



# Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES

FACTSHEET

Current Through  
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## Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption

The primary responsibility for child welfare services rests with the States, and 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

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child protection and child welfare services.<sup>1</sup> Such legislation frequently requires Federal departments and agencies, such as the Children's Bureau within the U.S. Department of Health and Human Services, to issue or amend Federal policy and regulation.<sup>2</sup> 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.

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 the U.S. Department of Health and Human Services 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 Chafee Foster Care Independence Program. The Social Services Block Grant (SSBG) is authorized under title XX of the Act and funds a wide range of programs that support various social policy goals.

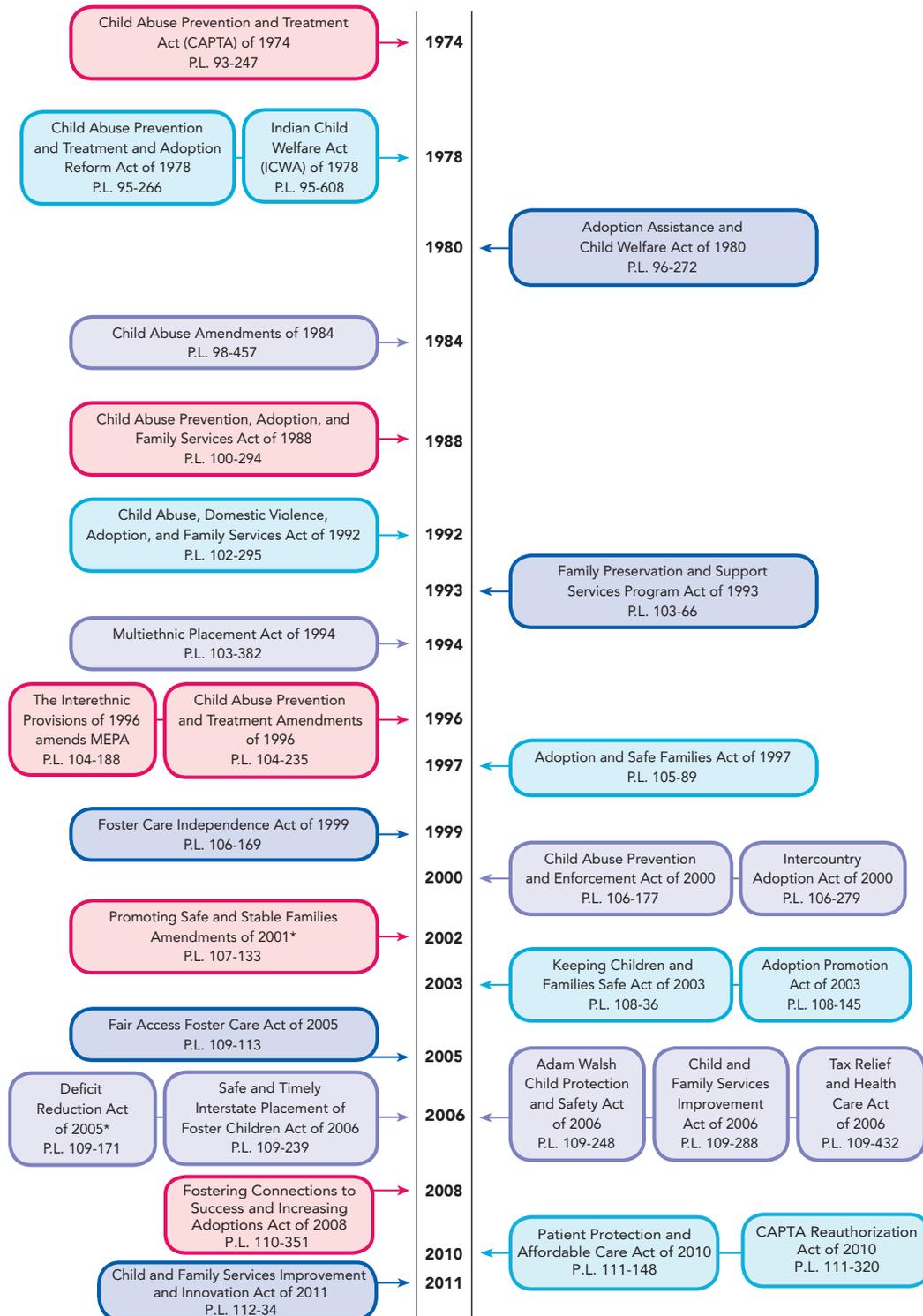
To provide a framework for understanding the Federal legislation that has shaped the delivery of child welfare services, this publication presents a summary of Federal legislation since 1974 that has had a significant impact on the field. It provides an overview of each act and its major provisions. The full text of the acts included in this publication can be found on Information Gateway's [Index of Federal Child Welfare Laws](#).

