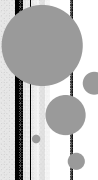


Presenter: Nan Beman



FEDERAL LEGISLATION
A Timeline and Review

Worker Mentor Meeting
April 14, 2011

CHILD ABUSE PREVENTION AND TREATMENT ACT

- o CAPTA (1974)
- o Addresses child abuse and neglect, amended several times
- o Provides federal funding to states in support of prevention, assessment, investigation, prosecution, and treatment activities
- o SSIS reports child abuse data per CAPTA.

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CAPTA REFORM ACT (1978)

- o P.L. 95-266
- o To promote the development of children who would benefit from adoption, and extend and improve CAPTA
- o Facilitated placement of children with special needs in adoptive homes, promoted standards for adoptive placement.
- o Provided for annual summaries of research on child abuse and neglect

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INDIAN CHILD WELFARE ACT

- o ICWA (1978)
- o Seeks to keep American Indian children with American Indian families
- o The intent was to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.
- o It sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally-recognized tribe

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ADOPTION ASSISTANCE AND CHILD WELFARE ACT

- o P.L. 96-272 (1980)
- o Required states to make adoption assistance payments
- o Required that states make "reasonable efforts" to prevent removal and to reunify.
- o Required States to place in least restrictive setting, close to the parental home
- o Review the status of the child every six months.
- o Requires that the court determine permanency for the child within 18 months of the entry into foster care

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CHILD ABUSE AMENDMENTS OF 1984

- o P.L. 98-457
- o Required states to have procedures to respond to the reporting medical neglect, including withholding of medically indicated treatment from disabled infants
- o Required state-level programs to facilitate adoption of disabled infants
- o Provided for the establishment of a Federal adoption and foster care data-gathering and analysis system
- o Provided for a national adoption exchange

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CHILD ABUSE PREVENTION, ADOPTION, AND FAMILY SERVICES ACT

- o P.L. 100-294 (1988)
- o Broadened the scope of research to include investigative and judicial procedures
- o Established a national data collection system to include standard data on false, unfounded, or unsubstantiated cases, and the number of deaths
- o Expanded the adoption opportunities program:
 - To increase minority children adopted
 - To provide post adoption services
 - To increase adoptions of foster children.

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1992 THROUGH 1996

- o Child Abuse, Domestic Violence, Adoption, and Family Services Act
 - P.L. 102-295 (1992)
- o Family Preservation and Support Service Program Act
 - P.L. 103-66 (1993)
- o Multiethnic Act
 - P.L. 103-382 (1994)
- o Interethnic Provisions of 1996 amends MEPA
 - P.L. 104-188
- o Child Abuse Prevention and Treatment Amendments
 - P.L. 104-235

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1997 –P.L. 105-89

- o Adoption and Safe Families Act (1997)
 - Attempted to bring balance to the rights of parents vs. the safety of children. Requires states to document efforts to adopt a timeline for filing TPR when child is in care **15 out of the most recent 22 months**. Permanency planning hearing must now be within **12 months**.
 - Background checks are required for foster and adoptive parents.
 - Required HHS to develop standards and outcome measures.

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1999 - 2005

- o Foster care independence Act (1999)
- o Child Abuse Prevention and Enforcement Act (2000)
- o Intercountry Adoption Act (2000)
- o Promoting Safe and Stable Families Act (2001)
- o Keeping Children and Families Safe Act (2003)
- o Adoption Promotion Act (2003)
- o Fair Access Foster Care Act (2005)

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2006

- o Safe an Timely Interstate Placement Of Foster Children Act
 - Requires health and education record be given to foster parent; foster parents and relatives must be notified of hearings; elimination of permanency barriers.
- o Adam Walsh Child Protection and Safety Act
- o Child and Family Services Improvement Act
- o Tax Relief and Health Care Act

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FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTION ACT (2008)

- o P.L. 110-351
- o Kinship guardianship assistance payments, plus criminal records checks of relative guardians
- o Added Chafee services and ETVs for youth after foster care age 16+
- o Extended adoption incentive program
- o Allowed tribes to get IV-E funds directly
- o Requires notification to relatives of a child's placement

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FOSTERING CONNECTIONS –CONT.

- o Requires children in foster care to be full-time students
- o Requires efforts to place siblings together
- o Requires coordination of health care services, including mental health and dental services for foster children
- o Requires transition plan 90 days prior to a youth's emancipation
- o Requires the case plan include a plan ensuring educational stability for the child in care

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NEED POLICY CLARIFICATION?

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