

## **KEY FEDERAL CHILD WELFARE LAWS**

### **Child Abuse Prevention and Treatment Act (CAPTA), 1974-2003**

Public Law (PL) 93-247 began to shape the current child welfare system. CAPTA mandates that states establish child abuse reporting laws, define child abuse and neglect, describe the circumstances and conditions that obligate mandated reporters to report known or suspected child abuse, determine when juvenile/family courts can take custody of a child, and specify the forms of maltreatment that are criminally punishable. This Act has been amended and reauthorized several times: in 1988, 1989, 1990, 1992, 1993, 1996, and 2003.

### **Indian Child Welfare Act (ICWA), 1978**

PL 95-608 re-establishes tribal authority and protects and preserves the bond between Indian children and their tribe and culture. ICWA regulates any child protective case, adoption, guardianship, termination of parental rights action, runaway/truancy matter, or voluntary placement of Indian children. Placement cases involving Indian children must be heard in tribal courts, if possible, and involvement by the child's tribe in state court proceedings is permitted.

### **Adoption Assistance and Child Welfare Act, 1980**

PL 96-272 created a categorical funding stream for out-of-home (foster) care to support the basic goal of protecting children, but established a preference to maintain and reunify families. This Act requires reasonable efforts to prevent unnecessary out-of-home placements, requires consideration of relatives as the placement of preference, establishes a process to safely reunify children with their families when possible, and authorizes assistance payments to families who adopt children with special needs.

### **Independent Living Program Act (ILP), 1986**

PL 99-272 provides services for foster youth age 16 and older to promote self-sufficiency and to help them transition out of the system at age 18.

### **Family Preservation and Family Support Services Program, 1993-2005**

PL 103-66 provides time-limited, flexible funds to states for family preservation and community-based family support services. In 1997, PL 103-66 was extended, expanded, and reauthorized under the **Adoption and Safe Families Act (PL 105-89)** and renamed the **Promoting Safe and Stable Families (PSSF) Act**; in 2001 PSSF was amended and reauthorized (PL 107-133); and in 2005, the **Budget Deficit Reduction Act (PL 109-171)** reauthorized PSSF as the **Child and Family Services Improvement Act (PL 109-288)** and the **Improving Outcomes for Children Affected by Meth Act (PL 109-269)**.

### **Multi-Ethnic Placement Act (MEPA), 1994**

#### **Inter-Ethnic Placement Provisions, 1996**

MEPA (PL 103-382) prohibits delaying or denying the placement of any child on the basis of race, color, or national origin, and requires that states recruit prospective adoptive and foster care families that reflect the ethnic and racial diversity of children needing homes. The Interethnic Placement Provisions (PL 104-188) amended MEPA and strengthened its provisions to ensure that adoption and foster placements were not delayed or denied because of race, color, or national origin.

**Adoption and Safe Families Act (ASFA), 1997**

**Promoting Safe and Stable Families Act (PSSF), 1997**

PL 105-89 requires the provision of time-limited reunification services and supportive adoption services. Emphasizes child safety over keeping families together and provides financial incentives to states to promote permanency planning and adoption. It also identifies additional circumstances for terminating parental rights, establishes a time-limited federal waiver demonstration project for selected states to test new service delivery approaches, and requires DHHS to adopt outcome measures and a way to systematically collect data from states.

**Foster Care Independence Act, 1999**

PL 106-169 doubles funding for Independent Living Skills (ILP) programs, allows states to use some funding for transitional living programs for emancipated youth and to extend Medicaid coverage to age 21, and permits all youth in out-of-home care (including non-IV-E eligible youth) to participate in ILP services.

**Intercountry Adoption Act, 2000**

PL 106-279 implements certain internationally agreed-upon minimum norms and procedures to protect the children, birth parents, and adoptive parents involved in intercountry adoptions and to prevent abuses.

**Promoting Safe and Stable Families Amendments, 2001**

PL 107-133 creates a new state grant program to provide education and training vouchers for youth who emancipate from foster care and a mentoring program for children with incarcerated parents.

**Adoption Promotion Act, 2003**

PL 108-45 extends the Adoption Incentive Program for another five years and emphasizes finding adoptive families for older children in foster care.

**Budget Deficit Reduction Act, 2005**

PL 109-171 enacts restrictions on the use of Title IV-E administrative case management funding for the placement of children in kinship homes, children considered "candidates" for foster care, and children moving to foster care who have left ineligible facilities, including juvenile hall. Also creates new elements within the State Court Improvement Program to improve data collection and training and increase collaboration between courts and child welfare agencies. The Act also enacted the **Child and Family Services Improvement Act** of 2006 (PL 109-288).

**Child and Family Services Improvement Act, 2006**

PL 109-288 (enacted by PL 109-171) reauthorizes the Promoting Safe and Stable Families program for five years from 2007 through 2011; includes court improvement grants, competitive substance abuse funds, and state grants to address workforce issues, and improves access to PSSF funds for Native American tribes.

