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Child Welfare: Federal Program Requirements for States

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Summary

States have primary responsibility for administering child welfare funds. However, the federal government provides substantial child welfare funding that is contingent on states meeting certain program requirements. The greatest part of federal assistance dedicated to child welfare is included in Title IV-B and Title IV-E of the Social Security Act. Programs authorized under these parts of the law provide funds for a range of child welfare services, from family support and preservation to foster care, adoption support and independent living. State compliance with the plan requirements of Title IV-E and Title IV-B is determined primarily via the Child and Family Services Review, (which is authorized by Section 1123A of the Social Security Act). Separately, under the Child Abuse Prevention and Treatment Act (CAPTA), states receive funds to improve their child protective service systems; to develop and support community-based programs that support and strengthen families to prevent child abuse and neglect; and to improve the handling, investigation, and prosecution of child maltreatment cases.

The 109th Congress saw the enactment of six bills that amended federal child welfare policies in Title IV-B or Title IV-E of the Social Security Act. S. 1894 (P.L. 109-113) and S. 1932 (P.L. 109-171) changed program eligibility rules for the federal Title IV-E foster care and adoption assistance programs. Each of the remaining bills added to or otherwise amended the Title IV-B or Title IV-E state plan requirements. Under the Title IV-B programs, states are now required (or will be on a specified effective date) to (1) develop standards for the frequency and content of caseworker visits to children in foster care; (2) limit total funds spent for administrative purposes to no more than 10% of the program spending; (3) describe how they consult with medical professionals to assess the health and well-being of foster children and determine their appropriate treatment; (4) have procedures in place to respond to a disaster and to maintain child welfare services at such a time; and (5) to report on the actual use of federal funds received under Title IV-B (S. 3525, P.L. 109-288). Changes made to the Title IV-E Foster Care and Adoption Assistance programs require all states to (1) establish procedures for the "orderly and timely interstate placement of children," including compliance with specific time frames for conducting home studies requested prior to an interstate placement and for making a decision about the placement (H.R. 5403, P.L. 109-239); (2) comply with expanded federal procedures to check the criminal records of prospective foster or adoptive parents (as well as primarily civil child abuse and neglect registries) before approving placement of any foster child in a home (H.R. 4472, P.L. 109-248); and (3) have procedures for verifying the citizenship or immigration status of all children in foster care (H.R. 6111, P.L. 109-432).

This report summarizes changes made in the 109th Congress and then categorizes and describes state program requirements (and related definitions) linked to dedicated federal child welfare funds. As a whole, these program requirements constitute federal child welfare policy, and are the fundamental basis on which state conformity with federal law is based. This report will be updated as significant program requirement changes are enacted.

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Child welfare programs are intended to prevent child abuse and neglect, and to protect and improve the lives of children who have experienced maltreatment. As the U.S. Constitution has been interpreted, states exercise the greatest responsibility for administering these services. At the same time, the federal government plays a significant role in shaping these services by providing funding for services and by linking those federal funds to certain requirements.

Federal Child Welfare Funding

For FY2007, Congress provided more than $7.6 billion in funding dedicated to child welfare purposes and the bulk of this federal child welfare funding (98% or $6.5 billion of the funds made available for FY2007) was provided for state child welfare agencies. These funds are distributed based on the amount of eligible foster care or adoption assistance claims submitted by states (under Title IV-E of the Social Security Act), or via statutory formula for child welfare-related activities, including screening and investigation of child abuse and neglect reports; family support, preservation, and reunification services; adoption promotion and support services; and independent living services and other support for current and former foster care youths. (A portion of the funds are also made available to the highest court in each state to fund improvements in the handling of child welfare-related court proceedings.) Child welfare funds distributed to all states are administered by the Children's Bureau, within the Administration for Children and Families (ACF) of the Department of Health and Human Services (HHS).[1]

State Plan Requirements

In addition to providing non-federal matching funds, states must meet a set of program requirements in order to receive these federal child welfare dollars. Viewed together, these statutory program requirements comprise federal child welfare policy, and are the fundamental basis on which state compliance with federal child welfare requirements rests. State compliance with the majority of these requirements is checked as part of the Child and Family Services Review (CFSR), which was designed by HHS to meet the conformity review requirements mandated by Congress in 1994 (P.L. 103-432, as enacted at Section 1123A of the Social Security Act).[2]

Changes Enacted by the 109th Congress

The 109th Congress enacted six bills that amended federal child welfare policies included in Title IV-B or Title IV-E of the Social Security Act.[3] Most of these included changes to state plan

[1] For more information on funding, see CRS Report RL34121, *Child Welfare: Recent and Proposed Federal Funding*, by Emilie Stoltzfus.

[2] For more information see, CRS Report RL32968, *Child Welfare: State Performance on Child and Family Services Reviews*, by Emilie Stoltzfus.

[3] A seventh bill, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (H.R. 3402, P.L. 109-162) included funding reauthorization for the Court Appointed Special Advocates (CASA) program, and added a new authorization of technical assistance funds related to the Children's Advocacy program. For more information see CRS Report RL32976, *Child Welfare: Programs Authorized by the Victims of Child Abuse Act of 1990*. The same law also authorized certain funding related to serving children and youth exposed to violence, including some funds for training grants intended to improve the collaborative community response of child welfare, other social agency, law enforcement or court personnel to families where both child maltreatment and domestic violence is present. For more information see, CRS Report RL33469, *Children Exposed to Domestic Violence: Federal Assistance Programs*, by Edith Fairman Cooper.

requirements. The amendments made by these bills are briefly discussed below. (The bills are listed in order of their enactment.)

Fair Access to Foster Care Act of 2005

As enacted, this bill (S. 1894, P.L. 109-113) permits states to claim Title IV-E foster care support on behalf of otherwise eligible foster children whose foster care maintenance payments are provided to foster parents or institutional foster care providers via a *for-profit* foster care placement agency. Prior law stipulated that if a state sought to claim federal Title IV-E support on behalf of a foster child, the child's maintenance payments could only be made by a public or *non-profit* agency.

Deficit Reduction Act of 2005

This omnibus budget reconciliation measure (S. 1932, P.L. 109-171) includes changes intended to clarify which children are eligible for federal foster care and adoption assistance support. It also places certain limitations on the ability of states to make claims for federal reimbursement of the costs of administering the foster care program (including limits on the length of time a child may be considered a "candidate" for foster care and new rules or restrictions on administrative claims related to foster children placed in unlicensed relative homes or other settings that are "ineligible" under Title IV-E). Separately, the legislation raised the mandatory funding authorization for the Promoting Safe and Stable Families program (Title IV-B, Subpart 2 of the Social Security Act), and authorized two new grants intended to improve court handling of child welfare proceedings and appropriated $100 million ($20 million in each of FY2006-FY2010) for those grants.[4]

Safe and Timely Interstate Placement Act of 2006

This bill (H.R. 5403, P.L. 109-239) amended Title IV-B and Title IV-E to encourage the expedited placement of foster children into safe and permanent homes across state lines. The law establishes a federal 60-day deadline for completing an interstate home study (necessary to determine the suitability and safety of the home) and a 14-day deadline for a state that requests this interstate home study to act on the information in the study. (For any home study begun before October 1, 2008, states may have up to 75 days to complete the study if they can document certain circumstances beyond their control that prevented a study's completion in 60 days.) The new law also authorizes $10 million in each of FY2007-FY2010, for incentive payments (valued at $1,500 each) to states for every interstate home study that is completed in 30 days. (As of August 2007, no funds have yet been appropriated for these payments.)

Further, the law prohibits states from restricting the ability of a state agency to contract with a private agency to conduct interstate home studies, and for children who will not be reunited with their parents, it encourages (or in some cases requires) identification and consideration of both in-state and out-of-state placement options as part of currently required case review and planning activities for children in foster care. Separately, the bill requires courts (as a condition of receiving certain funding intended to improve their handling of child welfare proceedings) to notify any foster parent, pre-adoptive parent, or relative caregiver of a foster child of any proceedings to be held regarding the child, and emphasizes the right of these individuals to be heard at permanency planning proceedings. Finally, it would require that youth leaving foster care

[4] For more information, see CRS Report RL33155, *Child Welfare: Foster Care and Adoption Assistance Provisions in Budget Reconciliation*, by Emilie Stoltzfus, and CRS Report RL33350, *Child Welfare: The Court Improvement Program*, by Emilie Stoltzfus.

custody because they have reached the age of majority must be given a free copy of their health and education record.[5]

Adam Walsh Child Protection and Safety Act of 2006

This omnibus bill (H.R. 4472, P.L. 109-248) establishes additional federal requirements related to criminal background checks of prospective foster and adoptive parents and also requires states to check child abuse and neglect registries for information about prospective foster or adoptive parents.[6] The criminal records checks must include a check of national crime databases (i.e., an FBI check), and must be done before the placement of *any* foster child can be finally approved with prospective foster or adoptive parents. Under prior law, the kind of criminal record check (for example, state vs. FBI vs. local) was not specified, and the federal requirement for these checks extended only to children for whom a state intended to make federal Title IV-E foster care or adoption assistance claims. As was true with prior law, if a criminal record check reveals certain felony convictions of a *prospective* foster or adoptive parent, a state may not claim Title IV-E foster care or adoption assistance for a foster child placed in his or her home. However, this does not prohibit the state from placing a foster child in this same home if the state does not make Title IV-E claims on the child's behalf.[7]

For most states, these criminal record check requirements became effective with the first day of FY2007. However, prior law allowed states to "opt out" of the federal criminal records check procedures, and P.L. 109-248 permits those "opt out states" to have until the first day of FY2009 to come into compliance with the new requirements. As of July 2006, HHS reported that there were eight opt-out states: Idaho, Oklahoma, Oregon, California, New York, Massachusetts, Ohio, and Arizona.[8]

Many child abuse and neglect cases are not the subject of criminal court proceedings, and information on these cases does not appear in a criminal records check. As of the first day of FY2007, P.L. 109-248 requires all states to check any child abuse and neglect registry they maintain for information about a prospective foster or adoptive parent (and any adult living in their household). The check must be made before approving placement of a foster child in the home (and without regard to whether the state plans to claim Title IV-E support for the child). States must also request (and all states must comply with) information from any other state's child abuse and neglect registry where the prospective foster or adoptive parent, or other adult,

[5] For more information, see U.S. Department of Health and Human Services (HHS) Administration for Children and Families (ACF), "New Legislation: The Safe and Timely Interstate Placement of Foster Children Act of 2006," August 11, 2006. Available online at http://www.acf.dhhs.gov/programs/cb/laws_policies/policy/im/im0603.pdf.