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<sup>1</sup> 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.

<sup>2</sup> For information on the Children's Bureau policy, visit the website at [http://www.acf.hhs.gov/programs/cb/laws\\_policies/index.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/index.htm)

### Timeline of Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption



\*Some acts were enacted the year following their introduction in Congress.

**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: 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 monitoring and treatment of emotional trauma associated with a child's maltreatment and removal from home
  - » Protocols for the appropriate use and monitoring of psychotropic medications
- Required each State plan for child welfare services to describe:
  - » 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 for monthly caseworker visits to require that States take necessary steps to ensure that the total number of monthly caseworker visits to children in foster care during a fiscal year is at least 90% (raised to 95% 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 to a child removed from the child's home and placed in out-of-home care, and 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. Required services include:
  - » 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; 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 foster children
- Revised requirements for grants to assist children affected by a parent's or caretaker's methamphetamine or other substance abuse to remove the specification of methamphetamine and apply the grant program generally to children affected by a parent's or caretaker's substance abuse
- Revised the court improvement program to require grants 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 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/IV-E agencies to meet the educational stability case plan requirement at the time of each placement change, not just at 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 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 title IV-B or IV-E:
  - » Repealed the requirement for State project applications to consider certain types of proposals; replaced the requirement with specified conditions for State eligibility to conduct a new demonstration project
  - » Limits any child welfare demonstration project to 5 years unless HHS determines that it should be continued
  - » Requires 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:
  - » Permit part 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

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## P.L. 111-320

### CAPTA Reauthorization Act of 2010

#### Overview

S. 3817

Enacted December 20, 2010

Purpose: To amend the Child Abuse Prevention and Treatment Act, 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, to reauthorize the Acts, and for other purposes.

Note: 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 States required to:
  - » Periodically review and revise the plan to reflect any changes in State programs
  - » Provide notice to 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 Health and Human Services (HHS) to complete studies and reports to Congress on:
  - » 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

### Major Provisions of the Act, Continued

- » 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 service (CPS) entities and domestic violence service entities to improve:
  - » 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 care-giving role of the nonabusing parent
- Amended the requirements for State plan assurances to include laws, policies, or programs for:
  - » Laws identifying categories of mandated reporters
  - » Including fetal alcohol spectrum disorders in procedures for 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 where 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 abuse, 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 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 abuse 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 FY 2015. Amendments to the act required:
  - » 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 family and relatives when a child enters the child welfare system
- Authorized grants to States for improving efforts to increase the placement of foster care children legally free for adoption. Required that grant applications describe:
  - » 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 in order to provide better health-care coverage for all Americans, improve health-care services for underserved communities, and for other purposes.

Note: 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:

- Extended Medicaid coverage to former foster care children 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 as a targeted low-income child eligible for CHIP 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
- 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 in transition planning
- Reauthorized appropriations for health centers to serve medically underserved populations
- Reauthorized appropriations for FY 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 co-location 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

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**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 foster care and adoption access, improve incentives for adoption, and for other purposes.

Note: 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 of 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, and 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 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:
  - » 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 age 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 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 HHS to provide technical assistance and implementation services to Tribes seeking to operate title IV-B and IV-E programs
- 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

**Major Provisions of the Act, Continued**

- 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

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

H.R.6111

Enacted December 20, 2006

Purpose: To amend the Internal Revenue Code of 1986 to extend expiring provisions, and for other purposes

Division B, section 405 of the Act amended the Social Security Act to exempt all foster children assisted under title 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.

**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 foster children 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 review of State conformity with this requirement in the Child and Family Services Reviews (CSFRs)

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**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, and for other purposes

**Major Provisions of the Act**

- Amended title IV-B, subpart 1 (Child Welfare Services Program) to:
  - » Change the program from a permanent authorization to a 5-year authorization, with \$325 million for each of Federal FY 2007 through 2011
  - » Establish a new program purpose that allows a broader array of services and activities and promotes more flexibility for States to design their programs accordingly
- Amended title IV-B, subpart 2 with respect to the Promoting Safe and Stable Families (PSSF) program to:
  - » Reauthorize mandatory grants at \$345 million for each of Federal FY 2007 through 2011
  - » Authorize discretionary grant appropriations of \$200 million for each of Federal FY 2007 through 2011
  - » Appropriate \$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 through FY 2011 to be divided between Regional Partnership/ Substance Abuse Grants and support of caseworker visits

