

Child Welfare Policy

Session 3

Child Welfare Policy Legislation

Child Welfare Policy

Legislation 1935 to 2025

Significant Child Welfare Legislation

- 1935 - Social Security Act, Title IV, ADC; and Title V, Child Welfare Services Program
- 1961 – Social Security Amendment, AFDC – Foster Care
- 1962 – Social Security Amendment (75%-25% match for funding social services for current, former, and potential welfare recipients)
- Title IVB (Child Welfare Services Program, originally authorized under Title V)

Significant Child Welfare Legislation

- 1974 – Child Abuse Prevention and Treatment Act, P.L. 93-247
(Amended in 1978, 1984, 1988, 1992, 1996, 2003)
- 1978 – Indian Child Welfare Act
- 1980 – Adoption Assistance and Child Welfare Act, P.L. 96-272 (Title IVE)
- 1993 - Family Preservation and Support Services Program
- 1994 – Multiethnic Placement Act
- 1996 - Personal Responsibility and Work Opportunities Act , P.L. 104-193

Significant Child Welfare Legislation

- 1997 – Adoption and Safe Families Act (ASFA), P.L. 105-89
- 1999 – Chaffee Foster Care Independence Act
- 2000 – Child Abuse Prevention and Enforcement Act
- Intercountry Adoption Act of 2000
- 2001 – Promoting Safe and Stable Families Amendment

Significant Child Welfare Legislation

- *Child and Family Services Improvement Act of 2006*
- Adam Walsh Child Protection and Safety Act of 2006
- Safe and Timely Interstate Placement of Foster Children Act of 2006
- Fostering Connections to Success and Increasing Adoptions Act of 2008
- Child and Family Services Improvement and Innovation Act of 2011
- Justice for Victims of Trafficking Act of 2015
- *Preventing Sex Trafficking and Strengthening Families Act*
- Family First Prevention Services Act of 2018
- Trafficking Victims Prevention and Protection Reauthorization Act of 2022

How a Bill Becomes a Law
Child Welfare Legislation
Child Welfare Financing
Child Welfare and the Courts

How a Bill Becomes a Law

Step 1: The bill is drafted

- Any member of Congress – either from the Senate or the House or Representatives – who has an idea for a law can draft a bill. These ideas come from the Congress members themselves or from everyday citizens and advocacy groups. The primary Congress member supporting the bill is called the "sponsor". The other members who support the bill are called "co-sponsors".

Step 2: The bill is introduced

- Once the bill is drafted, it must be introduced. If a Representative is the sponsor, the bill is introduced in the House. If a Senator is the sponsor, the bill is introduced in the Senate. Once a bill is introduced, it can be found on [Congress.gov](https://www.congress.gov), which is the official government website that tracks federal legislation.

How a Bill Becomes a Law

Step 3: The bill goes to committee

- As soon as a bill is introduced, it is referred to a committee. Both the House and Senate have various committees composed of groups of Congress members who are particularly interested in different topics such as health or international affairs. When a bill is in the hands of the committee, it is carefully examined and its chances of passage by the entire Congress are determined. The committee may even choose to hold hearings to better understand the implications of the bill. Hearings allow the views of the executive branch, experts, other public officials and supporters, and opponents of the legislation to be put on the record. If the committee does not act on a bill, the bill is considered to be "dead".

How a Bill Becomes a Law

Step 4: Subcommittee review of the bill

- Subcommittees are organized under committees and have further specialization on a certain topic. Often, committees refer bills to a subcommittee for study and their own hearings. The subcommittee may make changes to the bill and must vote to refer a bill back to the full committee.

Step 5: Committee mark up of the bill

- When the hearings and subcommittee review are completed, the committee will meet to "mark up" the bill. They make changes and amendments prior to recommending the bill to the "floor". If a committee votes not to report legislation to the full chamber of Congress, the bill dies. If the committee votes in favor of the bill, it is reported to the floor. This procedure is called "ordering a bill reported".

How a Bill Becomes a Law

Step 6: Voting by the full chamber on the bill

- Once the bill reaches the floor, there is additional debate and members of the full chamber vote to approve any amendments. The bill is then passed or defeated by the members voting.