[6] For more information, see U.S. Department of Health and Human Services (HHS) Administration for Children and Families (ACF), "New Legislation: The Adam Walsh Child Protection and Safety Act of 2006," September 1, 2006. Available online at http://www.acf.dhhs.gov/programs/cb/laws_policies/policy/im/im0604.pdf.

[7] Section 471(a)20(A) effectively prohibits a state from receiving federal Title IV-E foster care or adoption assistance support on behalf of an otherwise eligible child who, after the enactment of the Adoption and Safe Families Act of 1997 (P.L. 105-89), is placed in the home of a foster or adoptive parent where a record check shows that the prospective foster or adoptive parent was at any time, convicted of felony child abuse or neglect, spousal abuse, a crime involving children (including child pornography), or a crime involving violence (including rape, sexual assault or homicide, but not including other physical assault or battery); or if the record check shows a felony conviction for physical assault, battery or a drug-related offense that was committed in the last five years.

[8] States may also have limited additional time to meet the new requirements if HHS determines that state legislation is needed to permit the state to comply with the new federal rules.

has lived in the past five years. There are no federal stipulations about how states must use the information from these registries.

Finally, P.L. 109-248 requires HHS, in consultation with the Justice Department, to create a national registry of substantiated cases of child abuse or neglect. Information in this national registry is to be accessible only to public entities (or agencies of those public entities) that needs the information "to carry out its responsibilities under law to protect children from child abuse and neglect." Separately, the law requires HHS to "conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry" and to make recommendations and findings on the costs and benefits of such data collection standards; data collection standards currently employed by states, tribes or other political subdivisions; and data collection standards that should be considered to establish a model of promising practices.[9] The law authorized $500,000 in appropriations to carry out the study. (As of August 2007, no funds have been specifically appropriated for this purpose.) A report of this study is to be submitted to Congress by the end of July 2007.[10]

Child and Family Services Improvement Act of 2006

This bill (S. 3525, P.L. 109-288) extends, through FY2011, annual funding authorization of $545 million for the Promoting Safe and Stable Families Program (Title IV-B, Subpart 2). For each of FY2006-FY2011 it provides that no less than $40 million of those funds are to be used for two purposes: to support monthly caseworker visits and to improve outcomes for children affected by methamphetamine or other substance abuse. Further the new law requires states to report on their actual use of funds under Title IV-B of the Social Security Act, increases the funding set-aside from the Safe and Stable Families program for tribal child and family services, and allows access to these funds for more tribes.

Separately, the bill amended the Child Welfare Services program (Title IV-B, Subpart 1 of the Social Security Act) to re-organize and update its provisions and to limit funding authorization for the program to FY2007-FY2011. Beginning with FY2008 the law limits the use of program funds for administrative purposes and also provides new restriction on the amount of these program funds that states may use for foster care maintenance payments, adoption assistance payments, or child care. Among several new state plan requirements for this program, P.L. 109-288 requires states to establish standards for the content and frequency of caseworker visits of children in foster care (providing that within a specified time frame 90% of children in foster care must be visited at least monthly and that most of these visits must occur in the place where the child lives). Additionally states are required to have procedures to respond to and maintain child welfare services in the wake of a disaster and must also describe in their state plan how they consult with medical professionals to assess the health of and provide medical treatment to children in foster care.

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[9] Nearly all states have a child abuse and neglect registry but the information included, and access to this information varies. For more information see, U.S. Department of Health and Human Services, Child Welfare Information Gateway, "Establishment and Maintenance of Central Registries for Child Abuse Reports," (current through August 2005). Available online at http://www.childwelfare.gov/systemwide/laws_policies/statutes/centregall.pdf .

[10] The report is to be submitted to the Judiciary committees in both the House and Senate and to the Senate Health, Education, Labor and Pensions Committee and the House Education and Workforce Committee. Section 633(g) of P.L. 109-248, requires the report to be submitted to the specified committees by the "Department of Homeland Security" (DHS). However, as the same section of the law requires HHS to make the study and related recommendations, this reference to DHS appears to be a drafting error.

P.L. 109-288 also extended the authorization for five years (FY2007-FY2011) of the Mentoring Children of Prisoners program and includes authority for a project to demonstrate the effectiveness of vouchers as a method of delivering these services. Further it extends for the same five years grants to eligible state highest courts to assess and improve their handling of child welfare proceedings (under the Court Improvement Program).[11]

Tax Relief and Health Care Act of 2006

This omnibus (H.R. 6111, P.L. 109-432) makes several changes related to new provisions enacted in the Deficit Reduction Act of 2005 (P.L. 109-171) and which are related to foster care and Medicaid. Section 6036 of P.L. 109-171 generally prohibited a state from receiving federal Medicaid reimbursement for individuals who do not provide satisfactory documentary evidence of citizenship or nationality. Section 405(c) of P.L. 109-432 specifically exempts foster children (both Title IV-E eligible and those who are not eligible) from the Medicaid documentation requirement. This change is made effective as if it was included in the Deficit Reduction Act (P.L. 109-171) which was enacted in February 2006.

P.L. 109-432 also amended Title IV-E to require states to have in effect procedures for verifying the citizenship or immigration status of each child in foster care (whether or not the state claims Title IV-E support for the child).[12] Finally, P.L. 109-432 also amended Section 1123A of the Social Security Act to specifically require that state compliance with this new federal requirement be checked as part of periodic conformity reviews (e.g. the Child and Family Services Review). These changes are to be effective as of June 20, 2007 (6 months after the enactment of P.L. 109-432).

How the Tables in this Report Are Organized

State plan requirements generally apply to the state, or the state administering/supervising agency, and usually are contained in the statute as a list of items that must be included in the state's program plan. The plan requirements vary a great deal in their scope and kind and are difficult to categorize consistently. In this report they are grouped within a specific program (or section of the law) and by a rough kind/subject division. This division is somewhat arbitrary and not a part of federal statute. However, it is used in this report as a way to group basic concerns of federal child welfare policy and to better understand what is required of states. The kind/subject divisions used are:

- *Planning Services: Administration, Organization and Coordination*—requirements that direct how the state must administer, coordinate, or organize the program (e.g., what state agency must administer the program, and with what other programs it must be coordinated).
- *Data Collection and Reporting*—requirements specifying the nature of data to be collected and/or reported to the federal government, and those related to cooperation with program evaluations or audits.

[11] For more information about the changes made by P.L. 109-288 see CRS Report RL33354, *The Promoting Safe and Stable Families Program: Reauthorization in the 109th Congress*, by Emilie Stoltzfus.

[12] The law does not specify what states must do with this information. Current law prohibits states from claiming Title IV-E support for certain non-citizen children. The are no prohibitions on states serving non-citizen children with state dollars. For more information see Section 7.1 and Section 8.4B of the Child Welfare Policy Manual. Available online at http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/index.jsp.

- *Ensuring Safe and Appropriate Placement Options*—requirements designed to ensure diversity of prospective foster and adoptive parents, prohibit discrimination in placements, allow for cross-jurisdictional placements and otherwise serve to ensure safe and appropriate placements for children.
- *Child Protections, Services, and Programs to Be Provided*—requirements that specify treatment of each child, and services and programs to be provided.

This report lists state eligibility requirements for federally funded child welfare programs within these kind/subject divisions. Three of these programs are authorized under the Child Abuse Prevention and Treatment Act (CAPTA): Basic State Grants, Community-Based Grants for the Prevention of Child Abuse and Neglect, and Children's Justice Act Grants. The remaining programs are a part of the Social Security Act: Child Welfare Services, the Promoting Safe and Stable Families Program, Foster Care and Adoption Assistance, the John Chafee Foster Care Independence Program, and Education and Training Vouchers (for youth who age out of or are expected to age out of foster care).

Some of the state plan elements are simply given in the statute as requirements for the state to meet (e.g., describe services to be offered); others ask that the state assure or provide the Governor's certification that it is meeting a certain requirement (e.g., federal funds are not used to supplant existing non-federal funds for services with purpose similar to the federal program). This report does not distinguish between these different forms of requirement.

Federal funds for child welfare programs under the Social Security Act and for CAPTA's Basic State Grants and Community-Based Grants for the Prevention of Child Abuse and Neglect are administered by the Children's Bureau within the U.S. Department of Health and Human Services (HHS). The Children's Bureau at HHS also awards CAPTA's Children Justice Act grants but does so in consultation with the Department of Justice.

Tables 1, **2**, and **3** list elements required of states seeking Basic State Grants, Children's Justice Act Grants, or Community-Based Grants for the Prevention of Child Abuse and Neglect under CAPTA. **Tables 4, 5, 6**, and **7** contain state plan requirements for child welfare programs authorized under the Social Security Act.

