



National Clearinghouse on Child Abuse and Neglect Information National Adoption Information Clearinghouse



Gateways to Information: Protecting Children and Strengthening Families

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

Background

Beginning with the passage of the Child Abuse and Prevention and Treatment Act (CAPTA) in 1974¹, the U.S. Congress implemented a number of laws that have had a significant impact on child protection and child welfare services. State-level responses to these laws included enacting State legislation, developing or revising State agency policy and regulations, and implementing new programs. Federal legislation also frequently requires Federal government departments and agencies to promulgate and/or amend policy and regulation. For information on policy of the Children's Bureau, visit their Web site at www.acf.hhs.gov/programs/cb/laws/index.htm#policy.

The primary responsibility for child welfare services rest with the States. Each State has its own legal and administrative structures and programs that address the needs of children. In addition, States frequently must comply with specific Federal requirements and guidelines in order to be eligible for Federal funding under certain programs. The Social Security Act contains the primary sources of Federal funds available to States for child welfare, foster care, and adoption activities. The programs 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, the Title IV-E Foster Care Independence Program, and the Title XX Social Services Block Grant (SSBG) Program.

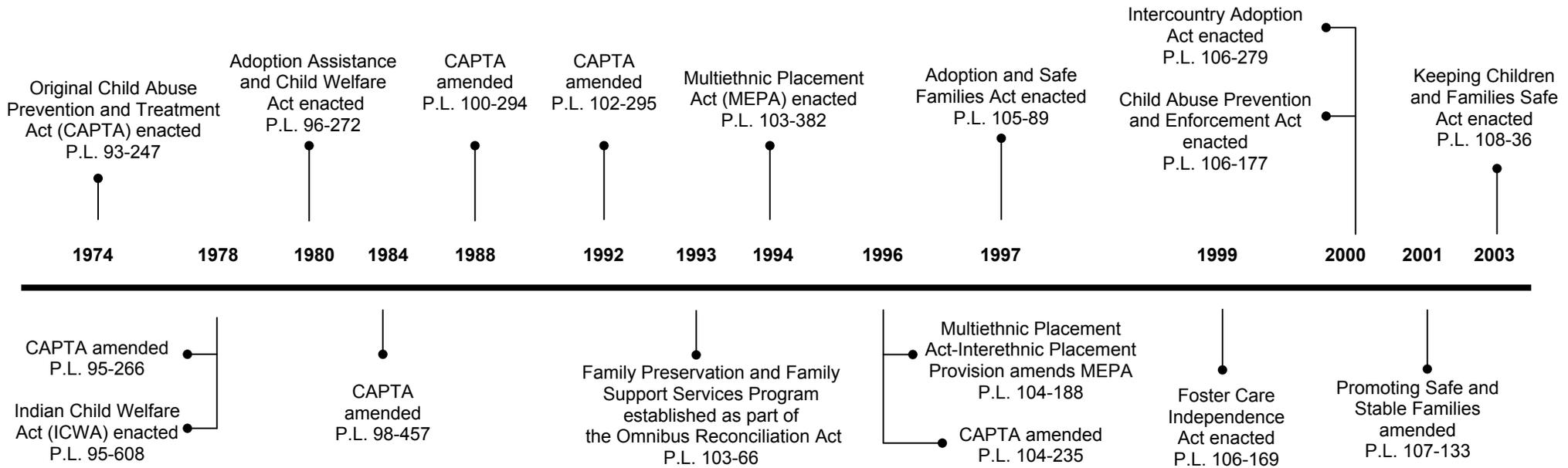
To provide a framework for understanding the Federal legislation that has shaped the delivery of child welfare services, the chart inside presents a summary of the major Federal legislation since 1974 that have had significant impact on the field. The chart provides an overview of each legislative act, including reasons a particular bill was initiated, the objectives and goals of the legislation, and the major provisions of each act. Acts and their related amendments are grouped together and, therefore, do not follow the chronological layout of the timeline on this page. In addition, a notation has been made when a particular piece of legislation has amended the Social Security Act. The chart also provides Web addresses to a summary or the full text of each Act, as well as links to other online resources.