Step 7: Referral of the bill to the other chamber

- When the House or Senate passes a bill, it is referred to the other chamber, where it usually follows the same route through committees and finally to the floor. This chamber may approve the bill as received, reject it, ignore it or change it. Congress may form a conference committee to resolve or reconcile the differences between the House and Senate versions of a bill. If the conference committee is unable to reach an agreement, the bill dies. If an agreement is reached, the committee members prepare a conference report with recommendations for the final bill. Both the House and Senate must vote to approve the conference report.

How a Bill Becomes a Law

Step 8: The bill goes to the president

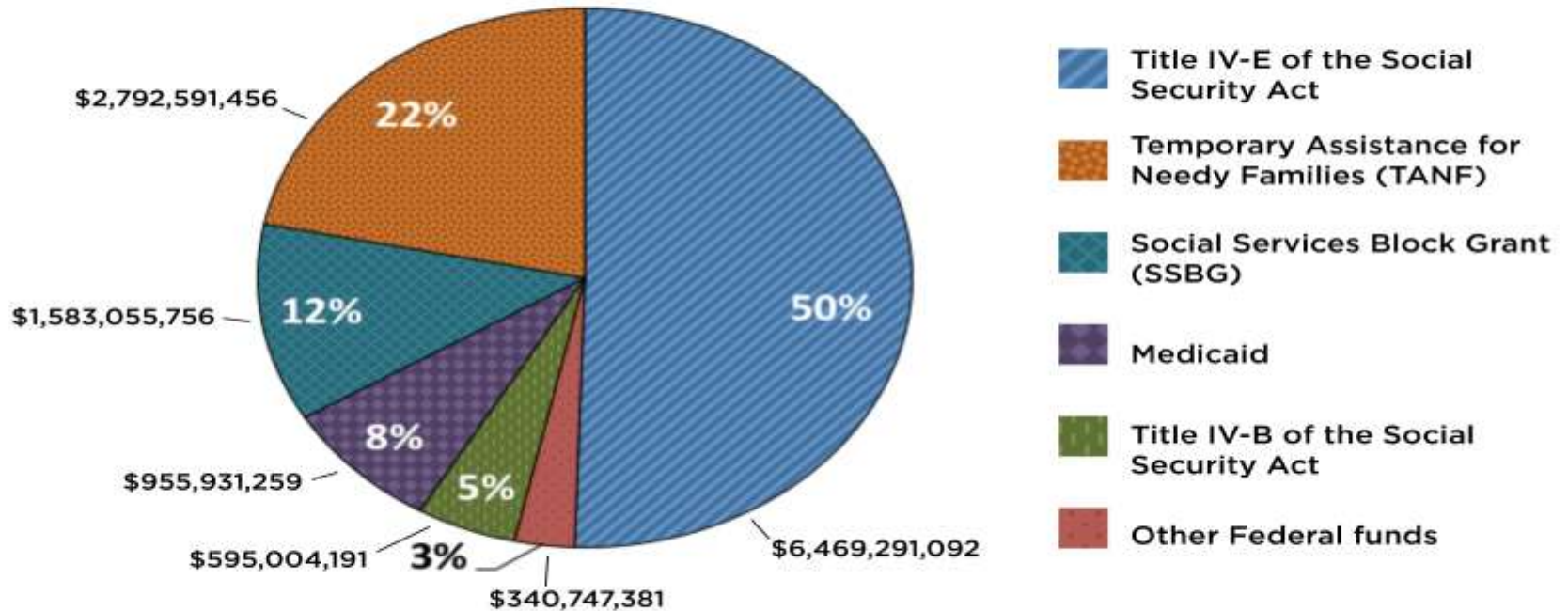
- After both the House and Senate have approved a bill in identical form, the bill is sent to the President. If the President approves of the legislation, it is signed and becomes law. If the President takes no action for ten days while Congress is in session, the bill automatically becomes law. If the President opposes the bill, they may veto the bill. In addition, if no action is taken for 10 days and Congress has already adjourned, there is a "pocket veto" .