Finally, **Table 8** contains definitions critical to understanding state plan requirements for child welfare programs under the Social Security Act. For instance, a state is required to have a "case plan" for each child and to operate a "case review system." These and other related terms are given detailed definition in the law. Terms appearing in boldface in **Tables 4, 5, 6** and **7** are defined by the statute and the term, and its definition, are included in **Table 8**.

The information included in this report is intended as an accessible reference guide to state requirements, rather than a legal interpretation of those requirements. Requirements are believed to be current through changes made by the 109th Congress.

Child Abuse Prevention and Treatment Act Programs

Basic State Grants

Table 1 lists state plan requirements to receive CAPTA's Basic State Grants. Section 106 of CAPTA provides grants to states for improvements to public child protective services. Funding is authorized on a discretionary basis. No matching funds are required. *FY2007 funding: $27 million.*

Table 1. Basic State Grants under the Child Abuse Prevention and Treatment Act (CAPTA)

Kind of Plan Requirement	CAPTA Basic State Grant Requirements (Section 106)[a]
Planning services: administration, organization, and coordination	—Every 5 years, prepare and submit to the Health and Human Services (HHS) secretary a plan specifying areas of child protective services system to be addressed with grant money, including an outline of activities the state intends to do to improve its system of child protective services.[b] —Describe services to be provided to individuals, families or communities to prevent child abuse and neglect.[c] —Coordinate this plan, to maximum extent possible, with the child welfare programs funded under Title IV-B of the Social Security Act. —Assure that child welfare programs and projects related to child maltreatment but funded under Title IV-B of the Social Security Act, comply with the state plan requirements of this program. —Describe training provided for individuals required to report suspected cases of child abuse and neglect and training provided to support direct line and supervisory personnel in report taking, screening, decision making, and referral for investigating suspected instances of child abuse and neglect. —Establish at least 3 citizen review panels (or at least 1 if the state receives the minimum allotment of $175,000 under CAPTA's community-based grant) to examine state and local child protective services policies and practices and to evaluate whether the state and local agencies effectively provide those services. The review panel must prepare an annual summary of its activities and must make recommendations for improvements of the state and local child protection services systems.[d] —Within 6 months of receiving the citizen review panel report the appropriate state agency must provide a written response describing whether or how the state will incorporate the recommendations for improvements. —Maintain a state law or statewide program that • grants immunity from prosecution (under state and local laws and regulations) for individuals making good faith reports of suspected or known child maltreatment; • requires and has procedures to promptly expunge any public records in cases of false or unsubstantiated abuse (State child protective agencies, however, may keep records of unsubstantiated cases to assist in future risk and safety assessment.); • provides procedures for individuals to appeal official findings of child maltreatment; • provides for cooperation of state law enforcement officials, courts and appropriate state human services agencies in the investigation, assessment, prosecution and treatment of child maltreatment; • requires a representative of child protective services to promptly advise an individual of child maltreatment allegations made against him or her; • provides for the training of child protective services workers regarding their legal duties (in order to protect the rights and safety of children and families); • provides for improving the training, retention and supervision of caseworkers.
Data collection and reporting	—To maximum extent feasible, provide (to HHS), an annual report including state data for the year that shows the time it took to (1) begin initial investigation of each case of reported child maltreatment; (2) to provide services to families where maltreatment is alleged; and (3) the number of • children reported as maltreated; • child maltreatment reports that are substantiated, unsubstantiated or found false; • children who were the subject of a substantiated, unsubstantiated or false report who did and did not receive services under CAPTA (or a related state program), and those who were removed from their families (by case disposition);

Kind of Plan Requirement	CAPTA Basic State Grant Requirements (Section 106)[a]
	• families that received preventive services; • deaths in the state due to child maltreatment, and, of these deaths, those that were in foster care; • child protective services workers responsible for intake and screening of reports filed; • child protective services workers responsible for intake, assessment and investigation of child maltreatment reports relative to the number of reports investigated; • children reunited with families or receiving family preservation services that (within 5 years) are subject of child maltreatment report (including those who die from this maltreatment); • children who had a court-appointed representative and the average number of court contacts between the child and the representative; • children under the care of the state child protection system who are transferred into the custody of the state juvenile justice system. —Each year provide to HHS the annual report containing the summary of activities of citizen review panels. —Provide notice to the HHS secretary of any substantive changes and any significant changes to how funds provided are being used; —Submit an annual report describing how funds provided under CAPTA were used, alone or in combination with other federal funds, to improve child protective services systems.[e]
Child protections, services and programs to be provided	—Maintain a state law or statewide program that • provides for (1) reporting of known and suspected instances of child maltreatment; (2) immediate screening, risk and safety assessment and prompt investigation of such reports; (3) triage procedures for a child who is found not at risk of imminent harm to be referred to a community organization for voluntary preventive services, if appropriate; and (4) procedures for immediate steps to be taken to ensure the safety of a maltreated child(ren) (and any other child in same care who may be in danger of abuse or neglect) and for placement of child(ren) in a safe environment; • requires health care providers involved in the delivery or care of an infant who is (born and) identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure to notify child protective services and that provides for the development of a plan of safe care for such an infant;[f] • preserves confidentiality of all records (to protect the rights of the child and the child's parents or guardians) by limiting access to those reports and records to individuals or entities (specified in the statute) who are the subject of the report, need the information to carry out their duty to protect children from maltreatment, or to carry out another legitimate state purpose; • requires disclosure of confidential information to any federal, state, or local government agent (or their agents) that needs the information to carry out its legal responsibility to protect children from maltreatment; • allows public disclosure of information about cases of child maltreatment that result in death or place the child in serious or critical condition (as certified by a physician); • in each case of child maltreatment involving judicial proceedings, appoints a guardian ad litem and/or court-appointed special advocate, (who has received appropriate training to the task and) who will represent the child and make recommendations concerning the best interests of the child; • provides procedures to assure that the state does not require reunification of a child with a parent who has committed murder or voluntary manslaughter of another child of the parent; has aided, abetted, attempted, conspired or solicited to commit such a murder or manslaughter; or has committed a felony assault that results in serious bodily injury to the child or another child of the parent;[g]

Kind of Plan Requirement	CAPTA Basic State Grant Requirements (Section 106)[a]
	• assures that if parent is convicted of one of the listed felonies, this constitutes grounds for termination of parental rights (although state can continue to make case-by-case determinations of whether to terminate parental rights); • provides procedures to expedite termination of parental rights in the case of an abandoned infant (as determined by state law). • provides for referral of any child maltreatment victim under the age of 3 for early intervention services funded under part C of the Individuals with Disabilities Education Act; • no later than June 25, 2006, requires criminal background checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household. —Assure procedures are in place to respond to reports of medical neglect (including coordination and consultation by and with designated individuals within appropriate health care facilities; prompt notification by these individuals of cases of suspected medical neglect and authority to pursue any necessary legal remedy to prevent withholding of medical treatment from disabled infants with life-threatening conditions).

Source: Table prepared by Congressional Research Service based on statutory language.

a. References to sections or titles in this table refer to the Child Abuse Prevention and Treatment Act.

b. Since the mid-1990s, HHS has required states to submit a 5-year Child and Family Services Plan incorporating assurances and information from a number of child welfare programs; states must also submit annual progress reports. The primary purpose of the plan is to help states integrate their services, however, individual program requirements are retained and separate accounting of funds must be maintained. Currently programs required to be included in this plan are this program (under CAPTA), Child Welfare Services and Promoting Safe Stable Families programs (under Title IV-B of the Social Security Act), and the Chafee Foster Care Independence Program and Education and Training Vouchers (under Title IV-E of the Social Security Act). The most recent 5-year plan was due from states June 30, 2004 (for FYs 2005-2009).

c. Section 111 of CAPTA defines "child abuse and neglect" (sometimes called child maltreatment) as "at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm."

d. Each panel must: be composed of volunteers who are broadly representative of the community (some of whom have experience in child abuse prevention and treatment); meet at least once every 3 months; be granted access to necessary information; keep case-specific information confidential (and other information unless authorized by state law); allow for public comment as part of assessing state and local child protective services; and to annually prepare and make available to the public and the state a report summarizing panel activities and containing recommendations for improvements to the state child protection system. (The review panel may request staff assistance to fulfill its duties).

e. This requirement is included in Section 108.

f. The statute further provides that this notification "shall not be construed to establish a definition under Federal law of what constitutes child abuse; or require prosecution for any illegal action."

g. Section 111 of CAPTA defines "serious bodily injury" as "bodily injury which involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty."