**Major Provisions of the Act, Continued**

- Required each State to submit annually forms that:
  - » Report on planned child and family services expenditures for the immediately succeeding fiscal year
  - » Provide specified information about PSSF and certain other programs, including the numbers of families and of children, as well as the population, 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 abuse
- 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 caretaker's methamphetamine or other substance abuse
- 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 that:
  - » The children are visited on a monthly basis.
  - » The visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the children's safety, permanency, and well-being.
- Reauthorized and extended through FY 2011 the program for mentoring children of prisoners (MCOP)
- Required the Secretary to enter into a 3-year, renewable cooperative agreement with an eligible entity for a Service Delivery Demonstration Project to:
  - » 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

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**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/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 (NCID) 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; after October 1, 2008, no State is exempt from those requirements
- 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 the conducting of background checks in foster or adoptive placement cases
- Required the Attorney General, upon the request of a State, to conduct fingerprint-based checks of the national crime information databases to assist:
  - » 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:
  - » 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

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**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:
  - » 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:
  - » 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/she leaves foster care by reason of having attained the age of majority
  - » Provide for a relative caregiver, foster parent, and preadoptive parent's right to be heard in certain proceedings respecting their foster child

**Major Provisions of the Act, Continued**

- 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 that 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

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**P.L. 109-171****Deficit Reduction Act of 2005****Overview**

S. 1932

Enacted February 8, 2006

Purpose: Title VII of this act provides for reauthorization of the TANF program, Healthy Marriage and Family funds, Court Improvement Program, 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; certain classes were exempt from this requirement. *[Note: Foster children 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 limited the use of funds for:
  - » 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 grants, including grants for improved data collection and training, and made appropriations for FY 2006-FY 2010 for grants to:
  - » Ensure that 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 Safe and Stable Families Programs
- 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 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-placement 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

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**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:
    - » Special needs adoptions that are not older child adoptions
    - » Adoptions of older children (age 9 and older)
  - Modified requirements with respect to determination of numbers of special needs adoptions that are not older children as well as adoptions of older children
  - Authorized the Secretary to impose specified penalties against a State for failure to provide necessary data to the Adoption and Foster Care Analysis and Reporting System (AFCARS)
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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 FY 2008
  - Authorized an expanded continuing interdisciplinary and longitudinal research program; provided for an opportunity for public comment on research priorities
  - Emphasized enhanced linkages between child protective service agencies and public health, mental health, and developmental disabilities agencies
  - Mandated changes to State plan eligibility requirements for the CAPTA State grant, including:
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**Major Provisions of the Act, Continued**

- » 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 at the initial contact advise an individual of complaints and allegations made against him or her
- » Provisions addressing the training of CPS workers regarding their legal duties in order 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 to provide for implementation of programs to increase the number of older foster children 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 grants unless the applicant agrees to give priority to infants and young children who:
  - » Are infected with or exposed to the human immunodeficiency virus (HIV) or have a life-threatening illness
  - » Have been perinatally exposed to a dangerous drug

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**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 to the research, evaluation, and technical assistance activities
- Allowed reallocation of unused funds in title IV-B, subpart 2
- 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 Cooperation 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:
  - » Process applications for accreditation/approval
  - » Be responsible for oversight, enforcement, and compliance by adoption service providers with the Convention, 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 Department of State and INS to establish a case registry for all intercountry adoptions incoming, outgoing, Hague Convention cases, and others
- Authorized the State Department to:
  - » Monitor each accrediting entity's performance of its duties and their compliance with the Convention, the Intercountry Adoption Act (IAA), and applicable regulations
  - » Issue certificates to cover Convention adoptions/placements for adoptions made in the U.S. necessary for their recognition so long as the department has received appropriate documentation to establish that the requirements of the Convention, IAA, and regulations have been met
- Established that Convention adoptions finalized in other countries party to the Convention to 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 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 Hague Convention and meeting 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

**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 that are engaged in the assessment of activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care
  - Allowed the use of Federal grants by law enforcement:
    - » To enforce child abuse and neglect laws, including laws protecting against child sexual abuse
    - » To promote programs designed to prevent child abuse and neglect
    - » To 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
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**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 program of grants to States and expanded opportunities for independent living programs providing education, training, and employment services, and financial support for foster youth to prepare for living on their own
- Allowed funds to be used to pay for room and board for former foster youth age 18 to 21
- Required:
  - » The Secretary to develop outcome measures to assess State performance in operating independent living programs
  - » 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. 897

Enacted November 19, 1997

Purpose: To promote the adoption of children in foster care

This act amended title IV-E of the Social Security Act.

**Major Provisions of the Act**

- Reauthorized the Family Preservation and Support Services Program:
  - » Renamed it the Safe and Stable Families Program
  - » Extended categories of services to include time-limited reunification services and adoption promotion and support services
- Ensured safety for abused and neglected children:
  - » Ensured health and safety concerns are addressed when a State determines placement for abused and neglected children
  - » Required HHS to report on the scope of substance abuse 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/adoptive parents who receive Federal funds on behalf of a child, unless a State opted out of this requirement
- Accelerated permanent placement:
  - » 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:
  - » Rewarded States that increased adoptions with incentive funds
  - » Required States to use reasonable efforts to move eligible foster care children towards permanent placements
  - » Promoted adoptions of all special needs children and ensured health coverage for adopted special needs children
  - » Prohibited States from delaying/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:
  - » 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":
  - » Emphasized children's health and safety
  - » Required States to specify situations when services to prevent foster placement and reunification of families are not required
- Required shorter time limits for making decisions about permanent placements:
  - » Required permanency hearings to be held no later than 12 months after entering 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, except if not in the best interest of the child, or if the child is in the care of a relative

**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 FY 2001
- Abolished the National Center on Child Abuse and Neglect (NCCAN) and created the Office on Child Abuse and Neglect
- Added new requirements to address the problems of false reports of abuse and neglect, delays in termination 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, Abandoned Infants Assistance Act, Victims of Child Abuse Act, 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, to evaluate the extent to which the agencies are effectively discharging their child protection responsibilities, including:
  - » 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

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

H.R. 3448

Enacted August 20, 1996

Enacted as title I, subtitle H, section 1808, *Removal of Barriers to Interethnic Adoption*, of the Small Business Job Protection Act of 1996.**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 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 MEPA's diligent recruitment requirement by making it a title IV-B State Plan requirement
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**Major Provisions of the Act, Continued**

- 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

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

H.R. 6

Enacted October 20, 1994

These provisions were enacted as title V, part E, subpart 1, of the Improving America's Schools Act of 1994.

This title amended Title IV-E of the Social Security Act.

**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 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 MEPA a violation of title VI of the Civil Rights Act

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

H.R. 2264

Enacted August 10, 1993

Enacted as title XIII, chapter 2, subchapter C, part 1 of the Omnibus Budget Reconciliation Act of 1993

This title amended title IV-B of the Social Security Act.

**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:
  - » 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

**Major Provisions of the Act, Continued**

- 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:
  - » Preservation services include activities designed to assist families in crisis, often where the child is at risk of being placed in out-of-home care because of abuse and/or neglect
  - » Support services include preventive activities, typically provided by community-based organizations, designed to improve nurturing of children and strengthen and enhance stability of families
- Provided grants to the highest court of each State to conduct assessments of the roles, responsibilities, and effectiveness of State courts in handling child welfare cases, and to implement changes deemed necessary as a result of the assessments [Court Improvement Program]

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**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 (CAPTA) to revise and extend programs under the Act

**Major Provisions of the Act**

- Revised provisions for research and assistance activities to include:
  - » Cultural distinctions relating 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 for assisting States in supporting child abuse and neglect prevention activities through community-based child abuse and neglect prevention grants
- Required HHS to provide information and service function related to adoption and foster care, including:
  - » 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

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**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 (CAPTA), 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 to include investigative and judicial procedures applicable to child abuse cases and the national incidence of child abuse and neglect

**Major Provisions of the Act, Continued**

- 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 increase the number of minority children placed in adoptive families, with an emphasis on recruitment of and placement with minority families
  - » To provide for postlegal adoption services for families who have adopted special needs children
  - » To increase the placement of foster care children legally free for adoption

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**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 the reporting of medical neglect, including instances of withholding medically indicated treatment from disabled infants with life-threatening conditions
- Directed HHS 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 special needs children with prospective adoptive families

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**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 the child welfare, social services, and aid to families with dependent children programs

This act amended titles IV-B and XX of the Social Security Act.

**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 AFDC-eligible and is a child with special needs
- Defined a child with special needs as a child who:
  - » 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

**Major Provisions of the Act, Continued**

- 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 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

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**P.L. 95-608****Indian Child Welfare Act (ICWA) 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 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 standard of proof for terminating Indian parents’ parental rights that required the proof to be beyond a reasonable doubt

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**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 (CAPTA)

**Major Provisions of the Act**

- Required the National Center on Child Abuse and Neglect (NCCAN) to:
  - » 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:
  - » Facilitate placement of children with special needs in permanent adoptive homes
  - » Promote quality standards for adoptive placement and the rights of adopted children
  - » Provide for national adoption information exchange system
- Provided for annual summaries of research on child abuse and neglect

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**P.L. 93-247****Child Abuse Prevention and Treatment Act (CAPTA) 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 (NCCAN) within the Department of Health, Education, and Welfare to:
  - » 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