The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services

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

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



Child Abuse Prevention and Treatment Act (CAPTA) of 1974

P.L. 93-247

Amended 1978, 1984, 1988, 1992, 1996, 2003

For a summary of the Act visit:<http://thomas.loc.gov/cgi-bin/bdquery/z?d093:SN01191:|TOM:/bss/d093query.html>**Reasons Bill Initiated**

- Medical recognition of Battered Child Syndrome in 1961, as well as findings from medical reports, brought public attention to the problem of child abuse.
- One of every ten 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 (NCCAN) within the Department of Health and Human Services 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 of personnel and to support innovative programs aimed at preventing and treating child maltreatment.

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Child Abuse Prevention and Treatment Act (CAPTA) and Adoption Reform Act of 1978
P.L. 95-266

Enacted 1974; amended 1984, 1988, 1992, 1996, 2003

For a summary of the Act visit:
<http://thomas.loc.gov/cgi-bin/bdquery/z?d095:HR06693:@@L|TOM:/bss/d095query.html>

Reasons Bill Initiated

- CAPTA needed reauthorization.
- Original CAPTA did not cover adoption issues.

Objectives/Goals

- To reauthorize CAPTA.
- To promote the enactment of comprehensive adoption assistance legislation in each State.
- To continue funding grant programs for research.
- To provide new grants for improving adoption of children with special needs.

Services Provided/Measures Taken

- Established Adoption Opportunities Program:
 - 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.

Child Abuse Amendments of 1984
P.L. 98-457; amended CAPTA

Enacted 1974; also amended 1978, 1988, 1992, 1996, 2003

For a summary of the Act visit:
<http://thomas.loc.gov/cgi-bin/bdquery/z?d098:HR01904:|TOM:/bss/d098query.html>

Reasons Bill Initiated

- CAPTA needed reauthorization.

Objectives/Goals

- To reauthorize and expand the scope of CAPTA legislation.
- To provide for the study of incidents involving denial of nutrition, medically indicated treatment, care, or appropriate social services to infants at risk with life-threatening congenital impairments.
- To facilitate the adoption of such infants.

Services Provided/Measures Taken

- 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.

Child Abuse Prevention, Adoption and Family Services Act of 1988

P.L. 100-294; amended CAPTA

Enacted 1974; also amended 1978, 1984, 1992, 1996, 2003

For a summary of the Act visit:

<http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HR01900;|TOM:/bss/d100query.html>

Reasons Bill Initiated

- CAPTA needed reauthorization.

Objectives/Goals

- To broaden the scope of activities authorized under existing programs.
- To provide for increased coordination of programs, and of data collection, maintenance, and dissemination.

Services Provided/Measures Taken

- 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.
- 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 post-legal adoption services for families who have adopted special needs children.
 - To increase the placement of foster care children legally free for adoption.

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

Enacted 1974; also amended 1978, 1984,
1988, 1996, 2003

For a summary of the Act visit:
<http://thomas.loc.gov>

For the full text of the Act visit:
[http://thomas.loc.gov/cgi-bin/bdquery/z?
d102:SN00838;|TOM:/bss/d102query.html](http://thomas.loc.gov/cgi-bin/bdquery/z?d102:SN00838;|TOM:/bss/d102query.html)

Reasons Bill Initiated

- CAPTA needed reauthorization.

Objectives/Goals

- To revise and extend the authorization of appropriations.
- To modify requirements regarding grants to States for child protective services systems, including covering neglect as well as abuse.
- To make prevention activities under certain grants community-based.

Services Provided/Measures Taken

- 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; and
 - 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:
 - On-site 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.

Child Abuse Prevention and Treatment Act (CAPTA) Amendments of 1996
P.L. 104-235

Enacted 1974; amended 1978, 1984, 1988, 1992, 2003

For the text of the Amendments, visit the Children's Bureau Web site:

www.acf.hhs.gov/programs/cb/laws/index.htm

For a summary of key changes made to CAPTA by the 1996 amendments visit:

www.abanet.org/child/capta.html

For an explanation of CAPTA as it relates to a State's role visit:

www.rppi.org/socialservices/ps262.html#14

Reasons Bill Initiated

- CAPTA needed reauthorization.
- Immunity to child abuse reporters had led to concerns about false reporting of abuse and neglect.

Objectives/Goals

- To reauthorize CAPTA.
- To reauthorize several other acts related to CAPTA.
- To consolidate and reorganize Federal agencies in order to facilitate better child maltreatment research and a more coordinated response to the issues facing the States.

Services Provided/Measures Taken

- Reauthorized CAPTA through Fiscal Year 2001.
- Abolished 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 TPR 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.