Children's Justice Act Grants

Table 2 lists requirements related to Children's Justice Act Grants. The program authority for these grants is included in Section 107 of CAPTA, however funding for the grants is made available via a set-aside from the Crime Victims' Fund.[13] Grants are made to help states (and

[13] The Crime Victims' Fund does not receive money out of general revenues but instead is supported by collection of

tribes) improve the handling, investigation and prosecution of child abuse and neglect cases—particularly those involving child sexual abuse and exploitation—and to improve the handling of cases of suspected child maltreatment related deaths, and, finally, (as added by P.L. 108-36) to improve handling of those cases involving children with disabilities or serious health-related problems who are victims of child maltreatment. No matching funds required. *FY2007 funding: $20 million*.[14]

Table 2. Children's Justice Act Grants under the Child Abuse Prevention and Treatment Act (CAPTA)

Kind of Plan Requirement	Children's Justice Act Grant Requirements (CAPTA, Section 107)[a]
Planning services: administration, organizations and coordination	—Meet requirements to receive CAPTA's Basic State Grants. (See **Table 1**.) —Have a multi-disciplinary task force on children's justice composed of professionals with experience relating to the criminal justice system and issues of child maltreatment that includes representatives of law enforcement, child protective service agencies and parents groups, as well as, judges and attorneys (involved in criminal and civil child maltreatment cases and including defenders and prosecutors), child advocates (including attorneys, and where applicable, court appointed special advocates), health and mental health professionals, individuals experienced in working with children with disabilities, and parents. —Every 3 years the state task force (described above) must comprehensively review and evaluate state investigative, administrative, and civil and criminal judicial handling of child maltreatment cases—particularly those dealing with child sexual abuse and exploitation, suspected child maltreatment related fatalities and those potentially involving more than one jurisdiction (e.g., federal-state, state-tribal, or interstate). —Based on the review (described above) the state task force must make recommendations intended to reduce additional trauma to the child victim and victim's family, and to ensure procedural fairness to the accused in all aspects of the state's handling of child maltreatment cases; suggest experimental, model and demonstration programs to test new approaches to promote prompt, fair and successful resolution of child maltreatment cases; and suggest reform of state laws, ordinances, regulations, protocols and procedures to protect children from abuse and ensure fairness to all affected persons. —Adopt recommendations of the state task force (unless granted an exemption by the HHS secretary because the state has adopted an alternative plan to achieve the same purposes or is making substantial progress toward adopting task force recommendations or comparable alternative.)
Data collection and reporting	—Meet requirements to receive CAPTA's Basic State Grants. (See **Table 1**.) —Annually apply for grants giving information and assurances considered necessary by the HHS secretary. —Make reports as HHS secretary may reasonably require and maintain and provide access to records relating to the grant. —Annually submit to the HHS secretary a report on the way assistance received under this program was spent throughout the state.

fines and fees charged to individuals convicted of federal crimes. The amount set-aside for Children's Justice Act Grants is based on the level of funds collected by the Crime Victims' Fund but may not be less than $10 million or more than $20 million. (See Section 1404A of the Victims of Crime Act of 1984, as amended.)

[14] Of this funding amount, the Victims of Crime Act further stipulates that 15% ($3 million) must be made available to tribes for some of these same purposes, and (as amended by P.L. 109-162) an additional 5% ($1 million) may also be distributed to tribes for related purposes. See Section 1402(d)(2) and 1402(g) of the Victims of Crime Act (as amended by P.L. 109-162).

Kind of Plan Requirement	Children's Justice Act Grant Requirements (CAPTA, Section 107)[a]
Child protections, services and programs to be provided	—Meet requirements to receive CAPTA's Basic State Grants. (See **Table 1**.)

Source: Table prepared by Congressional Research Service (CRS) based on statutory language.

a. References to sections or titles in this table refer to the Child Abuse Prevention and Treatment Act.

Community-Based Grants for the Prevention of Child Abuse and Neglect

Table 3 shows requirements related to CAPTA's Community-Based Grants for the Prevention of Child Abuse and Neglect. Title II of CAPTA authorizes grants (1) to support community-based efforts aimed at the prevention of child abuse and neglect, including support of networks of coordinated resources and activities that strengthen and support families; and (2) to foster an understanding and knowledge of diverse populations to be effective in preventing and treating child abuse and neglect. States must designate a lead entity to administer this money (which may or may not be a public agency) by making grants to community-based programs. Funding is authorized on a discretionary basis and a state must match at least 20% of the federal allotment under this program with non-federal dollars. The size of a state's program allotment is determined, in part, by the amount of non-federal funds obtained (leveraged) for these purposes by the lead entity. *FY2007 funding: $42 million.*

Table 3. Community-Based Grants for the Prevention of Child Abuse and Neglect, under CAPTA

Kind of Plan Requirement[a]	Community-Based Grants for the Prevention of Child Abuse and Neglect (CAPTA, Title II)[b]
Planning Services: administration, organization, and coordination Section 202 *Eligibility*; Section 205 *Application* Section 206 *Local Program Requirements*	—Designate a public or private nonprofit lead entity to administer funds.[c] —Assure that the lead entity provides or is responsible for providing • community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate); • direction through an interdisciplinary, collaborative and public-private structure that has balanced representation (including members of the private and public sector, parents, parents with disabilities, and service providers from the public and private nonprofit sectors); • direction and oversight through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from federal, state and private sources, centralized assessment and planning activities, training and technical assistance, and reporting and evaluation functions. —Assure that the lead entity will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities, parents with disabilities, and with the child maltreatment prevention activities of the state and will demonstrate a financial commitment to those activities. —Assure that, with regard to the community-based and prevention-focused programs that are supported, the lead entity • has a demonstrated commitment to parent participation in their development, operation, and oversight;

Kind of Plan Requirement[a]	Community-Based Grants for the Prevention of Child Abuse and Neglect (CAPTA, Title II)[b]
	• has a demonstrated ability to work with state and community-based public agencies and private non-profits to develop a continuum of preventive, family-centered, comprehensive services for children and families; • has the capacity to provide operational support (financial and programmatic) and training and technical assistance; —Submit to HHS an application for this grant that includes • a description of the designated lead entity; • a description of how the funded programs and activities will operate and how family resource and support services will be integrated into a continuum of family-centered, holistic, preventive services for children and families; • a description of the inventory of current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resources operating in the state, and a description of unmet needs; • a budget verifying that the state will spend in non-federal dollars an amount equal to at least 20% of the federal dollars to support the development, operation, and expansion of these community-based and prevention focused program and activities designed to strengthen and support families to prevent child abuse and neglect; • assurance that federal funds received will supplement, not supplant, other non-federal funds designated for the start-up, maintenance, expansion, and redesign of these programs and activities; • assurance that the state has the capacity to ensure the meaningful involvement of parents; • a description of the criteria that the lead entity will use to develop, or select and fund community-based and prevention focused programs and activities; • a description of the outreach activities that the lead entity (and the programs and activities it supports) will undertake to maximize the participation of racial and ethnic minorities, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other under-served or under-represented groups; • a plan providing for operational support, training and technical assistance to community-based programs and activities to develop, operate, expand or enhance them; • a description of how the activities of the state's lead entity and those of the network and its members (where appropriate) will be evaluated; • a description of how the lead entity will advocate changes in state policies, practices, procedures and regulations to improve the delivery of community-based and prevention-focused programs and activities; —In awarding local grants, the lead entity must give priority to effective community-based programs serving low income communities and those serving young parents or parents with young children. Local programs that receive grant money under this program are required to • assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations and private sector representatives • develop a strategy to provide, through public-private partnerships, a continuum of preventive, family-centered services to children and families (especially to young parents and parents with young children); • develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services; • provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services;

Kind of Plan Requirement[a]	Community-Based Grants for the Prevention of Child Abuse and Neglect (CAPTA, Title II)[b]
	• participate with other community-based and prevention-focused programs and activities designed to strengthen and support families and to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.
Data collection and reporting Section 205(12) *Application* Section 207 *Performance Measures*	—Supply reports to HHS at the time and including information requested, and make reports to the HHS secretary that must • demonstrate the effective development, operation, and expansion of a community-based and prevention-focused, programs and activities that meet the requirements of this title; • supply an inventory and description of the services provided to families by local programs that meet identified community needs (including the statutorily defined "core" and "optional" services); • demonstrate that they will have addressed unmet needs identified by the required inventory and description of current services; • describe the number of families served (including families with children with disabilities and parents with disabilities); • describe the involvement of families representing diverse groups in the design, operation, and evaluation of the statewide network of family resource and support programs, and in the design, operation and evaluation of community-based and prevention-focused programs and activities that strengthen and support families to prevent child abuse and neglect; • demonstrate a high level of satisfaction among families who have used the supported services; • demonstrate the use of innovative funding mechanisms, at the state or community level, that blend federal, state, local and private funds • demonstrate the use of innovative and interdisciplinary service delivery mechanisms for the development, operation, expansion and enhancement of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect; • describe the results of a peer review process conducted under the state program; • demonstrate an implementation plan to ensure the continued leadership of parents in the ongoing planning, implementation, and evaluation of community-based and prevention-focused programs and activities
Child protections, services, and programs to be provided Section 206(a)(3) *Local Program Requirements*	—Local programs that receive grant money under this program are to provide core family resource and support services such as • parent education, mutual support, self help and leadership services; • outreach services; • community and social service referrals; • follow-up services; • voluntary home visiting; • all forms of respite care (to the extent practicable). —Local programs that receive grant money under this program must also use funds to provide access to optional services (directly or by contracts, purchase of service or interagency agreement). Optional services include • child care, early childhood development and intervention services; • self sufficiency and life management skills training; • peer counseling and referrals to

Kind of Plan Requirement[a]	Community-Based Grants for the Prevention of Child Abuse and Neglect (CAPTA, Title II)[b]
	• counseling for adoption services (for individuals interested in adopting a child or relinquishing their child for adoption); • services and supports to meet the additional needs of families with disabled children or children with special needs; • services providing job readiness skills; • education services (such as tutoring, literacy training, and GED programs); • early developmental screening of children.

Source: Table prepared by the Congressional Research Service (CRS) based on statutory language.

a. References to sections or titles in this table refer to the Child Abuse Prevention and Treatment Act (CAPTA). P.L. 108-36 renamed this grant program and made certain other changes.

b. The Community-Based Grants for the Prevention of Child Abuse and Neglect, which are under Title II of CAPTA, includes requirements to be met by a state (some of which include apparent or explicit responsibilities of the state-designated lead entity) and requirements to be met by local programs. Not all of these requirements are included in the statute's state plan (or application) section. Accordingly, this table includes requirements given under multiple sections of CAPTA's Title II: *Eligibility* (Section 202), *Application* (Section 205), *Local Program Requirements* (Section 206), and *Performance Measures* (Section 207). Except where otherwise noted, the requirements apply to the state.

c. The lead entity may be a trust fund advisory board that is directed by an interdisciplinary, public-private structure, includes community participants, and was established under an earlier version of this law (to leverage federal, state and private funds for a broad range of child abuse and neglect prevention activities and family resources). Where more than one of these trust fund advisory boards exist, only one may be designated as the lead entity and full consideration of capacity and expertise of all groups seeking to be named the lead entity must be made.