**Improving Outcomes for Children Affected by Meth Act, 2006**

PL 109-269 authorizes funding competitive grants to regional partnerships that provide services and activities to increase the well-being of, and improve the permanency outcomes for, children who are in, or at risk of, an out-of-home placement resulting from parental or caretaker's abuse of methamphetamines.

**Adam Walsh Child Protection and Safety Act, 2006**

PL 109-248 creates a National Child Abuse Registry to protect children from being adopted by convicted child abusers, among other components.

**Safe and Timely Interstate Placement of Foster Children Act, 2006**

PL 109-239 requires states to expedite the placement of foster care children across state lines and to remove barriers traditionally recognized as detrimental to timely interstate placements by requiring a 60-day turnaround on ICPC home study requests from other states.

**Fostering Connections to Success and Increasing Adoptions Act, 2008**

PL 110-351 extends federal funding for youth in foster care to age 21, creates a federally subsidized guardianship program for kinship providers, mandates new requirements regarding health and education coordination, expands and increases adoption incentives, and provides federal support for tribal foster care and new funding to promote permanency.

**KEY STATE CHILD WELFARE LAWS**

**Senate Bill (SB) 14** (Chapter 978, Statutes of 1982) requires the state, through the California Department of Social Services and county welfare departments, to establish and support a public system of statewide Child Welfare Services. Under California's state-supervised, county-administered system, each county welfare department is required to maintain four specialized components: Emergency Response, Family Maintenance, Family Reunification, and Permanent Placement.

**SB 243** (Chapter 1485, Statutes of 1987) makes termination of parental rights and removal from the home dependent on danger to the child, narrows the definition of physical abuse, establishes preservation of the family as the primary system goal, and restates the priority for relative placement over non-relative foster care for children.

**SB 370** (Chapter 1294, Statutes of 1989) establishes the Foster Care Group Home Rate structure and authorizes the automated Child Welfare Services/Case Management System (CWS/CMS).

**Assembly Bill (AB) 948** (Chapter 91, Statutes of 1991) increases the county share of cost for foster care and child welfare services to increase fiscal incentives to avoid or limit expensive foster care placements.

**AB 3364** (Chapter 961, Statutes of 1994) establishes the California Family Preservation and Family Support Program consistent with federal requirements.

**AB 1193** (Chapter 794, Statutes of 1997) establishes the Kinship Support Services Program to provide community-based support for relatives caring for children placed in their homes by the juvenile court or children at risk of dependency or delinquency.

**AB 1544** (Chapter 793, Statutes of 1997) mandates "concurrent planning" and makes specific changes in the law designed to increase the likelihood that foster children unable to reunify with their birth parents achieve permanency with relatives.

**AB 2773** (Chapter 1056, Statutes of 1998) implements the federal Adoption and Safe Families Act in California that includes shortened timeframes for reunification.

**SB 163** (Chapter 795, Statutes of 1998) allows counties to participate in a pilot program providing intensive wrap-around services to families and children in or at risk of high level group care to reduce the need for placement.

**SB 933** (Chapter 311, Statutes of 1998) enacts group home reforms and establishes the Foster Care Ombudsman program to provide a way to resolve issues.

**SB 1901** (Chapter 1055, Statutes of 1998) establishes the Kinship Guardianship Assistance Payment Program (Kin-GAP) to provide a subsidy for children placed in legal guardianship with a relative.

**SB 2030** (Chapter 785, Statutes of 1998) requires the California Department of Social Services to evaluate workload and budgeting methodologies to understand the routine activities of child welfare staff, the time needed to complete mandated services, and the estimated time needed for what is considered to be “best practice” in child welfare.

**AB 543** (Chapter 552, Statutes of 1999) creates juvenile court oversight of consent for a foster youth to be prescribed psychotropic medications.

**AB 686** (Chapter 911, Statutes of 2000) requires the county to verify to the dependency court that certain information and services were provided to foster youths prior to terminating court jurisdiction.

**AB 1740** (Chapter 52, Statutes of 2000) establishes the Child Welfare Services Stakeholders Group to examine current child welfare programs and propose a redesigned system by June 2003.

**AB 2877** (Chapter 93, Statutes of 2000) makes emancipated foster youth categorically eligible for Medi-Cal.

**AB 427** (Chapter 125, Statutes of 2001) expands transitional housing for foster youth and emancipated foster youth and establishes the Supportive Transitional Emancipation Program (STEP) program to provide assistance payments to emancipated youth. Participation in STEP is optional for counties.

**AB 429** (Chapter 111, Statutes of 2001) allows continuation of CalWORKs services for 180 days for the parent(s) of children who have been removed from the home and placed in out-of-home care by Child Welfare Services.

**AB 636** (Chapter 678, Statutes of 2001). The Child Welfare System Improvement and Accountability Act establishes a statewide Child and Family Services Review system to review county systems and assist them in meeting federal and state outcomes.