Step 9: Overriding a veto

- If the President vetoes a bill, Congress may attempt to override the veto. If both the Senate and the House pass the bill by a two-thirds majority, the President's veto is overruled, and the bill becomes a law.

Child Welfare Funding

SFY 2012 Federal Child Welfare Spending in the United States, by Funding Source
Total Federal Spending: \$12.7 billion



Child Welfare and the Court Process

The primary role of a juvenile or family court in child welfare cases is to protect children and help their parents provide a safe environment. This is a civil court, not a criminal court, and the hearings are often less formal

The case planning and court hearing processes work together to determine what changes need to be made to return a child home or reach some other goal, such as placement with a relative. Parents might be ordered to partake in specific services before children can be returned to their care. These services may include mental health or substance use treatment.

After a child welfare agency receives a report of suspected child abuse, neglect, or abandonment—also referred to as “maltreatment”—the legal process typically progresses through the following steps.

Child Welfare and the Court Process

Court order After a petition has been filed on behalf of a child, a court order is issued in most jurisdictions to investigate suspected or reported abuse or neglect—but a court order is not required in all jurisdictions to launch an investigation.

Emergency protection order If the initial investigation finds that the child is unsafe, the court files this order to temporarily remove the child from the home.

Child Welfare and the Court Process

Preliminary protective, emergency removal, or shelter hearing The investigator will present evidence regarding the suspected abuse or neglect. The parents can also present their own evidence to challenge the petition. Based on this information, the judge will either allow the child to stay or return home until the trial or determine a temporary out-of-home placement, such as with a family member or with a foster family.

Child Welfare and the Court Process

Fact-finding hearing or adjudicatory trial This is a trial to determine whether enough evidence exists to conclude that the reported abuse or neglect has occurred. The judge may decide to dismiss the case based on lack of evidence or decide that enough (“sufficient”) evidence exists to suggest there was maltreatment.

Child Welfare and the Court Process

Dispositional hearing This hearing will determine whether the child can remain at home and, if not, where the child will live. If the home is found unsafe, the child may be placed in the custody of the agency and then placed with family members or in foster care. The judge will determine a visitation plan for the parents or caregivers, and the case manager will work with them to draft a case plan.

Child Welfare and the Court Process

Review hearings Review hearings are held at least every 6 months to determine case plan progress and assess whether the child can return home safely. The parents or guardians must successfully complete the case plan before they are allowed to regain custody of the child(ren).

Child Welfare and the Court Process

Permanency hearing After 12–18 months, the court will determine the child’s permanent living situation, which can be a return to the parent(s) and/or caregiver (referred to as reunification), guardianship, permanent placement with a relative, or the termination of parental rights (TPR) and adoption.⁸

Termination of parental rights hearing After a reasonable amount of time (12–24 months), parental rights may be terminated. This may be based on specific conduct or failure to meet case plan goals. Parents may also opt to voluntarily give up their parental rights. In some States, this will release the child for adoption. The TPR hearing may happen sooner in instances of very serious maltreatment, often called “aggravated circumstances.”

Child Welfare and the Court Process

Termination of parental rights hearing After a reasonable amount of time (12–24 months), parental rights may be terminated. This may be based on specific conduct or failure to meet case plan goals. Parents may also opt to voluntarily give up their parental rights. In some States, this will release the child for adoption. The TPR hearing may happen sooner in instances of very serious maltreatment, often called “aggravated circumstances.”

P.L. 93-247 Child Abuse Prevention and Treatment Act of 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 included:

Provided assistance to States to develop child abuse and neglect identification and prevention programs

Authorized limited Government research into child abuse prevention and treatment

P.L. 93-247 Child Abuse Prevention and Treatment Act of 1974

Created the National Center on Child Abuse and Neglect within the U.S. Department of Health, Education, and Welfare for the following purposes:

- 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

P.L. 95-608 Indian Child Welfare Act of 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 include:

- Established minimum Federal standards for the removal of Indian children from their families

P.L. 95-608 Indian Child Welfare Act of 1978

- 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'

P.L. 95-608 Indian Child Welfare Act of 1978

- 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 the 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 standard of proof for terminating Indian parents' parental rights that required the proof to be beyond a reasonable doubt

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

Purpose:

To establish a program of adoption assistance; strengthen the program of foster care assistance for needy and dependent children; and improve programs for child welfare, social services, and aid to families with dependent children

Major Provisions of the Act include:

- 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 eligible for Aid to Families with Dependent Children (AFDC) and is a child with special needs

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

- Defined a child with special needs as a child who meets the following conditions: 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 children in foster care

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

- 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

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

Purpose:

To authorize funding for the Family Preservation and Support Services program through fiscal year 1998

Major Provisions of the Act include:

- 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

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

- Encouraged States to do the following: 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
- Broadened the definition of 'family' to include people needing services regardless of family configuration: biological, adoptive, foster, extended, or self-defined

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

- Defined services to be provided by the States, including the following: Preservation services that include activities designed to assist families in crisis, often when the child is at risk of being placed in out-of-home care because of abuse and/or neglect; Support services that include preventive activities (typically provided by community-based organizations) designed to improve the nurturing of children and to strengthen and enhance stability of families
- Provided grants to the highest court of each State to (1) conduct assessments of the roles, responsibilities, and effectiveness of State courts in handling child welfare cases, and (2) implement changes deemed necessary as a result of the assessments (known as the Court Improvement Program)

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

Purpose:

To prevent discrimination on the basis of race, color, and/or national origin when making foster or adoptive placements

Major Provisions of the Act include:

- 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's or child's race, color, or national origin

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

- 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

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

- 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 this law a violation of title VI of the Civil Rights Act

P.L. 105-89 Adoption and Safe Families Act of 1997

Purpose:

To promote the adoption of children in foster care and amend title IV-E of the Social Security Act

- 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

P.L. 105-89 Adoption and Safe Families Act of 1997

- Emphasized permanence by requiring that efforts to find a permanent placement continue concurrently with independent living activities
- Increased funding for adoption incentive payments
- Provisions of the Act
- Reauthorized the Family Preservation and Support Services program: Renamed it the Promoting Safe and Stable Families program; Extended categories of services to include time-limited reunification services and adoption promotion and support services

P.L. 105-89 Adoption and Safe Families Act of 1997

- Defined ‘time-limited family reunification services’ as the services and activities that are provided to a child who is removed from the child’s home and placed in out-of-home care and to the parents or primary caregiver of that child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion (but only during the 15-month period that begins on the date that the child is considered to have entered foster care), including the following: Individual, group, and family counseling; Inpatient, residential, or outpatient substance use treatment services; Mental health services; Assistance to address domestic violence; Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries; Transportation to or from any of those services and activities

P.L. 105-89 Adoption and Safe Families Act of 1997

- Ensured safety for abused and neglected children through the following: Ensured health and safety concerns are addressed when a State determines placement for abused and neglected children; Required the U.S. Department of Health and Human Services (HHS) to report on the scope of substance use 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 and adoptive parents who receive Federal funds on behalf of a child, unless a State has opted out of this requirement

P.L. 105-89 Adoption and Safe Families Act of 1997

- Accelerated permanent placement of a child in foster care through the following: 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

P.L. 105-89 Adoption and Safe Families Act of 1997

- Promoted adoptions through the following: Rewarded States that increased adoptions with incentive funds; Required States to use reasonable efforts to move eligible children in foster care toward permanent placements; Promoted adoptions of all children with special needs and ensured health coverage for adopted children with special needs; Prohibited States from delaying or denying placements of children based on the geographic location of the prospective adoptive families; Required States to document and report child-specific adoption efforts

P.L. 105-89 Adoption and Safe Families Act of 1997

- Increased accountability through the following:
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 – (CFSR Process)
- Clarified ‘reasonable efforts’ through the following:
Emphasized children’s health and safety; Required States to specify the circumstances when efforts to prevent foster placement or to reunify a child with his or her parents are not required

P.L. 105-89 Adoption and Safe Families Act of 1997

- Required shorter time limits for making decisions about permanent placements through the following: Required permanency hearings to be held no later than 12 months after the child enters 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, unless the child is in the care of a relative or severing the parent-child relationship is not in the child's best interests

P.L. 106-169 Foster Care Independence Act of 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

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

Major Provisions of the Act include:

Revised the John H. Chafee Foster Care Independence Program to provide States with flexible funding that will enable programs that will do the following: Identify children who are likely to remain in foster care until age 18 and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance use prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention)

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

Help children who are likely to remain in foster care until age 18 years receive the education, training, and services necessary to obtain employment » Help children who are likely to remain in foster care until age 18 prepare for and enter postsecondary training and education institutions; Provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; Provide financial, housing, counseling, employment, education, and other appropriate support and services to former recipients of foster care between ages 18 and 21 to complement their own efforts to achieve self-sufficiency

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

- Allowed funds to be used to pay for room and board for former foster youth ages 18 to 21
- Required the Secretary of Health and Human Services (HHS) to develop outcome measures to assess State performance in operating independent living programs
- Required the HHS Secretary to conduct national data collection on services, individuals served

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

- 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

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

- 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. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 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 access to title IV-E foster care and adoption funds, and improve incentives for adoption, as well as for other purposes

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 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 and whom a relative is taking legal guardianship
- Extended eligibility for Medicaid to children receiving kinship guardianship assistance payments

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 2008

- Required fingerprint-based criminal records checks of relative guardians, as well as 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 John H. 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

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 2008

- 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 the following: Kinship navigator programs; Efforts to find biological family and reestablish relationships; Family group decision-making meetings; Residential family treatment programs

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 2008

- 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 ages 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

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 2008

- 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 fiscal year (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

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 2008

- 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
- Required the U.S. Department of Health and Human Services to provide technical assistance and implementation services to Tribes seeking to operate programs for titles IV-B and IV-E•
Authorized one-time grants to Tribes that apply to assist in developing a title IV-E program

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 2008

- 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

P.L. 110-351 Fostering Connections to Success & Increasing Adoptions Act of 2008

- Permitted title IV-E agencies to waive on a case-by-case basis a non-safety 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
- 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

P.L. 115-123 Family First Prevention Services Act of 2018

Purpose:

To amend and reauthorize through fiscal year (FY) 2021 title IV-B of the Social Security Act and amend title IV-E to create new optional funding under title IV-E, to place title IV-E payment limits on child care institutions, to reauthorize the Adoption Incentive Program through 2021, and to establish other changes (enacted as division E, title VII of the Bipartisan Budget Act of 201

Major Provisions of the Act include:

- Reauthorized title IV-B, subpart 1, through FY 2021

P.L. 115-123 Family First Prevention Services Act of 2018

- Require that State and Tribal title IV-B agencies take the following actions: Establish procedures to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities and are not placed in settings that are not foster family homes as a result of the inappropriate diagnoses; Document steps taken to track and prevent child maltreatment deaths
- Reauthorized title IV-B, subpart 2, through FY 2021
- Removed the term ‘time-limited’ from the definition of ‘family reunification services’ and expanded the definition to include services to a family for 15 months after the child returns home

P.L. 115-123 Family First Prevention Services Act of 2018

- Reserved \$8,000,000 for FY 2018 for competitive grants that support the recruitment and retention of high-quality foster families to increase capacity to place more children in family settings and that are focused on States, Indian Tribes, or Tribal consortia with the highest percentage of children in nonfamily settings

P.L. 115-123 Family First Prevention Services Act of 2018

- Amended the Regional Partnership Grant program that assists children and families affected by substance use to focus on heroin, opioids, and other substance use by requiring that grantees take the following actions: Facilitate the implementation, delivery, and effectiveness of title IV-E prevention services; Include the State agency responsible for administering the substance use prevention and treatment block grant as a partner in all partnership grants (unless the lead applicant is an Indian Tribe or consortia, which allows the inclusion of the State child welfare agency as a partner to be optional); Improve the substance use treatment outcomes for parents, including retention in treatment and successful completion of treatment

P.L. 115-123 Family First Prevention Services Act of 2018

- Provided funding for the development of an electronic interstate case-processing system to expedite the interstate placement of children in foster care or guardianship or for adoption
- Amended title IV-B, subpart 3, requirements for regulations designating (1) federally required data-exchange standards for title IV-B and IV-E agencies or information that Federal law requires title IV-B and IV-E agencies to electronically exchange with other agencies and (2) Federal reporting and data exchanges required by law
- Revised the definition of ‘foster family home’ to limit a home to six children (with exceptions)

P.L. 115-123 Family First Prevention Services Act of 2018

- Amended title IV-E to require procedures for any child care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal records checks and child abuse and neglect registry checks on any adult working in the institution
- Required the submission of information on whether the title IV-E agency's licensing standards are in accord with model standards identified
- Required a certification that, with respect to title IV-E foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the State or Tribe will not enact policies or practices that would result in a significant increase in the population of youth in the State's or Tribe's juvenile justice system

P.L. 115-123 Family First Prevention Services Act of 2018

- Required that, no later than October 1, 2027, State title IV-E agencies use an electronic interstate case-processing system for interstate placements
- Provided new optional title IV-E funding to reimburse programs for time-limited (1 year in duration) services for mental health and substance use prevention and treatment services and in-home parent skills-based programs for candidates for foster care (as defined in the act) and the parents and kin caregivers of those children and youth, regardless of whether the child is title IV-E eligible (while allowing Tribal prevention programs to be adapted to the culture and context of the Tribal communities served)

P.L. 115-123 Family First Prevention Services Act of 2018

- Amended title IV-E to allow foster care maintenance payments for up to 12 months for an eligible child placed with a parent in a licensed residential family-based substance use treatment facility
- Limited title IV-E foster care payments to 2 weeks for placements of children in child care institutions, unless it is a licensed residential family-based treatment facility or a 'specified setting,' - A qualified residential treatment program; A setting specializing in providing prenatal, postpartum, or parenting supports for youth; A supervised setting in which the child is living independently (in cases in which the child has reached age 18); A setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims

P.L. 115-123 Family First Prevention Services Act of 2018

- Required the following of qualified residential treatment programs: Have a trauma-informed treatment model that is designed to address the needs of children with serious emotional or behavioral disorders; Facilitate participation of family members, to the extent appropriate, in the child's treatment program; Document how family members are integrated into the treatment process for the child, including after discharge, and how sibling connections are maintained; Provide discharge planning and family-based aftercare support for at least 6 months after discharge; Are licensed and accredited in accordance with title IV-E requirements

P.L. 115-123 Family First Prevention Services Act of 2018

- Created optional funding for kinship navigator programs that meet the previous kinship navigator grants requirements and that meet the promising, supported, or well-supported practices requirements of the title IV-E prevention services program, regardless of whether the children served are eligible for title IV-E
- Delayed until June 30, 2024, the full implementation of the title IV-E adoption assistance phase-in of ‘applicable child’ requirements, thus requiring that title IV-E agencies determine that a child is ‘not an applicable child’ if the child will not reach age 2 by the end of the FY the adoption assistance agreement is entered into

P.L. 115-123 Family First Prevention Services Act of 2018

- Renamed the John H. Chafee Foster Care Independence Program as the Chafee Foster Care Program for Successful Transition to Adulthood and revised it in the following manner:
 - Specified that the program is available to youth who have experienced foster care at age 14 or older;
 - Made education and training vouchers (ETVs) available to eligible youth ages 14-26;
 - Limited participation in the ETV program to 5 years total;
 - Permitted States and Tribes to provide the Chafee program to youth up to age 23 if the agency extended the age for title IV-E foster care to 21 or provides comparable services to those youth using nontitle IV-E funds;
 - Clarified that youth may be eligible for the program if they aged out of foster care at an age other than 18 as long as they have not reached age 21 (or age 23 if the State or Tribe has extended foster care to youth up to age 21)

P.L. 115-123 Family First Prevention Services Act of 2018

- Amended the Court Improvement Program to require State court grantees to train specified legal professionals on child welfare policies and title IV-E payment limitations for children in non-foster family homes

Next Session

Session 4

- **Policy and Programming Issues in the Delivery of Family and Children's Services**
-
- **Well-Being Issues**
- **Services Designed to Enhance Family Functioning**
- **Family Support Services**
- **Community-Based Services**
- **Kinship and Sibling Connections**
- ***Film - A Brooklyn Family Tale***