Social Security Act Programs

Child Welfare Services

Table 4 lists requirements related to funding of Child Welfare Services authorized under Title IV-B, Subpart 1 of the Social Security Act. The program provides matching grants to states (75% federal share) for (as amended by P.L. 109-288) five broad purposes: (1) to protect and promote the welfare of all children; (2) to prevent the neglect, abuse, or exploitation of children; (3) to support 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; (4) to promote safety, permanence, and well-being of children in foster care and adoptive families; and (5) to provide training, professional development and support to ensure a well-qualified child welfare workforce. Funds are authorized on a discretionary basis (through FY2011) at $325 million annually. *FY2007 funding: $287 million*.

Table 4. Child Welfare Services, Title IV-B, Subpart 1 of the Social Security Act

(Terms that appear in **bold face** are defined or described, as shown in **Table 8**. Text in *italics* was added or amended by P.L. 109-239 or P.L. 109-288.)

Kind of Plan Requirement	Child Welfare Services Requirements (Section 422)[a]
Planning services: administration, organization,	—Provide that the individual or agency that administers or supervises the state Social Services Block Grant (Title XX) will also administer child welfare services (limited exceptions based on structure of state social services as of December 4, 1974).[b] —Make a single state or local agency responsible for the services.[b]

Kind of Plan Requirement	Child Welfare Services Requirements (Section 422)[a]
and coordination	—Coordinate services offered to children under this plan with services and aid provided under the Social Services Block Grant (SSBG, Title XX), Temporary Assistance to Needy Families (TANF, Title IV-A), Promoting Safe and Stable Families (PSSF, Title IV-B, Subpart 2), foster care maintenance and adoption assistance, foster care independence (Title IV-E) and other related state programs.[c] —Describe the services *and activities* the state will fund under this program *and how those services and activities will achieve its purposes*. —Describe steps taken to provide child welfare services *statewide*, and to expand and strengthen *existing* services, and develop *and implement services to improve child outcomes*. —Describe child welfare staff development and training plans. —Use facilities and experience of voluntary agencies to develop services for children. —Describe activities undertaken, including provision of adoption and post-adoption services, for children adopted from other countries. —After consulting with tribal organizations in the state, describe specific measures taken to comply with the Indian Child Welfare Act. *—Not later than the October 1, 2007, assure that no more than 10% of funds used for this program are spent for administrative purposes.*[d] *—Describe how the state consults with and involves physicians (or other medical professionals) in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for them.* *—Not later than September 29, 2007, have in place procedures for how state child welfare programs (including this program, the Promoting Safe and Stable Families program, and the Foster Care, Adoption Assistance and the Chafee Foster Care Independence programs) will respond to a disaster. The procedures are to be in accordance with criteria established by HHS and those criteria should include how a state would (1) identify, locate and continue services for children under the care or supervision of the state and who are displaced or adversely affected by a disaster; (2) respond appropriately to new child welfare cases in areas adversely affected by a disaster and provide services in those cases; (3) remain in communication with caseworkers and other essential child welfare personnel displaced because of a disaster; (4) preserve essential program records; and (5) coordinate services and share information with other states.*
Data collection and reporting	—Collect and report information on children adopted from other countries who later enter into state custody because of disruption or dissolution of the adoption placement, including the number of children, the agencies who handled the placement or adoption, plans for the child, and reasons for disruption or dissolution. —Furnish reports, containing information requested and participate in evaluations as required by the HHS secretary.
Policies and procedures to ensure placement options	*—Contain assurances that the state will* use cross-jurisdictional resources (*including through contracts for the purchase of services*) and *will eliminate legal barriers* to allow timely adoptive or permanent placements for waiting children. —Provide for "diligent recruitment" of foster and adoptive families that reflect racial and ethnic diversity of children in the state who need foster or adoptive homes. *—Have in effect* policies and administrative and judicial procedures for children who are abandoned at or soon after birth (including policies and procedures providing for legal representation) that allow swift decisions about permanent placement of abandoned infants.
Child protections, services and programs to be provided	—Operate a **case review system** for each child receiving state-supervised foster care (to satisfaction of HHS secretary). —Operate a service program (to satisfaction of HHS secretary) to help children return to their families (if safe and appropriate) or be placed for adoption (or legal guardianship) or, if these options aren't appropriate, in another planned permanent living arrangement, *which may include a residential education program*.

Kind of Plan Requirement	Child Welfare Services Requirements (Section 422)[a]
	—Operate pre-placement preventive services (to satisfaction of HHS secretary) designed to help children at risk of foster care placement remain safely with their families.
	—Operate a statewide information system (to satisfaction of HHS secretary) that allows easy determination of status, demographic characteristics, location, and goals for the placement of every child who is (or was during last 12 months) in state-supervised foster care.
	—No later than October 1, 2007, describe state standards for content and frequency of caseworker visits to children in foster care, which at a minimum ensure that each child is visited on a monthly basis and that the visits are well-planned and focus on case planning and service delivery to ensure the safety, permanence, and well-being of the children.

Source: Table prepared by Congressional Research Service (CRS) based on statutory language.

Note: P.L. 109-288 deleted in full two state plan requirements and a part of a third, as part of what H.Rept. 109-555 describes generally as "updates" to the program. The deleted provisions related to use of volunteers and para-professionals in the administration of this program, adherence to certain child day care standards, and a requirement that states (as of June 1980) to have conducted an inventory of all children in foster care for at least 6 months.

a. Unless otherwise noted all references to titles or sections in this table refer to the Social Security Act.

b. Slightly different provisions for Guam, Puerto Rico, Virgin Islands and the Northern Mariana Islands.

c. Since the mid-1990s, HHS has required states to submit a 5-year Child and Family Services Plan incorporating assurances and information from a number of child welfare programs; states must also submit annual progress reports. The primary purpose of the plan is to help states integrate their services, however, individual program requirements are retained and separate accounting of funds must be maintained. In addition to this program, other child welfare programs required to be included in this plan are CAPTA's basic state grants, the Promoting Safe Stable Families Program (under Title IV-B of the Social Security Act), and the Chafee Foster Care Independence Program and Education and Training Vouchers (under Title IV-E of the Social Security Act).

d. For purposes of this program only, Section 422(c) (as added by P.L. 109-288) defines administrative costs that are related to administering the program under Subpart 1 of the Social Security Act and which are for the following purposes: "procurement, payroll management, personnel functions (other than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by caseworkers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by caseworkers or the oversight of the programs funded under this subpart)."

Promoting Safe and Stable Families

Table 5 lists requirements for funding under Title IV-B, Subpart 2 of the Social Security Act, the Promoting Safe and Stable Families Program. The program authorizes matching grants to states (75% federal share) for four kinds of services: family preservation, family support, time-limited family reunification, and adoption promotion and support. The statute also provides that certain amounts of the funds provided for this program are to be set aside each year to support tribal child and family services, grants to highest state courts to assess and improve their handling of child welfare proceedings, and funds for research, evaluation and technical assistance related to the service or activities funded by the program. In addition, P.L. 109-288 stipulates that for each of six years (FY2006-FY2011) $40 million of the funds are to be reserved for formula grants to states to support monthly caseworker visits of children in foster care and to provide discretionary grants to eligible applicants (regional partnerships, which much include the state child welfare agency) to respond to child welfare issues raised by parental/caretaker abuse of methamphetamine (or other substances). Program funds are authorized both on a discretionary basis (up to $200 million annually) and as a capped entitlement ($345 million annually) through FY2011. *FY2007 funding: $434 million.*

Table 5. Promoting Safe and Stable Families, Title IV-B, Subpart 2 of the Social Security Act

(Text in *italics* was added or amended by P.L. 109-288.)

Kind of Plan Requirement	Promoting Safe and Stable Families Requirements (Section 432)[a]
Planning services: administration, organization, and coordination	—Provide that the state agency responsible for administering Child Welfare Services (Title IV-B, Subpart 1) will be responsible for administering this program. —To extent feasible, coordinate services provided under this plan with services or benefits offered to same populations under other federal or federally assisted programs.[b] —Provide for administrative methods, as HHS secretary finds necessary, that allow proper and efficient operation of the plan. —Assure that these funds will not supplant federal or non-federal funds for existing services and activities that promote the same purposes as this program. —Spend no more than 10% of program funds on administrative costs.[c] —In designing program, consult with appropriate public and nonprofit private agencies and community-based organizations with experience in administering service programs for children and families. —Set forth goals to be accomplished by end of plan's fifth fiscal year. —Update goals periodically to set goals to be accomplished by the end of each succeeding fifth fiscal year and indicate methods used to measure progress toward accomplishing goals. —Conduct interim review of progress toward meeting goals at the end of each of the first 4 fiscal years covered by a set of goals and, if necessary, revise goals to reflect changed circumstances. —At end of the last fiscal year covered by a 5-year plan, review progress and develop, in consultation with appropriate public and nonprofit private agencies and community-based organizations, a statement of goals intended to be accomplished by the end of the fifth succeeding fiscal year.
Data collection and reporting	—Annually describe for each of the four service areas the: number of service programs to be available in next fiscal year, populations to be served, and geographic areas where services will be available. The annual services report must be sent to HHS before the fiscal year begins and no later than June 30 (e.g. FY2008 report must be submitted by June 30, 2007). The report must be made available to the public. *—No later than June 30 of each year (beginning with June 30, 2007), send to HHS a completed summary form (the CFS 101, parts 1 and 2, or any successor form) that shows, for the upcoming fiscal year, planned child and family services expenditures by the child welfare agency.* *—No later than June 30 of each year (beginning with June 30, 2007), for the most recent preceding year in which actual expenditures are complete, send to HHS a completed summary form (the CFS 101, parts 1 and 2, or any successor form) that shows for that year the state agency's actual expenditures under the Child Welfare Services and Promoting Safe and Stable Families programs (and other programs at state option) and that also reports the number of children and families and the geographic areas served by the state agencies.* —At the end of the last fiscal year of a 5-year plan make a final review of progress toward achieving goals and prepare a report to be sent to HHS (and also made available to the public). —When and as the HHS secretary requires, furnish reports which demonstrate that these funds are not be used to supplant other federal or non-federal funding for existing services and activities that promote the same purposes as this program. —As may be required by the HHS secretary, furnish reports with requested information and participate in evaluations.
Child protections, services and	—Spend at least 90% of program funds on services and dedicate a "significant" portion of this money to each of the program service areas (i.e., family preservation, family support,

