

Overview of Major Federal Child Welfare Laws

Many laws have been passed by the U.S. Congress that impact children and families and the agencies that serve them, establishing programs aimed at protecting children from maltreatment and providing support, resources, services and assistance to those who have been abused or neglected. Such programs set minimum requirements and authorize funding for states that meet or exceed those minimal expectations. The following chart sets forth details about some of the major federal child welfare statutes:

Program	2012 Funding	Examples of Minimum State Requirements
<p>Foster Care Program (Title IV-E)</p> <p>The purpose is to enable each state to provide, in appropriate cases, foster care and transitional independent living programs for eligible children and adoption assistance for children with special needs.</p>	<p>\$4.288 billion</p>	<p>Pursuant to 42 U.S.C. §671(a), a state must have a plan addressing 33 itemized requirements (many with subparts), including:</p> <ul style="list-style-type: none"> • standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights; • periodic review of the amounts paid as foster care maintenance payments and adoption assistance to assure their continuing appropriateness; 42 U.S.C. §675(4)(A) defines “foster care maintenance payments” as “payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement”; and • standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.
<p>Child Welfare Services Program (Title IV-B, Subpart 1-CWS)</p> <p>The purpose is to promote state flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families by protecting and promoting the welfare of all children; preventing the neglect, abuse, or exploitation of children; supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner; promoting the safety, permanence, and well-being of children in foster care and adoptive families; and providing training, professional development and support to ensure a well-qualified child welfare workforce.</p>	<p>\$281 million</p>	<p>Pursuant to 42 U.S.C. §622(a), (b), a state must have a plan with 19 itemized requirements (many with subparts), including:</p> <ul style="list-style-type: none"> • child welfare services staff development and training plans; • diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed; • services to help children at risk of foster care placement remain safely with their families, help children return to families from which they have been removed, and help children be placed for adoption, with a legal guardian, or in some other planned, permanent living arrangement; • coordination of health care services for any child in a foster care placement, to identify and respond to the health care needs of children in foster care placements, including mental health and dental health; and • at a minimum, ensure that the children are visited on a monthly basis and that caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children.

<p>Promoting Safe and Stable Families Program (Title IV-B, Subpart 2-PSSF) Mandatory</p> <p>The purpose of this program is to enable states to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services to prevent child maltreatment among families at risk through the provision of supportive family services; assure children’s safety within the home and preserve intact families in which children have been maltreated, when the family’s problems can be addressed effectively; address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner; and support adoptive families by providing support services as necessary so that they can make a lifetime commitment to their children.</p>	<p>\$345 million</p>	<p>Pursuant to 42 U.S.C. §629b(a), a state must have a plan with 10 itemized requirements (many with subparts), including:</p> <ul style="list-style-type: none"> • coordination, to the extent feasible and appropriate, of the provision of services under the plan and the provision of services or benefits under other Federal or federally assisted programs serving the same populations; • not more than 10 percent of expenditures shall be for administrative costs, and . . . the remaining expenditures shall be for programs of family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services, with significant portions of such expenditures for each such program; and • in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.
<p>Promoting Safe and Stable Families Program (Title IV-B, Subpart 2-PSSF) Discretionary</p> <p>The purpose of this subsection is to authorize the Secretary to make competitive grants to regional partnerships to provide, through interagency collaboration and integration of programs and services, services and activities that are 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 substance abuse.</p>	<p>\$63 million</p>	<p>As provided in 42 U.S.C. §629g(f)(4), a state must enter into a “regional partnership” and submit an application addressing 6 itemized requirements (some with subparts), including:</p> <ul style="list-style-type: none"> • a description of the goals and outcomes to be achieved during the funding period for the grant that will enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant; lead to safety and permanence for such children; and decrease the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region; and • a description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child’s family.
<p>Adoption Assistance Program (Title IV-E)</p> <p>The purpose is provides funds to states to facilitate the timely placement of children, whose special needs or circumstances would otherwise make it difficult to place, with adoptive families.</p>	<p>\$2.495 billion</p>	<p>Funding is contingent upon an approved State plan to administer or supervise the administration of the program. Pursuant to 42 U.S.C. §671(a), in order to receive this sub-category of funds for a particular child, a state must enter into an adoption assistance agreement with the adoptive parents of a child with special needs who would otherwise have remained in a foster family home and received a foster care maintenance payment.</p>
<p>Kinship Guardianship (Title IV-E)</p> <p>The purpose is to provide guardianship assistance payments for the care of children by relatives who have assumed legal guardianship of eligible children for whom they previously cared as foster parents.</p>	<p>\$80 million</p>	<p>State funding is contingent upon an approved Title IV-E plan to administer or supervise the administration of the program. Pursuant to 42 U.S.C. §673(d), in order to receive this sub-category of funds for a particular child, a state must enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who would otherwise have remained in a foster family home and received a foster care maintenance payment.</p>