Keeping Children and Families Safe Act of 2003

P.L. 108-36, amends CAPTA

Enacted 1974; also amended 1978, 1984, 1988, 1992, and 1996

For summaries and text of the Act, visit:

<http://thomas.loc.gov/cgi-bin/bdquery/z?d108:SN00342:|TOM:/bs/s/d108query.html>

Reasons Bill initiated

- CAPTA needed reauthorization.
- Concern that many children and families fail to receive adequate protection or treatment.

Objectives/Goals

- To reauthorize CAPTA.
- To reauthorize Adoption Opportunities, Abandoned Infants Assistance, and Family Violence Prevention and Services Acts.

Services Provided/Measures Taken

- Reauthorizes CAPTA through Fiscal Year 2008.
- Implements an expanded continuing interdisciplinary and longitudinal research program; provides for an opportunity for public comment on research priorities.
- Emphasizes enhanced linkages between child protective service agencies and public health, mental health, and developmental disabilities agencies.
- Mandates changes to State plan eligibility requirements, including:
 - Policies and procedures to address the needs of infants born and identified as being affected by prenatal drug exposure;
 - Provisions and procedures to require CPS representative at the initial contact advise an individual of complaints and allegations made against them;
 - 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.
- Implements 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.
- Amends 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 or have a life-threatening illness; or
 - Have been perinatally exposed to a dangerous drug.

Indian Child Welfare Act (ICWA) of 1978

P.L. 95-608

For the text of the Act visit the Web site of the National Indian Child Welfare Association (NICWA):www.nicwa.org/policy/law/icwa/index.asp***For a discussion on practice issues visit:***www.abanet.org/genpractice/lawyer/complete/f95child.html***For the California judges ICWA bench guide visit:***<http://calindian.org/icwa.htm>**Reasons Bill 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.

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

Services Provided/Measures Taken

- 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 tribe, parent, or Indian "custodian."
- Granted preference to Indian family environments in adoptive or foster care placement.
- Provided funds to tribes or non-profit off-reservation Indian organizations or multi-service 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 a beyond a reasonable doubt standard of proof for terminating Indian parents' parental rights.

Adoption Assistance and Child Welfare Act of 1980

P.L. 96-272

Amended titles IV-B and XX of the Social Security Act

For a summary of the text visit:

<http://thomas.loc.gov/cgi-bin/bdquery/z?d096:HR03434:@@DJTOM:/bss/d096query.html>

Reasons Bill Initiated

- Initiated in response to discontent with the public child welfare system.
- Problem of Foster Care “Drift:” the sense of impermanence in foster homes; and concerns about children placed in multiple foster placements over an extended period of time.

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, 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.
- 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.
- The State must place a 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 6 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.

Family Preservation and Support Services Program

Enacted as part of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) Title XIII, Chapter 2, Subchapter C, Part 1

This program amended Title IV-B of the Social Security Act.

For a summary of the legislation visit:
<http://thomas.loc.gov/cgi-bin/bdquery/z?d103:HR02264:|TOM:/bss/d103query.html>

For a summary of major provisions and recent revisions visit:
www.dss.state.va.us/family/safefam.html

For a review of Family Preservation and Family Support programs visit:
<http://aspe.os.dhhs.gov/hsp/cyp/fpprogs.htm>

Reasons Bill Initiated

- The number of reported and substantiated abuse and neglect cases was rising.
- The focus of services needed to be changed from crisis intervention to prevention.
- Services often did not fit the real needs of families.
- Child welfare services were often isolated from other services needed by vulnerable families.

Objectives/Goals

- To promote the safety and well-being of all family members.
- To enhance parental ability to create a safe, stable, nurturing home.
- To assist families in resolving crises and connect them with services that would enable children to remain safely at home.
- To prevent the need for out-of-home placement.
- To help children already in placement return home or enter another permanent living arrangement.
- To promote family strength and stability.

Services Provided/Measures Taken

- 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: 1) Use funds to integrate preventive services into treatment-oriented child welfare systems, 2) Improve service coordination within and across State service agencies, and 3) Engage broad segments of the community in program planning at State and local levels.
- Broadened the definition of “family” to include people needing services regardless of family configuration: biological, adoptive, foster, extended, or self-defined.
- Defined services to be provided by the States:
 - Preservation: 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: Preventive activities, typically provided by community-based organizations, designed to improve nurturing of children and strengthen and enhance stability of families.