Kind of Plan Requirement	Promoting Safe and Stable Families Requirements (Section 432)[a]
programs to be provided	time-limited reunification and adoption promotion and support.) **Note:** HHS policy elsewhere defines "significant" as no less than 20%. —Assure that safety of children served is the paramount concern in administering and conducting services under this program.

Source: Table prepared by Congressional Research Service based on statutory language.

a. Unless otherwise noted all references to titles or sections in this table refer to the Social Security Act.

b. Since the mid-1990s, HHS has required states to submit a 5-year Child and Family Services Plan incorporating assurances and information from a number of child welfare programs; states must also submit annual progress reports. The primary purpose of the plan is to help states integrate their services, however, individual program requirements are retained and separate accounting of funds must be maintained. In addition to this program, child welfare programs required to be included in this plan are CAPTA's basic state grants, Child Welfare Services (under Title IV-B of the Social Security Act) and the Chafee Foster Care Independence Program and Education and Training Vouchers (under Title IV-E of the Social Security Act. The current 5-year plan was due from states June 30, 2004 (for FYs 2005-2009). For more information see the program instruction ACYF-CB-PI-04-01, issued Feb. 2, 2004.

c. The statute does not define "administrative cost" for this program. However, in regulation (45 C.F.R. 1357.32(h)(2)) these are defined as "auxiliary functions" that are allocable to the Promoting Safe and Stable Families program, "necessary to sustain the direct effort involved in administering" the state plan under the program and "centralized in the grantee department" or some other department or agency and "may include but are not limited to the following: procurement, payroll, personnel functions, management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting and auditing."

Foster Care and Adoption Assistance

Table 6 lists requirements under Title IV-E of the Social Security Act related to foster care maintenance payments and adoption assistance. These programs are authorized as open-ended entitlements; states may seek reimbursement for a specified percentage of the foster care maintenance payments, adoption assistance costs, and eligible administrative, training, and data collection costs for all eligible children. *FY2007 appropriations: $6.5 billion (of which $4.5 billion is for foster care and $2.0 billion is for adoption assistance)*.[15]

Table 6. Foster Care and Adoption Assistance, Title IV-E of the Social Security Act

(Terms that appear in **bold face** are defined or described as shown in **Table 8**. Text in *italics* was added or amended by P.L. 109-239, P.L. 109-248 or P.L. 109-432)

Kind of Plan Requirement	Foster Care and Adoption Assistance Requirements (Section 471)[a]
Planning services: administration, organization, and coordination	—Provide that the agency responsible for administering (or supervising administration of) **foster care maintenance payments** and **adoption assistance** is the same agency responsible for administering Child Welfare Services (Title IV-B, Subpart 1). —Make this program plan effective in all political subdivisions of the state and, if administered by them, mandatory for them. —Coordinate local foster care and adoption programs aided under Title IV-E with state and local programs aided under TANF (Title IV-A), Child Welfare Services and Promoting Safe and Stable Families (Title IV-B), the Social Services Block Grant (Title XX), and under any other appropriate provision of federal law.

[15] Because funding for these programs is authorized on an open-ended basis, the appropriated amount represents an *estimate* of federal cost rather than the actual cost. In the most recent year for which expenditure data are available (FY2006), states claimed federal reimbursement of $4.4 billion under the foster care program and $1.8 billion under the adoption assistance program.

Kind of Plan Requirement	Foster Care and Adoption Assistance Requirements (Section 471)[a]
	—Establish and maintain personnel standards on a merit basis, as determined necessary by HHS secretary for efficient and proper operation of the program. (However, HHS secretary does not have authority over selection, tenure or compensation of any employee.)
	—Where appropriate, take steps to receive any child support payment made on behalf of each child receiving foster care maintenance payments under Title IV-E. (This includes cooperating with state agencies administering TANF (Title IV-A) and Child Support Enforcement (Title IV-D)).
	—Have in effect procedures to verify the citizenship or immigration status of any child in foster care (whether or not the child is receiving assistance under Title IV-E).
	—Provide a fair hearing before state agency for any individual whose benefits claim is denied or not acted on with reasonable promptness.
Data collection and reporting	—Make reports containing the information and in the form that the HHS secretary requires and comply with efforts to assure correctness of the reports.[b]
	—Monitor and do periodic evaluations of activities carried out under Title IV-E.
	—At least every 3 years, arrange independent audits of the programs assisted under Title IV-B and Title IV-E.
Policies and procedures to ensure placement options	—Designate state or other authority(ies) to establish and maintain standards for foster family homes and child care institutions. The standards must (1) be reasonably in accord with recommended standards of appropriate national organizations; (2) include standards related to admission policies, safety, sanitation, and protection of civil rights; and (3) be applied by the state to any foster family home or child care institution receiving funds under Title IV-B or Title IV-E.
	—Periodically review standards for foster care family homes and child care institutions to ensure they are still appropriate.
	—Periodically review amounts paid for foster care maintenance or adoption assistance to ensure they are still appropriate.
	—Provide that any state or other agency that receives federal funds and is involved in adoption or foster care placements may not use the race, color or national origin of the adult or child involved as a basis to (1) deny any person the opportunity to become an adoptive parent; or (2) delay or deny the placement of a child for adoption or into foster care.
	—Consider giving preference to an adult relative over a non-related caregiver when determining placement for a child, if the relative caregiver meets all relevant state child protection standards.
	—May not deny or delay child's adoption placement when an approved family is available outside of the jurisdiction responsible for handling the placement. And must grant fair hearing to individual who alleges the state, in violation of this requirement, denied or did not act promptly on a placement.
	—Have procedures for the orderly and timely interstate placement of children that provide that no later than 60 days after receipt from another state of a request to conduct a home study to assess the safety and suitability of a child's placement in the home, the state will conduct and complete the study and send a report to the requesting state addressing the extent to which placement in the home would meet the child's needs. (Completion of any required training program by prospective foster or adoptive parent does not need to be completed within the 60 day time frame and for a limited time—any study begun no later than September 30, 2008—the state may have up to 75 days to complete the home study if it can document certain circumstances beyond its control that delayed completion of the study.) A state that requests such a home study must respond to the report content within 14 days of receiving the report. States are not permitted to impose any restriction on the ability of the state child welfare agency to contract with a private agency to conduct such home studies.

Kind of Plan Requirement	Foster Care and Adoption Assistance Requirements (Section 471)[a]
Child protections, services and programs to be provided Note: "Reasonable efforts" are described in this section. See also **Table 8.**	—Provide **foster care maintenance payments** and **adoption assistance** (in accordance with Sections 472 and 473, respectively). —Develop a **case plan** for each child receiving **foster care maintenance payments** under the state plan and have a **case review system** in place for each such child. —Limit use or disclosure of information concerning individuals assisted under this plan to certain specified purposes. (See Section 471(a)(8).) —Except in specified circumstances, make **reasonable efforts**, to prevent need for a child's removal from home or to make it possible for a child to safely return home. —In determining **reasonable efforts** needed to preserve or reunify a family, make child's health and safety of paramount concern. —**Reasonable efforts** to place a child for adoption or with a legal guardian may be made at the same time as **reasonable efforts** to reunify or preserve family. —If continuing family preservation or reunification efforts is inconsistent with child's **permanency plan**, then **reasonable efforts** must be made to place the child in a timely manner and to finalize permanent placement of the child. —**Reasonable efforts** to preserve or reunite a family are not required if a court has involuntarily terminated the parental rights of the child's parent to a sibling of the child or determined that the child's parent has (1) subjected the child to aggravated circumstances, (which may include abandonment, torture, chronic abuse, sexual abuse, or other circumstances as defined in state law); (2) committed murder or voluntary manslaughter of another child of the parent; (3) aided, abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or (4) committed a felony assault that results in serious bodily injury to the child or another child of the parent. —Court must separately determine that **reasonable efforts** to reunify or preserve a family are not required. If this determination is made, then a permanency hearing must be held within 30 days and **reasonable efforts** shall be made to place the child in a timely manner and to finalize a permanent placement. —Establish specific goals for each fiscal year regarding the maximum number of children who at any time during that year will be in their 25th month (or greater) of foster care and describe steps that will be taken to achieve this goal. —Report (and provide any information on situation it may have) known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is receiving aid under Title IV-B or Title IV-E. Make report to an appropriate agency or official. —Before final approval for placement of *any* foster child conduct criminal records checks of prospective foster and adoptive parents, *including finger-print based checks of national crime information databases (FBI checks)*. If criminal record check reveals a felony conviction of the prospective foster or adoptive parent for child abuse or neglect, abuse of spouse, a crime against children (including child pornography), or for a crime involving violence (including rape, sexual assault, or homicide but not including other physical assault or battery), or if it shows a felony conviction for physical assault, battery, or a drug-related offense that was committed with the past 5 years, then the state may not approve the prospective foster or adoptive parent's home for the placement of a foster child on whose behalf the state intends to claim federal reimbursement under Title IV-E . *These provisions are applicable to all states, except that any state which chose (via letter to HHS or state legislation) to exempt itself from federal criminal record check requirements before October 1, 2005, may continue to opt out of these requirements until October 1, 2008 (when the opt out provision is fully eliminated).* *—Before final approval for placement of any foster child, check any child abuse and neglect registry maintained by the state for information on prospective foster and adoptive parents (as well as any adult living in the home of such a prospective parent) and request any other state where prospective foster or adoptive parent (or co-residing adult) has lived in the past 5 years to check that child abuse and neglect registry as well. Comply with other states' requests to see child abuse and neglect registry information and have in place safeguards to prevent unauthorized*

