

Major Federal Child Abuse/Neglect Policy Enactments¹

The federal government, by placing conditions on states' receipt of federal child welfare funds, plays a substantial role in shaping states' child welfare policies, practices, and laws.

1960s: Aid to Families with Dependent Children (AFDC)

- Federal government began to use AFDC to reimburse states for some of the costs of foster care for children whose families were AFDC-eligible

1974: Child Abuse Prevention and Treatment Act (P.L. 93-247)

- Provided grants to improve states' capacity to prevent, identify, and address child abuse and neglect
- Required that, in order to get funding, states must have mandatory reporting laws, prompt investigations of abuse/neglect reports, etc.

1978: Indian Child Welfare Act (P.L. 95-608)

- Recognized that states were removing too many Native American children from their families and tribes
- Required that tribes play a greater role in placement decisions affecting abused and neglected Native American children

1980: Adoption Assistance and Child Welfare Act (P.L. 96-272)

- Recognized that children stayed in foster care too long
- Required that "reasonable efforts" be made to prevent unnecessary foster care placement and to reunify children with their families
- Required that each child in foster care have a plan for achieving a permanency goal (return home, adoption, relative placement, etc.), and periodic court and administrative hearings to review progress towards the goal
- Provided support for families adopting special needs children

1993: Family Preservation and Support Act (P.L. 103-66)

- Recognized that children were *still* staying in foster care too long: federal funds were being spent disproportionately for states' placements of children in foster care or special needs adoptive homes, rather than for services to children and families
- Established a new funding stream for states to support services to prevent unnecessary foster care placements and to return children home (when appropriate)

1994: Multi-Ethnic Placement Act (P.L. 104-188)

- Prohibited delay or denial of foster care or adoptive placement on the basis of race, color, or national origin of the child or prospective family

1996: Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)

- Limited eligibility for federal foster care and adoption assistance payments to children in families that would have been eligible for AFDC
- Required states to consider giving preference to adult relatives over non-relative caregivers when choosing a placement.

¹ See more complete listings at: http://www.childwelfare.gov/systemwide/laws_policies/federal/federalchildlaws.cfm.

1997: Adoption and Safe Families Act (P.L. 105-89)

- Recognized that some interpretations of the “reasonable efforts” requirement and the “Family Preservation and Support” approach had left children in dangerous homes, returned children to dangerous homes, or delayed children’s progress toward adoption (when appropriate)
- Set strict deadlines for states to file for “termination of parental rights” (when necessary for adoption) or show that an exception applied, made explicit the primacy of “child safety” in placement and permanency decisions, modified the family preservation program to also support adoption services (changing it’s name to Promoting Safe and Stable Families), and established new adoption incentive payments to states

1999: Foster Care Independence Act (P.L. 106-169)

- Expanded and enhanced the “Independent Living” program, to improve the outcomes of children aging out of foster care

2000: Intercountry Adoption Act of 2000 (P.L. 106-279)

- Provided for implementation by United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption

2000: Strengthening Abuse and Neglect Courts Act of 2000 (P.L. 106-314)

- Sought to improve administrative efficiency and effectiveness of abuse and neglect courts.

2000: Child Citizenship Act of 2000 (P.L. 106-395)

- Amended the Immigration and Nationality Act to confer U.S. citizenship automatically and retroactively to certain foreign-born children adopted by U.S. citizens

2003: Keeping Children and Families Safe Act of 2003 (P.L. 108-36)

- Requires policies to ensure that hospitals notify DSS when child is born affected by illegal substance abuse or symptoms resulting from prenatal drug exposure
- Stresses *community* child protection approach
- Requires referral to early intervention services when DSS substantiates maltreatment of children under age three
- Facilitates appropriate sharing of information
- Emphasizes protection of parental rights
- Encourages collaboration between child protective services and juvenile justice systems
- Promotes evaluation and services for abused or neglected infants and toddlers

2006: Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239)

- Requires states to have procedures for orderly, timely interstate placements of children.

2006: Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248)

- Aims to protect children from sexual exploitation and violent crime, prevent child abuse and child pornography, and promote Internet safety.

2006: Child and Family Services Act of 2006 (P.L. 109-288)

- Reauthorizes the Promoting Safe and Stable Families program, and reserves funds to help states improve caseworker retention, recruitment, and training, and to support monthly caseworker visits to children in foster care.