Multiethnic Placement Act (MEPA) of 1994

P.L. 103-382, Title V, Part E

For a summary of the Act visit:

<http://thomas.loc.gov/cgi-bin/bdquery/z?d103:HR00006;|TOM:/bss/d103query.html>

For an Index of online resources visit:

<http://naic.acf.hhs.gov/profess/mepa.cfm>
www.hhs.gov/ocr/mepaiapp.htm

For a discussion of MEPA and its amendments and their potential impact on Indian children visit:

www.nicwa.org/policy/law/multiethnic/index.asp

Reasons Bill Initiated

- A growing number of children in foster care were waiting for adoptive homes for excessive periods of time.
- Minority children were over-represented in out-of-home care.

Objectives/Goals

- 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.

Services Provided/Measures Taken

- 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 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 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.

The Interethnic Adoption Provisions of The Small Business Job Protection Act of 1996

P.L. 104-188, Title I, Subtitle H, Section 1808, Removal of Barriers to Interethnic Adoption

For a summary visit:

<http://thomas.loc.gov/cgi-bin/bdquery/z?d104:HR03448;|TOM:/bss/d104query.html>

For an index of online resources visit:

www.hhs.gov/ocr/mepaippp.htm

For a guide to MEPA as amended by IEP visit:

www.abanet.org/ftp/pub/child/mepa.txt

Reason Bill 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.
- To repeal part of the Multiethnic Placement Act of 1994, including the “Permissible Consideration” section.

Objectives/Goals

- 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 required diligent recruitment efforts.

Services Provided/Measures Taken

- Established 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 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.
- Subjects States and other entities to graduated financial penalties if they 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.

Adoption and Safe Families Act (ASFA) of 1997

P.L. 105-89.

Amended Title IV-E of the Social Security Act

For the text of the Act visit:

www.acf.hhs.gov/programs/cb/laws/index.htm

For a fact sheet from the ABA Center on Children and the Law visit:

www.abanet.org/child/adofost.html

For an analysis of the impact of the Act visit:

www.abanet.org/child/impactofadoption.html

For comments on implementation visit:

www.abanet.org/child/tenprereqs.html

For a GAO report on the impact of the Act on States visit:

www.gao.gov/,
Report # GAO-02-585

For a database of State laws passed in response to ASFA visit:

www.ncsl.org/statefed/cf/asfasearch.htm

For a discussion of reasonable efforts to ensure permanency visit:

www.cwla.org/programs/adoption/asfa.htm

For an index of online resources visit:

www.nicwa.org/policy/law/adoption_safe/index.asp

Reasons Bill Initiated

- Many children in foster care were waiting several years for permanent placement.
- The focus on “reasonable efforts” to reunify children with their families had 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 within their families.

Objectives/Goals

- To promote permanency for children in foster care.
- To ensure safety for abused and neglected children.
- To accelerate permanent placements of children.
- To increase accountability of the child welfare system.

Services Provided/Measures Taken

- 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 record checks for foster/adoptive parents who receive Federal funds on behalf of a child, unless a State opted out.
- 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 is 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.
- Implemented shorter time limits for making decisions about permanent placements:
 - Permanency hearings to be held no later than 12 months after entering foster care.
 - States must 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.

Foster Care Independence Act of 1999

P.L. 106-169

For text of the Act visit:

www.acf.hhs.gov/programs/cb/laws/index.htm

For an index of online resources from the National Resource Center for Youth Development visit:

www.nrcys.ou.edu/infoservices.htm

For a brief overview and FAQs visit:

www.casey.org/advocacy/fcact.htm

For insights into the Act as it relates to youth access to health care visit:

www.abanet.org/child/englishgrasso.pdf

For a summary of pending State legislation related to the Act visit:

<http://204.131.235.67/programs/cyf/ILFY.htm>

For an index of online resources visit:

www.nicwa.org/policy/law/foster/index.asp

Reasons Bill 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.

Services Provided/Measures Taken

- 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 aged 18 to 21.
- Required:
 - Development of outcome measures to assess State performance in operating independent living programs.
 - National data collection on services, the 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: Efforts to find a permanent placement may continue concurrently with independent living activities.
- Increased funding for adoption incentive payments.

Child Abuse Prevention and Enforcement Act of 2000

P.L. 106-177

For text of the Act visit:

www.acf.hhs.gov/programs/cb/laws/index.htm

Reason Bill Initiated

- Concern about inadequate responses to reports of child maltreatment.

Objective/Goal

- To address concerns about the level and quality of responses to reports of child maltreatment.

Services Provided/Measures Taken

- 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.

Intercountry Adoption Act of 2000

P.L. 106-279; 114 Stat. 825; 42 U.S.C. 14901 et seq.

For the text of the Act visit:

www.acf.hhs.gov/programs/cb/laws/index.htm

For a summary of provisions visit:

www.abanet.org/family/committees/adoption-status-report.doc

For an INS information sheet visit:

www.immigration.gov/graphics/services/adopt.htm

For an INS fact sheet visit:

www.immigration.gov/graphics/publicaffairs/factsheets/adoption.htm

Reasons Bill Initiated

- The United States needs Federal implementing legislation to be able fully and uniformly to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Convention) throughout the United States. (The Senate granted authority for U.S. ratification of the Convention conditioned on U.S. preparedness to implement the Convention.)
- The Hague Convention sets minimum standards and procedures for adoptions between countries party to the Convention that:
 - Seek to prevent abuses such as the abduction or sale of children.
 - Ensure proper counseling and consent(s) before an adoption or placement may proceed.
 - Require that the prospective adoptive parents be eligible and suitable to adopt and that the child may enter and reside permanently in the receiving country.
 - Require the accreditation/approval of adoption service providers for Convention adoptions.
 - Require the recognition of Convention adoptions by all countries party to the Convention.

Objective/Goal

- To provide for the full implementation throughout the United States of the Hague Convention.

Services Provided/Measures Taken

- The U.S. Central Authority to be established within the Department of State with general responsibility for U.S. implementation of the Convention and annual reports to Congress.
- The State Department to enter into agreements with one or more qualified accrediting entities to provide for the accreditation of agencies (non-profit) and approval of persons (for-profit agencies and individuals) who seek to provide adoption services for adoptions covered by the Convention.
- Accrediting entities to (1) process applications for accreditation/approval, (2) be responsible for oversight, enforcement of compliance by adoption service providers with the Convention, IAA and implementing regulations, and (3) perform information collection activities.
- U.S. adoption service providers to be authorized to provide services for Convention adoptions only if they have been Convention-accredited or -approved.
- State and INS to establish a case registry for all intercountry adoptions—incoming, outgoing, Hague Convention cases and others.
- 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 adoption made in the United States 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.
- Convention adoptions finalized in other countries party to the Convention to be recognized throughout the United States.
- The 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.
- 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.
- State courts to be prohibited 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.
- The Immigration and Nationality Act to be amended 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.
- The preservation of Convention records on individual adoptions held by the State Department and INS without affecting federal laws concerning access to identifying information.
- The admissibility of documents with regard to Convention adoptions without their legalization/authentication.
- State laws/provisions of law to be preempted only to the extent that they are inconsistent with the IAA, and the Indian Child Welfare Act to remain unaffected by the IAA.

Promoting Safe and Stable Families Amendments of 2001

P.L. 107-133

For text of the Act visit:

www.acf.hhs.gov/programs/cb/laws/index.htm

For a summary of provisions by the Children's Defense Fund visit:

www.cdfactioncouncil.org/pssf2001.htm

For a summary of provisions by the CWLA visit:

www.cwla.org/advocacy/pssf.htm

Reasons Bill Initiated

- Continued need to protect children and strengthen families.
- Rapid increase in numbers of adoptions has created a need for post-adoption services.
- Concern for the rise in the number of children with incarcerated parents and the negative outcomes for some of these children.
- Youth who age out of foster care lag behind other youth in educational attainment.

Objectives/Goals

- To encourage and enable States to develop or expand programs of family preservation services, community-based family support services, adoption promotion and support services, and time-limited family reunification services.
- To reduce risk behavior by children with incarcerated parents by providing one-on-one relationships with adult mentors.
- To continue improvements in State courts systems as required by ASFA.
- To provide educational opportunities for youth aging out of foster care.

Services Provided/Measures Taken

- 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.
- Definition of family preservation services amended to include infant safe haven programs.
- Added strengthening parental relationships and promoting healthy marriages to list of allowable activities.
- New focus added 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.