Kind of Plan Requirement	Foster Care and Adoption Assistance Requirements (Section 471)[a]
	disclosure of child abuse and neglect registry information and to prevent use of information disclosed under this plan requirement for a purpose other than conducting background checks related to foster or adoptive placements. (Effective October 1, 2006.)
	—Develop and implement standards to ensure children in foster care placements with public or private agencies receive quality services that protect safety and health of children.
	—Adequately prepare the prospective foster care parents with appropriate knowledge and skills to meet child's needs before a child is placed in state-supervised foster care. (Preparation will continue, as necessary, after placement of the child.)
	—Provide health insurance coverage for any child with special medical assistance needs who can not be placed for adoption without this health benefit and who is the subject of a non-Title IV-E adoption assistance agreement between state and adoptive parents. (The coverage may be Medicaid or comparable state medical assistance plan and in determining cost-sharing state should consider circumstances of adopting parent(s) and needs of child.)

Source: Table prepared by Congressional Research Service (CRS) based on statutory language.

a. Unless otherwise noted all references to titles or sections in this table refer to the Social Security Act.

b. States are required to submit case level data concerning all children in or adopted out of foster care, whether or not they receive a federal subsidy. (See Section 479(b)and (c) and the *Code of Federal Regulations* 45 C.F.R. §1355.40, Appendices A-E.)

Chafee Foster Care Independence Program and Education and Training Vouchers

Table 7 lists requirements related to funding for foster care independence services authorized under Title IV-E of the Social Security Act.[16] These include a variety of services designed to enable youth who are expected to "age-out" of foster care and those who have recently aged out of foster care to make a successful transition from state foster care custody to independent living. Funds for a wide variety of services to these youth (including education and training) are authorized as a capped entitlement; funds specifically provided for education and training vouchers only are authorized on a discretionary basis. The federal government provides funds under these programs on a matching basis (80% federal share). *FY2007 CFCIP: $140 million; FY2007 vouchers: $46 million*.

Table 7. The Chafee Foster Care Independence Program (CFCIP) and Education and Training Vouchers, under Title IV-E of the Social Security Act

Kind of Plan Requirement	Foster Care Independence Program Requirements (Section 477 (b))[a]
Planning services: administration, organization, and coordination[b]	—Specify which state agency or agencies will administer, supervise, or oversee the programs of this plan.
	—Describe how state will design and deliver programs to achieve the purposes of the foster care independence program.
	—Ensure that all political subdivisions of the state are served by the program (though not necessarily in a uniform manner).
	—Ensure involvement of public and private sectors in helping adolescents in foster care to achieve independence and consult widely with public and private organizations in developing the CFCIP plan.[b]

[16] For more information on these programs see CRS Report RS22501, *Child Welfare: The Chafee Foster Care Independence Program (CFCIP)*, by Adrienne L. Fernandes.

Kind of Plan Requirement	Foster Care Independence Program Requirements (Section 477 (b))[a]
	—Give all interested members of the public at least 30 days to submit comments on the CFCIP plan. —Make every effort to coordinate CFCIP services with other federal and state programs for disabled youth (especially sheltered workshops) and for youth (especially transitional living youth projects funded under the Runaway and Homeless Youth Act), abstinence education, and local housing and school-to work services (offered by high schools or local workforce agencies). —Consult with Indian tribes in the state about programs to be carried out under plan and make effort to coordinate programs with these tribes. —Establish and enforce standards and procedures to prevent fraud and abuse in programs carried out under the plan. —Ensure that no federally allotted money for this program may be spent on room or board costs for child who is not yet 18 years of age and no more than 30% of the allotment may be spent for room or board of children who left foster care at age 18 but are not yet age 21. —Ensure that state has an Education and Training Voucher Program that complies with conditions in Section 477(i).[d] —Describe methods used to ensure that educational assistance offered doesn't exceed maximum allowed and that benefits offered do not duplicate those granted by other federal of federally assisted programs.
Data collection and reporting	—Cooperate in national evaluations of the effects of the programs in achieving the purposes of the federal independent living services.[d]
Child protections, services and programs to be provided	—Design and conduct program to ensure that participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood and that meets other defined purposes, including • identifying children who are likely to remain in foster care until 18 years of age and for those children and youth, offer services related to educational and vocational attainment (including gaining a highschool diploma, preparing for and entering post-secondary schools, career exploration and job placement and retention); life skills (including budgeting and financial management); and substance abuse prevention and health activities (e.g., smoking avoidance, nutrition education and pregnancy prevention); • offering, for children who are aging out of foster care, mentoring services (to provide personal and emotional support and promote interactions with dedicated adults); • making available, for children who have aged out of foster care (generally between ages 18-21) vouchers for education and training, including postsecondary training and education; and appropriate support and services including those related to finances, housing, counseling, employment, education. —Ensure that programs serve children of various ages and at various stages of independence and that assistance and services are offered to children who age out of foster care and who are not yet 21 years of age. —Make benefits and services available to Indian children in the state on the same basis as to other children in the state. —Use objective criteria for determining eligibility for benefits and services under the programs, and to ensure fair and equitable treatment of benefit recipients. —Ensure that adolescents served by this program participate directly in designing their own activities that prepare them for independent living and that they accept personal responsibility for living up to their part of the program. —Use federal training funds paid under federal foster care and adoption assistance to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, and coordinate this training with the independent living program (to extent possible).

Source: Table prepared by Congressional Research Service (CRS) based on statutory language.

a. Unless otherwise noted all references to titles or sections in this table refer to the Social Security Act.

b. States are to develop a 5-year Child and Family Services Plan when applying for these funds. The Chafee Foster Care Independence Program and its associated Education and Training Voucher Program are included in this plan. Other programs that are currently required to be included in the Child and Family Services Plan are CAPTA's basic state grants, and the Child Welfare Services and Promoting Safe Stable Families programs (under Title IV-B of the Social Security Act).

c. The following conditions apply: States may offer vouchers for education or training programs for youth who are eligible for services under the Chafee Foster Care Independence Program and for youth who are were adopted from foster care at age 16 or older. Youth remain eligible for these services until they reach age 21 (or up until age 23 if they are enrolled in the voucher program and are making satisfactory progress in an education and training program on their 21st birthday). The vouchers may be provided for the cost of attendance at an institution of higher education and must not exceed $5,000/ year or the cost of attendance, whichever is less. This voucher assistance may be disregarded when calculating eligibility or benefits under any other federal or federally supported assistance (except that the total amount of educational assistance offered to a youth can't exceed the cost of attendance and the state agency must take steps to prevent duplication of benefits). (The terms "institution of higher education" and "cost of attendance" are defined in the Higher Education Act of 1965, sections 102 and 472, respectively). Finally, the state is required to coordinate the voucher program with other appropriate education and training programs.

d. P.L. 106-169 requires the establishment of a data system to track youth served under this program. In July 2006, the U.S. Department of Health and Human Services (HHS) released a Notice of Proposed Rulemaking (NPRM) that seeks to establish the National Youth in Transition Database. For more information on this NPRM and the proposed database, which would require states to collect case-level data on services provided and outcomes achieved, congressional clients may request a copy of CRS Congressional Distribution Memorandum CD061052 "Notice of Proposed Rulemaking to Implement the Chafee Foster Care Independence Act database," August 28, 2006, by Adrienne Fernandes.

Important Definitions

Table 8 includes definitions critical to understanding state responsibilities to children in its care. Most of these definitions are included in Section 475 of the Social Security Act and apply to both Title IV-E and Title IV-B child welfare programs. For instance, children in state-supervised foster care, who are receiving services under Title IV-B or Title IV-E, must be part of a state operated **case review system** and have their own **case plan**. These, and related terms, are given detailed definition in the statute. Please note that some of the terms included below are defined within the extensive definition given to case review system. They are listed separately in **Table 8** for clarity and ease of reference.

Table 8. Important Definitions in the Social Security Act

(Text in *italics* was added or amended by P.L. 109-239 or P.L. 109-288)

Term	Statutory definition or description[a]
Reasonable efforts Note: This is a *description* of reasonable efforts as it is included in the Title IV-E foster care and adoption assistance plan requirements. There is no formal definition of the term given	—Before a child can be placed in foster care **reasonable efforts** must be made to prevent or eliminate the need for removing the child from the home; after a child is removed **reasonable efforts** must be made to make it possible for a child to return home safely. —In determining **reasonable efforts**, the paramount concern is child's health and safety. —If **reasonable efforts** to preserve or reunite a family are found inconsistent with a child's permanency plan, reasonable efforts must be made to complete the steps necessary to make a timely placement of the child (*including, if appropriate, through an interstate placement*) and to finalize a permanent placement for the child. —**Reasonable efforts** to place a child for adoption or with a legal guardian, *including identifying appropriate in-State and out-of-State placements,* may be made concurrently with reasonable efforts to preserve or reunify the family.

Term	Statutory definition or description[a]
in the statute. The description is included separately for convenient reference.	—**Reasonable efforts** to preserve or reunify the family are *not* required if court has found the parent of a child has (1) subjected the child to aggravated circumstances, which may include abandonment, torture, chronic abuse, and sexual abuse, as defined by state law; (2) had his or her rights to be the parent of a sibling of the child involuntarily terminated; (3) has committed murder or voluntary manslaughter of another child of his or her own; (4) has aided, abetted, attempted or conspired to commit such a murder or voluntary manslaughter; or (5) has committed a felony assault that results in serious bodily injury to the child or another child of the parent. —If court determines that **reasonable efforts** to preserve or reunify a family are not required (based on earlier court finding of parental wrongdoing as described above), a permanency hearing must be held within 30 days and **reasonable efforts** must be made to complete steps necessary to place the child in a timely manner and to finalize a permanent placement. *This permanency hearing must consider in-state and out-of-state placement options for the child.)*
Case plan Section 475(1) and see also Section 475 (5)(A)	A written document that includes, at least, the following: —Description of type of home or institution where child is placed. (Must include discussion of safety and appropriateness of the placement and how the agency responsible for the child plans to carry out the voluntary placement agreement or judicial determination to remove child from home, including making **reasonable efforts** on the child's behalf.)[b] —Plan to assure child receives safe and proper care. —Plan to assure that services are provided to the parents, child, and foster parents to (1) improve conditions in the parents' home; (2) facilitate return of child to his own safe home or the permanent placement of the child; and (3) address the needs of the child while in foster care, including a discussion of appropriateness of services that have been provided to the child under the plan. —Health and education records of the child. (Including *the most recent information available regarding* (1) names and addresses of child's health and educational providers; (2) child's grade level performance and school record; (3) assurance that child's foster care placement takes into account location of school child is enrolled in at the time of placement; (4) record of child's immunizations, known medical problems, and medications; and (5) any other relevant health and education information about the child determined to be appropriate by the state agency.)[c] —If child is age 16 or over (where appropriate), a written description of the programs and services that will help him/her prepare for transition from foster care to independent living. —If child's **permanency plan** is adoption or placement in another permanent home: documentation of steps agency is taking to (1) find an adoptive family or other permanent living arrangement; (2) place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement; and (3) finalize the adoption or legal guardianship. At a minimum documentation must include child specific recruitment efforts (e.g., use of state, regional, and national adoption exchanges, including electronic exchange systems) *to facilitate orderly and timely in-state and interstate placements*. —If a child is placed in a foster family or child care institution a substantial distance from his/her parents (or in another state than his/her home state), must give reasons why this placement is in the best interest of the child. —If child is placed in foster care out-of-state, at least once every *6 months* a caseworker must visit the child in this placement and submit a report of the visit to the state agency where the child's parent's live. The caseworker may be employed by the agency of the state where the parent's reside, the agency of the state where the child now resides *or be employed by a private agency under contract with either state agency.*
Case review system	Procedure for assuring that —Each child has a **case plan** designed to achieve placement in a safe setting. The setting must be the least restrictive (most family-like), most appropriate setting available, and in

Term	Statutory definition or description[a]
Section 475 (5)	close proximity to the parents' home (consistent with best interest and special needs of child). (See additional **case plan** requirements in definition above). —Status of child is reviewed at least every 6 months by either a court or by **administrative review** to determine (1) safety of child; (2) continued need or appropriateness of placement; (3) extent of compliance with the **case plan**; (4) extent of progress made toward alleviating or mitigating the causes that made foster care placement necessary; and (5) to project a likely date by which the child may be safely returned home or placed for adoption or legal guardianship. —Each child in state-supervised foster care receives a permanency hearing, no later than 12 months after **date child enters foster care**, to determine the child's ***permanency plan***. After this initial hearing, a permanency hearing must be held at least once every 12 months for as long as the child remains in foster care. (See further description of ***permanency plan*** and ***permanency hearing*** below.) —Parental rights, pertaining to (1) removal of child from home of his/her parents; (2) a change in the child's placement; and (3) any determination affecting parents' visiting privileges, are safeguarded. —Child's health and education record is reviewed, updated and *a copy of the record is* supplied to the foster parent or care provider at the time (and each time) child is placed *and is supplied to the child (at no cost) at the time he/she leaves foster care because of reaching the state age of majority* (*"ages out"*). —Unless certain ***exceptions*** apply (see description below), if child has been in state-supervised foster care for 15 of the past 22 months the state must file a petition to terminate parental rights of child's parents (or seek to join any already filed petition) and, at the same time, to identify, recruit, process, and approve a qualified family for adoption. —Unless certain ***exceptions*** apply (see description below), if a court of competent jurisdiction has determined a child to be an abandoned infant or has determined that the parent has (1) committed murder or voluntary manslaughter of another child of the parent, (2) aided, abetted, conspired, attempted, or solicited to commit such a murder or voluntary manslaughter; or (3) committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent, the state must file a petition to terminate parental rights of child's parents and, at the same time, to identify, recruit, process, and approve a qualified family for adoption. —A child's foster parents, any pre-adoptive parent, or a relative care-giver, receive notice of *and a right to be heard* in any review or *proceeding* held with respect to the child. However, state is not required to allow this person(s) to be made a party to such a review or *proceeding*.[d]
Exceptions *to mandated filing for termination of parental rights* Described within definition of case review system. See Section 475(5)(E)(i-iii).	—Child is being cared for by relative (state option). —State agency has documented in the child's case plan, which is available for court review, a compelling reason that filing for termination of parental rights would not be in child's best interest. —State has not provided the family of the child, timely services, consistent with case plan, that the state deems necessary for safe return of child to child's home. (This exception applies only if **reasonable efforts** to reunite the family are required.)
Permanency plan Described within definition of case review system. See Section 475 (5)(C)	Includes whether and, if applicable when, child will be (1) returned to the parent; (2) placed for adoption and the state will petition for termination of parental rights; (3) referred for legal guardianship; or (4) placed in another planned permanent living arrangement." (The last option may only be used as a permanency plan when the state child welfare agency has documented to the court a compelling reason that it would not be in the best interest of the child to pursue one of the other three permanency options or for the child to be placed with a "fit and willing relative.")

Term	Statutory definition or description[a]
Permanency hearing Described within definition of case review system. See Section 475(5)(C)	—Must occur no less frequently than ever 12 months (during the time a child is in foster care) (see definition of **case review system** above). —Are to be held in family, juvenile, tribal or another court of competent jurisdiction or by administrative body appointed by the court. —Must determine the ***permanency plan*** for the child. (See description above.) *—If **permanency plan** indicates a child will not be returned to his/her parents, must consider in-state and out-of-state placement options.* —If child is placed in foster care outside the state where his/her parents live, must determine if this out-of-state placement continues to be appropriate and in the child's best interest. —If child is age 16 or older, must determine services needed to assist child to make transition from foster care to independent living. *—Procedural safeguards must be applied to ensure that the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child.*
Date child enters foster care Described within definition of case review system. See Section 475(5)(F)	—Whichever is earlier: (1) date of first judicial finding that the child had been subjected to maltreatment; or (2) 60 days after date the child is removed from the home.
Administrative review Section 475 (6)	—Open to the participation of the parents of the child and conducted by a panel of appropriate persons (at least one of whom is not responsible for the case management of, or the delivery of services to either the child or the parents who are the subject of the review).
Foster care maintenance payment Section 475(4)	—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, and reasonable travel to the child's home for visitation. —In the case of institutional care, payment must include the reasonable costs of administration and operation of the institution that are necessary to provide the items listed. —If a foster care maintenance payment is being made on behalf of a child who is also a parent and the parent and child are living in the same home or institution, the payment must cover costs (for the listed items) for both children.
Adoption assistance agreement Section 475(3)	—A written and binding agreement between the state agency, other relevant agencies and the prospective adoptive parents of a minor child. —Must specify the nature and amount of any payments, services and assistance to be provided under the agreement. —Must stipulate that the agreement remains in effect regardless of the state where the adoptive parents are living at a given time. —Must make provisions for the protection (under an interstate compact approved by the HHS secretary or otherwise) of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is effective.
Parents (Section 475 (2)	—Biological or adoptive parents or legal guardians, as determined by applicable state law.
Legal guardianship Section 475(7)	—Judicially created relationship between child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: (1) protection; (2) education; (3) care and control of the person; (4) custody of the person; and (5) decision making.

Legal guardian Section 475(7)	—The caretaker in a legal guardianship.

Source: Table prepared by Congressional Research Service (CRS) based on statutory language.

a. Unless otherwise noted, all references to titles or sections in this table refer to the Social Security Act.

b. The continued statutory link here to the "reasonable efforts" requirement is presumed. However, it appears to have been lost because of other changes made to Title IV-E by P.L. 109-171. A conforming amendment may be necessary.

c. P.L. 109-239 deleted the qualifying phrase "to the extent available and accessible" from this requirement, strengthening the requirement that the case plan include health and education records.

d. P.L. 109-239 further amended the Court Improvement Program (CIP, Section 438 of the Social Security Act) to require state *highest courts* that receiving funding under the CIP to have in effect a rule requiring state courts to ensure that foster parents, pre-adoptive parents, and relative care-givers of a child in foster care (under the responsibility of the state) are notified of any proceeding to be held with respect to the child.

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