

A Selected List of Milestones in Child Welfare Services
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Child Abuse and Prevention Act (CAPTA) of 1974

- a. Requires states to establish child abuse reporting procedures and investigation systems; state’s implementation of mandatory reporting laws.

Indian Child Welfare Act (ICWA) of 1978 (Pub. L. 95-608)

- a. Tribes have the right to intervene in state court proceedings.

Purpose and Provisions of the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272)

- a. A wide range of policies established to assist states in protection and caring for abused and neglected children.
- b. In essence, Pub.L. 96-272 advanced the notion of permanency planning to keep children from getting lost in the system and remaining in foster care indefinitely.
- c. States were required to make "reasonable efforts" to prevent children from entering foster care and to reunify children who were placed.
- d. The best interests of the child should be considered with regard to: reunification with parents, placement with kin, or adoption as desirable goals in that order.
- e. Created an adoption assistance program (Title IV-E Adoption Assistance).
- f. Created the first significant role for the court system by requiring courts to review child welfare cases on a regular basis.

Child Welfare Services After 1980:

Funding for special programs such as the Children’s Justice Act and runaway and homeless youth programs, and discretionary grant funding for family preservation and family support services are established.

Child Welfare Services in the 1990’s:

Concepts that guide the Child Welfare System: Safety, Permanency, and Well-Being

- Pub. L. 101-239 required that to the extent that records are "available and accessible," the case plan for all children in foster care must include health and education records, which include the child’s grade level performance, the child’s school record, record of immunizations, known medical problems, and medications.

In addition to child welfare legislation, Congress passed legislation in other areas of health and human services which had the potential to affect the child welfare system. These programs include:

Children with Disabilities program funded by the Department of Education. Previous laws have made special services available for handicapped children age three through five. Pub. L. 99-457, Special Education for Infants and Toddlers, provides services, including case management services, to children from birth to age two.

Child Mental health programs funded by the National Institute on Mental Health. OBRA 1984 made limited funding available to provide grants to States to develop services for Seriously Emotionally Disturbed (SED) children. This program is known as the Child and Adolescent Service System Program (CASSP).

Summary of The Adoption And Safe Families Act of 1997 (P.L. 105-89)

On November 19, 1997, the President signed into law (P.L. 105-89) the Adoption and Safe Families Act of 1997, to improve the safety of children, to promote adoption and other permanent homes for children who need them, and to support families. This new law makes changes and clarifications in a wide range of policies established under the Adoption Assistance and Child Welfare Act (P.L. 96-272), the major federal law enacted in 1980 to assist the states in protecting and caring for abused and neglected children.

The new law:

Sets New Time Frame for Permanency Hearings. Former federal law required a dispositional hearing within 18 months of a child's placement into out-of-home care. The new law establishes a permanency planning hearing for children in care that occurs within 12 months of a child's entry into care. At the hearing, there must be a determination of whether and when a child will be returned home, placed for adoption and a termination of parental rights petition will be filed, referred for legal guardianship, or another planned permanent living arrangement if the other options are not appropriate.

Modifies Reasonable Efforts Provision in P.L. 96-272. States continue to be required to make reasonable efforts to preserve and reunify families.

Expands Child Welfare Demonstration Waivers. Under previous law, HHS has authority to approve up to ten child welfare demonstration waivers. Eight states (CA, DE, IL IN, MD, NC, OH, OR) have received approval to date. This new law authorizes HHS to conduct up to 10 demonstration projects per year from FY 1998 through 2002. Specific types of demonstrations to be considered include: projects designed to identify and address reasons for delay in adoptive placements for foster children; projects designed to address parental substance abuse problems that endanger children and result in placement of a child in foster care; and projects designed to address kinship care. Eligibility for these waivers is not available if a state fails to provide health insurance coverage to any child with special needs for whom there is in effect an adoption assistance agreement.

Requires Study on the Coordination of Substance Abuse and Child Protection.

Accomplishments 1997 - 2003

Despite the demands of serving a population of increasing size and complexity, from 1977 to 1993 States did make inroads into foster care prevention and family-centered services development. Among these areas of change were the following:

- development of family preservation and home-based service programs;
- efforts to reduce the length of stay in foster care;
- movement towards culturally-appropriate casework practice;
- expansion of the role of kinship foster care.

Child Welfare Monitoring: Child and Family Services Reviews (CFSR) 1994

In order to help states achieve positive outcomes for children and families, the Children's Bureau monitors state child welfare services through the Child and Family Services Reviews (CFSRs).

The 1994 Amendments to the Social Security Act (SSA) authorize the U.S. Department of Health and Human Services (HHS) to review State child and family service programs to ensure conformity with the requirements in titles IV-B and IV-E of the SSA.

The focus of the CFSRs is on States' capacity to create positive outcomes for children and families and on the results achieved by the provision of appropriate services. On January 25, 2000, the HHS published a final rule in the *Federal Register* to establish a new approach to monitoring State child welfare programs. Under the rule, which became effective March 25, 2000, States are assessed for substantial conformity with certain Federal requirements for child protective, foster care, adoption, family preservation and family support, and independent living services.

The Children's Bureau, part of the HHS, administers the review system.