<p>CAPTA Discretionary Grants Program</p> <p>The purpose is to assist states in improving the child protective services system in fourteen respects, including the intake, assessment, screening, and investigation of reports of child abuse or neglect; case management, including ongoing case monitoring, and delivery of services and treatment provided to children and their families; enhancing the general child protective system by developing, improving, and implementing risk and safety assessment tools and protocols, including the use of differential response; and developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect.</p>	<p>\$26 million</p>	<p>Pursuant to 42 U.S.C. §5106a(b), to be eligible to receive a grant, a state must submit to the DHHS Secretary a state plan that describes the activities the state will carry out using amounts received under the grant, including (among other things):</p> <ul style="list-style-type: none"> • procedures for immediate steps to be taken to ensure and protect the safety of a victim of child abuse or neglect and of any other child under the same care who may also be in danger of child abuse or neglect and ensuring their placement in a safe environment; • methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians; • provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality; • provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings; and • provisions and procedures for improving the training, retention, and supervision of caseworkers.
<p>CAPTA Child Protective Services State Grant Program</p> <p>The purpose is to assist states in developing, establishing, and operating programs designed to improve the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family; the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities; the investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation; and the assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child abuse or neglect.</p>	<p>\$26 million</p>	<p>Pursuant to 42 U.S.C. §5106c(b), in order to receive a grant under this program, a state must meet the requirements for existing statewide programs listed in 42 U.S.C. §5106a(b) (highlighted above), and</p> <ul style="list-style-type: none"> • establish a state multidisciplinary task force on children's justice; • periodically undertake studies to review and evaluate state investigative, administrative and judicial handling of cases of child abuse and neglect; and • submit annual reports and applications for further funding to DHHS.

<p>CAPTA Community-Based Grants for Prevention of Child Abuse and Neglect</p> <p>The purpose of this program is to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and to foster an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect.</p>	<p>\$42 million</p>	<p>Pursuant to 42 U.S.C. § 5116, a state's designated lead entity must use these funds for:</p> <ul style="list-style-type: none"> • developing, operating, expanding, and enhancing community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that are accessible, effective, culturally appropriate, and build upon existing strengths; • fostering the development of a continuum of preventive services for children and families, including unaccompanied homeless youth, through state and community-based collaborations and partnerships both public and private; • financing the start-up, maintenance, expansion, or redesign of specific community-based child abuse and neglect prevention program services (such as respite care services, child abuse and neglect prevention activities, disability services, mental health services, substance abuse treatment services, domestic violence services, housing services, transportation, adult education, home visiting and other similar services) identified as an unmet need, and integrated with the network of community-based child abuse and neglect prevention programs to the extent practicable given funding levels and community priorities; • maximizing funding through leveraging of funds for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management and reporting, reporting and evaluation costs for establishing, operating, or expanding community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect; and • financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.
<p>Social Services Block Grant (Title XX)</p> <p>The purpose of these funds is for states to furnish services directed at the goals of achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency; achieving or maintaining self-sufficiency, including reduction or prevention of dependency; preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families; preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.</p>	<p>\$1.7 billion</p>	<p>Pursuant to 42 U.S.C. §1397a, a state is entitled to receive this funding if it submits a report on the intended use of the payments the state is to receive, which must be used for child care services, protective services for children and adults, services for children and adults in foster care, services related to the management and maintenance of the home, day care services for adults, transportation services, family planning services, training and related services, employment services, information, referral, and counseling services, the preparation and delivery of meals, health support services and appropriate combinations of services designed to meet the special needs of children, the aged, the mentally retarded, the blind, the emotionally disturbed, the physically handicapped, and alcoholics and drug addicts.</p>

<p>Foster Care Independence Act / Independent Living Program (Title IV-E)</p> <p>The purpose is to identify children who are likely to remain in foster care until 18 years of age 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 abuse prevention, and preventive health activities; help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment; help children who are likely to remain in foster care until 18 years of age 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; and provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.</p>	<p>\$140 million</p>	<p>Pursuant to 42 U.S.C. §677(b)(2), among other things, each state must submit a plan describing how the state will</p> <ul style="list-style-type: none"> • design and deliver programs to achieve the purposes of the program; • ensure that the programs serve children of various ages and at various stages of achieving independence; • involve the public and private sectors in helping adolescents in foster care achieve independence; and • cooperate in national evaluations of the effects of the state's program in achieving the purposes of the federal program.
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