**AB 899** (Chapter 683, Statutes of 2001) defines the rights of foster children and requires that children and youth be provided with this information.

**AB 705** (Chapter 747, Statutes of 2001) and AB 2196 (Chapter 1072, Statutes of 1998) require that siblings removed from their home be placed together when appropriate, sibling contacts be maintained, and diligent efforts be made by adoptive parents to facilitate post-adoptive sibling contact.

**AB 1695** (Chapter 653, Statutes of 2001) establishes that the standards and requirements for assessing and approving the homes of relative and non-relative extended family members must meet state standards for licensing foster family homes and that eligible relative and non-relative extended family members (NREFM) homes may receive Title IV-E funds.

**AB 490** (Chapter 862, Statutes of 2003) requires that foster youth not be forced to change schools unnecessarily, will not lose credits when they change schools, and can immediately enroll and quickly receive records at a new school. The bill also requires each County Office of Education to appoint an education liaison for foster youth.

**AB 408** (Chapter 813, Statutes of 2003) requires that social workers identify and make reasonable efforts to maintain and support relationships between individuals other than siblings who are important to foster children ten years old or older. Also strengthens a youth's right to attend their court hearings and participate in social and extracurricular activities.

**AB 129** (Chapter 468, Statutes of 2004) permits county probation and child welfare departments, in consultation with the juvenile court, to develop "dual status" protocol for foster children who are involved in both systems to increase the children's access to appropriate resources and services.

**AB 2795** (Chapter 332, Statutes of 2004) permits extensions to Family Maintenance in six-month increments with no outside limit as long as it can be shown that the child welfare service plan objectives can be met within the new time lines and stay within the county's Family Maintenance allocation (no additional funding provided).

**SB 500** (Chapter 630, Statutes of 2005) encourages joint placements of infants and their teen parent when both are in foster care and creates the Whole Family Foster Home for pregnant and parenting teens with a supplemental payment for caregivers who enter into a shared responsibility plan with the minor parent.

**SB 358** (Chapter 628, Statutes of 2005) allows a foster parent to approve or disapprove a foster child's participation in activities and to use occasional short-term babysitters based on the foster parent's own assessment using a reasonable and prudent parent standard.

**SB 678** (Chapter 838, Statutes of 2005) codifies and clarifies in state law the minimum standards required by the federal Indian Child Welfare Act.

**AB 1412** (Chapter 640, Statutes of 2005) requires that children and youth be actively involved in their case plan and permanency planning process as age and developmentally appropriate.

**AB 2216** (Chapter 384, Statutes of 2006) creates the California Child Welfare Council to increase interagency collaboration and recommend system changes.

**AB 2195** (Chapter 383, Statutes of 2006) establishes the criteria and process for temporary placement on an emergency basis of a court-dependent child with a relative or non-relative extended family member when the current foster caregiver becomes unavailable to continue providing care.

**AB 1808** (Chapter 75, Statutes of 2006) expands the existing Kin-GAP Program to include probation-supervised youth and increases the basic rate paid to all Kin-GAP recipients to more closely match the benefits paid in foster care.

**AB 2495** (amended and placed in the CDSS budget trailer bill AB 1808, Chapter 75, Statutes of 2006 ) expands Kin-GAP benefits to include specialized care increment (SCI) payments and clothing allowances equivalent to those entitled under the the foster care program. Also requires county child welfare agencies to provide eligible youth nearing 16 years of age and their kinship guardians information about services available through the Independent Living Program (ILP).

**SB 39** (Chapter 468, Statutes of 2007) conforms California law to federal Child Abuse Prevention and Treatment Act requirements for public disclosure of records on child fatalities due to abuse or neglect.

**SB 703** (Chapter 587, Statutes of 2007) establishes state law to implement the federal Safe and Timely Interstate Placement of Foster Children Act of 2006.

**SB 84** (Chapter 177, Statutes of 2007) establishes dual agency rates for children who receive benefits under either AFDC-FC or the Adoptions Assistance Program and concurrently receive regional center services.

**AB 1453** (Chapter 466, Statutes of 2007) encourages counties to develop partnerships with non-profit agencies to test alternative programs to group home care, so that children with complex behavioral and emotional needs are matched with appropriate services while staying connected to their communities through a system of residentially-based services.

**AB 3051** (Chapter 166, Statutes of 2008) requires the court to allow foster youth 10 years of age or older to participate in their dependency court hearings.

**AB 2070** (Chapter 482, Statutes of 2008) requires the court to consider barriers and the ability to maintain contact with their children for incarcerated or institutionalized parents or parents who are court-ordered to a residential substance abuse treatment program. The court allows extensions for reunification of up to 24 months when clear and convincing evidence shows that the best interests of the child would be met with additional reunification services or that reasonable services have not been provided to the parent or legal guardian.