

Objectives/Goals:

- To prevent unnecessary separation of children from families.
- To protect the autonomy of the family.
- To shift support of Federal government away from foster care alone and towards placement prevention and reunification.
- To promote the return of children to their families when feasible.
- To encourage adoption when it is in the child's best interest.
- To improve the quality of care and services.
- To reduce the number of children in foster care.
- To reduce the duration of a child's stay in foster care.

Services Provided/Measures Taken:

- Required states to make adoption assistance payments.
- Defined a child with special needs (for adoption assistance purposes.)
- Required 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 prevention programs for all in foster care.
- The state must place the child in the least restrictive setting and, if the child will benefit, one that is close to the parent's home.
- Court or agency must review the status of a child in any non-permanent setting every six months to determine what is in the best interest of the child. Most emphasis is placed on returning the child home as soon as possible.
- Court or administrative body must 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.

■ Adoption and Safe Families Act of 1997 (ASFA), P.L. 105-89

Reasons Initiated:

- Many children in foster care were waiting several years for permanent placement.
- The focus on reasonable efforts to reunify children with their families led to some placement decisions that were not in the best interests of the child and not adequately focused on child safety.
- In order to move children into permanent homes in a more timely manner, states needed stricter guidelines for placement and reunification of children and their families.

Objectives/Goals:

- To promote permanency for children in foster care.

Key Federal Mandates (continued)

To ensure safety for abused and neglected children.

- To accelerate permanent placements of children.
- To increase accountability of the child welfare system.

Key Principles:

- The child's safety is the paramount concern. All decisions in every step of the case plan and review process must be made based on the child's safety and well-being.
- Substitute care is a temporary setting. It is not a place for children to grow up. For children who cannot safely return home, the law provides for an expedited process to find these children permanent homes. States are required to initiate court proceedings to free a child for adoption once that child has been waiting in foster care for at least 15 of the most recent 22 months, unless there is an exception. In extreme cases, children are allowed to be freed for adoption more quickly.
- Permanency planning for children begins as soon as the child enters substitute care. From the time a child enters placement, the county agency must be diligent in finding a permanent family for the child.
- The practice of concurrent planning is encouraged by ASFA to facilitate the timely considerations of all permanency options for the child.
- Achieving permanency for children requires timely decisions from all parts of the child serving system.
- The Department of Health and Human Services was required to establish outcome measures to monitor and improve state performance.

■ Child and Family Service Reviews (CFSR)

The 1994 Amendments to the Social Security Act authorized the Department of Health and Human Services to review state child and family service programs in order to assure compliance with the state plan requirements in titles IV-B and IV-E of the Social Security Act. The reviews cover child protective services, foster care, adoption, family preservation, family support, and independent living. They are designed to help states improve child welfare services and the outcomes for families and children who receive services by identifying strengths and needs within State programs, as well as areas where technical assistance can lead to program improvements. The reviews address outcome measures as specified in ASFA.

The reviews examine outcomes and systemic factors in each State's child and family service program. The reviews examine outcomes for children and families in three areas: safety, permanency, and child and family well-being. Within these three areas, seven outcomes are assessed through statewide data and reviews of cases, as follows:

Key Federal Mandates (continued)

- Safety
Children are first and foremost protected from abuse and neglect.
-Children are safely maintained in their own homes whenever possible and appropriate.
- Permanency
-Children have permanency and stability in their living situations.
-The continuity of family relationships and connections will be preserved for children.
- Child and Family Well-Being
-Families have enhanced capacity to provide for their children's needs.
-Children receive appropriate services to meet their educational needs.
-Children receive adequate services to meet their physical and mental health needs.

■ Indian Child Welfare Act (ICWA) of 1978, P.L. 95-608

Reasons Initiated:

- Advocates called attention to the fact that state courts were removing a high proportion of Indian children from their families and tribes and placing them in non-Indian environments.
- In some states, as many as 25 to 35 percent of Indian children were being placed in foster care; 85 percent of those children were placed in non-Indian homes.
- There was a growing concern that these children were losing their Indian culture and heritage.
- The state court systems did not take into consideration the tribal relations of Indian people and the cultural and social standards of Indian communities.

ICWA declares, in part,"that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing assistance to Indian tribes in the operation of child and family service programs."

Objectives/Goals:

- To protect the best interests of Indian children and families.
- To promote the stability and security of Indian families.
- To establish minimum Federal standards for the removal of Indian children from their homes and for the placement of Indian children in homes that reflect the values of Indian culture.

Key Federal Mandates (continued)

- To raise the standards of termination of parental rights of Indian parents.
- To recognize and strengthen the role of Tribal governments in determining child custody issues.

ICWA applies whenever a child who is enrolled in or eligible for enrollment in a tribe is involved in a child custody proceeding. It gives tribal courts the authority to adjudicate child custody cases involving children of the tribe. An Indian child is a person who is: unmarried and under age 18, and either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. A child custody proceeding includes: foster care placement, termination of parental rights, pre-adoptive placement, and adoptive placement.

Multiethnic Placement Act (MEPA) of 1994, P.L. 103-382, as amended by The Interethnic Adoption Provisions (IEP) of the Small Business Job Protection Act of 1996, P.L. 104-188

Reasons Initiated:

- A growing number of children in foster care were waiting for adoptive homes for excessive periods of time.
- Children of color were over-represented in out-of-home care.
- IEP was initiated to eliminate discrimination on the basis of race, color or national origin against prospective foster and adoptive parents as well as discrimination against children who are waiting for foster and/or adoptive placements.

Objectives/Goals:

- MEPA attempts to decrease the time children wait to be adopted.
- To prevent discrimination on the basis of race, color and/or national origin when making foster care and adoptive placements.
- To facilitate identification and recruitment of foster and adoptive families that can meet children's needs.
- IEP attempts to affirm and strengthen existing prohibitions against discrimination in foster care and adoption placements.
- To affirm prohibitions against routinely considering race, color or national origin when making foster care and/or adoption placement decisions.
- To affirm diligent recruitment efforts.

Basic mandates:

- Child welfare cannot delay or deny a child's foster care or adoptive placement on the basis of the child's or prospective parent's race, color or national origin.
- Child welfare cannot deny to any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color or national origin.

Key Federal Mandates (continued)

- States must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

■ Foster Care Independence Act of 1999, P.L. 106-169

Reasons Initiated:

- Concerns for the poor outcomes of former foster youth who "age out" of the child welfare system.
- Concerns that states were not adequately preparing youth for the transition from foster care to independent living.

Objectives/Goals:

- To improve independent living programs for current and former foster youth up to age 21.
- To expand access to medical care.
- To extend services to age 21 for former foster youth.

The legislation included the John H. Chafee Foster Care Independence Program, the purpose of which is to provide flexible funding that will enable programs to be designed and conducted:

"(1) to identify children who are likely to remain in foster care until 18 years of age 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 abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter post secondary training and education institutions;

(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood."