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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 for general child welfare services, as well as adoption assistance, foster care, the Promoting Safe and Stable Families Program and Chafee Foster Care Independence Program, is included in Title IV-B and IV-E of the Social Security Act. Under the Child Abuse Prevention and Treatment Act (CAPTA), states also receive funds to strengthen child protective services, develop networks of statewide community-based, prevention focused family resource and support programs, and improve handling, investigation and prosecution of child maltreatment cases.

This report categorizes and describes state program requirements linked to these federally funded child welfare programs and includes a list of important related definitions from the Social Security Act. It will be updated as significant program requirement changes are enacted.

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Child Welfare: Federal Program Requirements for States

Introduction

Child welfare programs are intended to prevent child abuse and neglect and to protect and improve the lives of children who have experienced maltreatment. Under the U.S. Constitution, 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.

In FY2002 the federal government appropriated more than \$7 billion to fund child welfare services administered, primarily, by states.¹ These federal dollars help to provide child protective services; family preservation, reunification, and support services; improvements in handling of child-welfare-related court proceedings; adoption promotion and services and adoption assistance for special needs children; foster care; and independent living services for foster care youths.

Federal funds for child welfare are offered to states through a complex array of funding options and in some cases require matching funds from state or other non-federal sources.² In all cases, and regardless of the amount of money provided, states must meet a set of program requirements in order to receive federal funds. Viewed together these statutory program requirements comprise federal child welfare policy.

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 categorize basic concerns of federal child welfare policy and to better understand what is required of states. The kind/subject divisions used are:

¹ In FY2002 close to \$100 million in funds for child welfare related research and demonstration projects, training, technical assistance, and services were awarded directly to public and private service providers and research organizations. Most of this money was administered by the Department of Health and Human Services (HHS) but some funds, especially those related to child abuse prevention, treatment, investigation or prosecution, were administered by the Department of Justice.

² For a discussion of the financing structure of federal child welfare programs, see CRS Report RL31082, *Child Welfare Financing: Issues and Options*, by Karen Spar and Christine Devere.

- *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 or with what other programs it must be coordinated).
- *Data Collection and Reporting* – requirements specifying nature of data to be collected and/or reported to the federal government, and those related to cooperation with program evaluations or audits.
- *Policies and Procedures to Ensure 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 seven federally funded child welfare programs within these kind/subject divisions. Three of these programs are under the Child Abuse Prevention and Treatment Act (CAPTA): Basic State Grants, Community-Based Family Resource and Support Grants, and Children’s Justice Act Grants. The remaining four programs are a part of the Social Security Act: Child Welfare Services, the Promoting Safe and Stable Families Program, Foster Care and Adoption Assistance, and the John Chafee Foster Care Independence Program.

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 Family Resource and Support Grants are administered by the U.S. Department of Health and Human Services (HHS). 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 Family Resource and Support Grants 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.

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. No non-federal matching funds are required. *FY2002 funding: \$22 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
<p><i>Planning services: administration, organization, and coordination</i></p>	<ul style="list-style-type: none"> • Outline activities state intends to do to improve its system of child protective services. • Describe services to be provided to address child abuse and neglect.^b • 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. • 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 funded under Title IV-B of the Social Security Act, and related to child maltreatment, comply with CAPTA state plan requirements. • 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. • Maintain a state law or statewide program that– <ul style="list-style-type: none"> ▶ Grants immunity from prosecution (under state and local laws) 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

Kind of plan requirement	CAPTA Basic State Grant Requirements (Section 106) ^a
<p><i>Planning services: administration, organization, and coordination</i> (continued)</p>	<p>findings of child maltreatment.</p> <ul style="list-style-type: none"> ▶ 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. ▶ Establishes at least three citizen review panels (or at least one if state receives the minimum allotment of \$175,000) to evaluate whether state and local agencies effectively provide child protective services. 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); annually prepare and make available a report summarizing panel activities; and may request staff assistance to fulfill its duties.
<p><i>Data collection and reporting</i></p>	<ul style="list-style-type: none"> • Work with HHS secretary to annually provide, to maximum extent feasible, a report including state data for the year that shows the time it took to begin initial investigation of each case of reported child maltreatment, and to provide services to families where maltreatment is alleged, as well as number of: <ul style="list-style-type: none"> ▶ 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); ▶ 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

Kind of plan requirement	CAPTA Basic State Grant Requirements (Section 106)^a
<i>Data collection and reporting</i> (continued)	<p>child maltreatment report (including those who die from this maltreatment);</p> <ul style="list-style-type: none"> ▶ children who had a court-appointed representative and the average number of court contacts between the child and the representative. <ul style="list-style-type: none"> • Provide notice to the HHS secretary of any substantive changes to state law relating to prevention of child abuse and neglect that may affect state eligibility for this grant.
<i>Child protections, services and programs to be provided</i>	<ul style="list-style-type: none"> • Maintain a state law or statewide program that– <ul style="list-style-type: none"> ▶ Provides for reporting of known and suspected instances of child maltreatment; immediate screening, safety assessment and prompt investigation of such reports; and 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. ▶ Provides for 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). ▶ Preserves confidentiality of all records (to protect the rights of the child and the child’s parents or guardians) and limits access to 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. ▶ In each case of child maltreatment involving judicial proceedings, appoints a guardian ad litem and/or court-appointed special advocate to represent the child and to 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^c to the child or another child of the parent. ▶ Assures that if parent is convicted of one of these 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

Kind of plan requirement	CAPTA Basic State Grant Requirements (Section 106) ^a
<i>Child protections, services and programs to be provided</i> (continued)	<p>rights).</p> <ul style="list-style-type: none"> ▶ Provides procedures to expedite termination of parental rights in the case of an abandoned infant (as determined by state law). • Assure procedures are in place to respond to reports of medical neglect (including 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 those parts of the Child Abuse Prevention and Treatment Act.

^b 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.”

^c 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. These grants are funded by a set-aside from the Crime Victims’ Fund.³ Grants are made to help states improve the handling, investigation and prosecution of child abuse and neglect cases, particularly those involving child sexual abuse and exploitation, and also to improve the handling of cases of suspected child maltreatment related fatalities. No non-federal matching funds are required. *FY2002 funding: \$20 million.*

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 (Section 107) ^a
<p><i>Planning services: administration, organizations and coordination</i></p>	<ul style="list-style-type: none"> • 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 from law enforcement, child protective service agencies and parents groups, judges, attorneys, child advocates, health and mental health professionals, and individuals experienced in working with children with disabilities. • 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

³ The Crime Victims’ Fund does not receive money out of general revenues but instead is supported by collection of 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 104 of the Child Abuse Prevention and Enforcement Act of 2000, P.L. 106-177.)

Kind of plan requirement	Children’s Justice Act Grant Requirements (Section 107) ^a
<i>Planning services: administration, organizations and coordination (continued)</i>	an alternative plan to achieve the same purposes or is making substantial progress toward adopting task force recommendations or comparable alternative.)
<i>Data collection and reporting</i>	<ul style="list-style-type: none"> • 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, with special focus on development and operation of programs to improve the handling, investigation and prosecution of child maltreatment cases (particularly those that involve child sexual abuse and exploitation), and to improve handling of cases of suspected child abuse and neglect related fatalities.
<i>Child protections, services and programs to be provided</i>	<ul style="list-style-type: none"> • 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 those parts of the Child Abuse Prevention and Treatment Act.

Community-Based Family Resource and Support Grants. Table 3 shows requirements related to CAPTA’s Community-Based Family Resource and Support Grants. Title II of CAPTA authorizes grants for states to develop a network of community-based, prevention-focused family resource and support programs. States do not necessarily administer this money directly but must designate a lead entity to do so. 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 leveraged for use by the lead entity. *FY2002 funding: \$33.4 million.*

Table 3. Community-Based Family Resource and Support Grants, Title II of the Child Abuse Prevention and Treatment Act (CAPTA)

Kind of plan requirement ^a	Community-Based Family Resource and Support Grants (Title II) ^b
<p><i>Planning Services: administration, organization, and coordination</i></p> <p>Section 202 <i>Eligibility;</i> Section 205 <i>Application</i> Section 206 <i>Local Program Requirements</i></p>	<ul style="list-style-type: none"> • Designate a public or private nonprofit lead entity to administer funds.^c • Assure that the lead entity provides or is responsible for providing– <ul style="list-style-type: none"> ▶ a network of community-based family resource and support programs composed of local, public-private partnerships that are organized to receive direction from interdisciplinary groups with balanced representation (including parents, members of the private and public sector, service providers from the public and private nonprofit sectors, and individuals and groups experienced in working with families that have disabled children); ▶ direction to this network through a public-private structure that is interdisciplinary, collaborative and has balanced representation (including members of the private and public sector, parents, and service providers from the public and private nonprofit sectors); ▶ direction and oversight of this network through identified goals and objectives, clear lines of communication and accountability, and provision of funding (leveraged or from combined federal, state and private sources), centralized assessment and planning activities, training and technical assistance, and reporting and evaluation functions. • Assure that the lead entity– <ul style="list-style-type: none"> ▶ has a demonstrated commitment to parent participation in the development, operation, and oversight of the statewide network of family resource and support programs; ▶ 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

Kind of plan requirement ^a	Community-Based Family Resource and Support Grants (Title II) ^b
<p><i>Planning Services: administration, organization, and coordination</i> (continued)</p>	<p>and programmatic) and training and technical assistance to the network of family resource and support programs;</p> <ul style="list-style-type: none"> ▶ will integrate its efforts with individuals and organizations experienced in working with disabilities and with child abuse and neglect prevention activities of the state and will demonstrate a financial commitment to those activities. <ul style="list-style-type: none"> • Make an application for this grant that includes– <ul style="list-style-type: none"> ▶ a description of the designated lead entity; ▶ a description of how the statewide network of family resource and support programs will operate and how the services provided will be integrated to develop a continuum of family-centered, holistic, preventive services for children and families; ▶ assurance that an inventory of current family resource programs and services and child maltreatment prevention activities available in the state, along with description of unmet needs, will be provided; ▶ a budget for the statewide network of family resource and support programs and verification that the state will spend non-federal dollars, in an amount at least equal to 20% of federal program money, to support this network; ▶ assurance that federal funds received will supplement, not supplant, other non-federal funds designated for the statewide family resource and support programs; ▶ assurance of meaningful involvement of parents who use the family resource and support network and who can provide leadership in the planning, implementation and evaluation of the programs and policy decisions of the applicant agency to accomplish desired outcomes; ▶ a description of the criteria that the lead entity will use to develop, or select and fund, individual family resource or support programs; ▶ a description of the outreach activities that the lead entity (and the programs 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 [from the lead entity] that provides for operational support, training and technical assistance to family resource and support programs to develop, operate,

Kind of plan requirement ^a	Community-Based Family Resource and Support Grants (Title II) ^b
<p><i>Planning Services: administration, organization, and coordination</i> (continued)</p>	<p>expand or enhance the programs;</p> <ul style="list-style-type: none"> ▶ a description of how the activities of the [lead] entity and those of the network and network members 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 family resource and support programs; and ▶ assurance that the HHS secretary will be furnished with reports, containing the required information, when requested. <ul style="list-style-type: none"> • Local programs that receive grant money under this program are required to– <ul style="list-style-type: none"> ▶ 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; ▶ participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the statewide network. • 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.

Kind of plan requirement ^a	Community-Based Family Resource and Support Grants (Title II) ^b
<p><i>Data collection and reporting</i></p> <p>Section 205(13) Application Section 207 Performance Measures</p>	<ul style="list-style-type: none"> • Make reports to the HHS secretary that– <ul style="list-style-type: none"> ▶ demonstrate the effective development, operation, and expansion of a statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this grant program; ▶ supply an inventory and description of the services provided to families by local programs that meet identified community needs (including core and optional services); ▶ demonstrate the establishment of new respite care and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the required inventory and description of current services; ▶ describe the number of families served (including families with children 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 the individual community-based family resource and support programs that are a part of the statewide network; ▶ demonstrate a high level of satisfaction among families who have used the services of the family resource and support programs; ▶ 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 the statewide network of family resource and support programs; ▶ 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 family resource and support programs.

Kind of plan requirement ^a	Community-Based Family Resource and Support Grants (Title II) ^b
<p><i>Child protections, services, and programs to be provided</i></p> <p>Section 206(a)(3) <i>Local Program Requirements.</i> (See also Section 209(3) <i>Definitions</i>)</p>	<ul style="list-style-type: none"> • Local programs that receive grant money under this program are required to provide <i>core</i> family resource and support services which are– <ul style="list-style-type: none"> ▶ parent education, support and leadership services, and services to help parents learn about child development and to respond appropriately to the behavior of their children. (These services are to include relationships between parents and professionals that are based on equality and respect.); ▶ services that help parents become resources to each other (such as mutual support and parent self-help groups); ▶ outreach services, provided through voluntary home visits and other methods, to assist parents in becoming aware of and able to participate in family resources and support program activities; ▶ community and social services to assist families in obtaining community resources; ▶ follow-up services; and ▶ all forms of respite care (may be provided by contract or arrangement with other local agencies). • Local programs that receive grant money under this program are required to provide access to <i>optional</i> services (directly or by contracts, purchase of service or interagency agreement). Optional services include– <ul style="list-style-type: none"> ▶ child care, early childhood development and intervention services; ▶ child abuse and neglect prevention activities; ▶ peer counseling; ▶ help lines; ▶ community and social service referral services; and referrals to– <ul style="list-style-type: none"> ▶ 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;

Kind of plan requirement ^a	Community-Based Family Resource and Support Grants (Title II) ^b
<i>Child protections, services, and programs to be provided</i> (continued)	<ul style="list-style-type: none"> ▶ services providing job readiness skills; ▶ education services (such as tutoring, literacy training, and GED programs); ▶ self sufficiency and life management skills training; ▶ substance abuse counseling and treatment.

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

^a References to sections or titles in this table refer to those parts of the Child Abuse Prevention and Treatment Act (CAPTA).

^b The Community-Based Family Resource and Support Program (Title II, 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 child welfare services which are broadly defined as: services that protect and promote the welfare of all children, seek to prevent or remedy problems associated with child maltreatment or delinquency, help maintain children with biological parents when possible, and place children for adoption or in other appropriate care where reunifications or continued care with biological parent(s) is not possible or appropriate. (See full definition in Section 425 of the Social Security Act.) *FY2002 funding: \$292 million.*

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

(Terms that appear in **bold face** are defined in Table 8.)

Kind of plan requirement	Child Welfare Services Requirements (Section 422) ^a
<p><i>Planning services: administration, organization, and coordination</i></p>	<ul style="list-style-type: none"> • 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 • To best promote child and family welfare, 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. • Train and use paid para-professional staff in administering the plan (especially low income persons, on a full or part-time basis, as community service aides) and use unpaid or partially paid volunteers to provide services and assist in any advisory committees established by the state agency. • Describe services and the geographic areas where they are available. • Describe steps taken to provide child welfare services, cover new areas, expand and strengthen services, and develop new services. • Describe child welfare staff development and training plans. • Use facilities and experience of voluntary agencies to develop services for children.

Kind of plan requirement	Child Welfare Services Requirements (Section 422)^a
<i>Planning services: administration, organization, and coordination</i> (continued)	<ul style="list-style-type: none"> • Describe activities undertaken, including provision of adoption and post-adoption services, for children adopted from other countries. • Apply SSBG child day care standards and requirements (except for eligibility) to day care offered as a child welfare service.
<i>Data collection and reporting</i>	<ul style="list-style-type: none"> • 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.
<i>Policies and procedures to ensure placement options</i>	<ul style="list-style-type: none"> • Develop plans for use of cross-jurisdictional resources 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. • After consulting with tribal organizations in the state, describe specific measures taken to comply with the Indian Child Welfare Act. • Review state policies and administrative and judicial procedures in effect for children who are abandoned at or soon after birth (including legal representation) and implement those that allow swift decisions about permanent placement of abandoned infants.
<i>Child protections, services and programs to be provided</i>	<ul style="list-style-type: none"> • 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 guardian) or, if these options aren’t appropriate, in another planned permanent living arrangement. • 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. • Maintain complete inventory of children in state-supervised foster care for 6 months or more to determine: 1) appropriateness/need of foster care placement; 2) if child should be reunited with parent, freed for adoption, or given another permanent placement; and 3) services necessary to allow child to

Kind of plan requirement	Child Welfare Services Requirements (Section 422) ^a
<i>Child protections, services and programs to be provided</i> (continued)	<p>reunite with parents, or be placed for adoption or legal guardianship.</p> <ul style="list-style-type: none"> • 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.

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

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. *FY2002 funding: \$375 million.*

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

Kind of plan requirement	Promoting Safe and Stable Families Requirements (Section 432) ^a
<p><i>Planning services: administration, organization, and coordination</i></p>	<ul style="list-style-type: none"> • 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. • Provide for administrative methods, as HHS secretary finds necessary, that allow proper and efficient operation of the plan. • Do not allow Promoting Safe and Stable Families program funds to 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. • 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. Add this statement to plan. • The HHS secretary can exempt a plan submitted by an Indian tribe from any plan requirement the Secretary deems

Kind of plan requirement	Promoting Safe and Stable Families Requirements (Section 432)^a
<i>Planning services: administration, organization, and coordination</i> (continued)	inappropriate (taking into account resources, needs and other circumstances of the Indian tribe.) However, tribes who would be allotted less than \$10,000 may not receive this grant money solely on the basis of this exemption.
<i>Data collection and reporting</i>	<ul style="list-style-type: none"> • Annually describe for each of the four service areas: 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 by end of the third quarter of fiscal year described (and must be available to public). • 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, demonstrate that Promoting Safe and Stable Families 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.
<i>Child protections, services and programs to be provided</i>	<ul style="list-style-type: none"> • 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, time-limited reunification and adoption promotion and support.) Note: HHS policy elsewhere defines “significant” as no less than 20%. • Make safety of children served 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.

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. This is an open-ended entitlement that authorizes the federal government to reimburse a certain percentage of state’s foster care maintenance payments, adoption assistance costs, and administrative, training, and data collection costs related to care of eligible children. *Estimated FY2002 federal spending: \$6.48 billion.*

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

(Terms that appear in **bold face** are defined in **Table 8**)

Kind of plan requirement	Foster Care and Adoption Assistance Requirements (Section 471) ^a
<p><i>Planning services: administration, organization, and coordination</i></p>	<ul style="list-style-type: none"> • 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 on 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. • 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.) • At least every 3 years, arrange independent audits of the programs assisted under Title IV-B and Title IV-E. • 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)). • Limit use or disclosure of information concerning individuals assisted under this plan to certain specified purposes. (See Section 471(a)(8).) • Provide a fair hearing before state agency for any individual whose benefits claim is denied or not acted on with reasonable promptness.

Kind of plan requirement	Foster Care and Adoption Assistance Requirements (Section 471) ^a
<i>Data collection and reporting</i>	<ul style="list-style-type: none"> • Make reports containing the information and in the form that the HHS secretary requires and comply with efforts to assure correctness of the reports. • Monitor and do periodic evaluations of activities carried out under Title IV-E.
<i>Policies and procedures to ensure placement options</i>	<ul style="list-style-type: none"> • 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. • 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. Grant fair hearing to individual who alleges the state, in violation of this requirement, denied or did not act promptly on a placement.
<i>Child protections, services and programs to be provided</i> Note: "Reasonable efforts" are described in this section of the law. For	<ul style="list-style-type: none"> • Provide foster care maintenance payments and adoption assistance. • 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. • Except in specified [rare] circumstances, make <i>reasonable efforts</i>, to prevent need for a child's removal from home or to make it possible for a child to safely return home.

Kind of plan requirement	Foster Care and Adoption Assistance Requirements (Section 471) ^a
<p>reference, see also Table 8.</p> <p><i>Child protections, services and programs to be provided</i> (continued)</p>	<ul style="list-style-type: none"> • In determining <i>reasonable efforts</i> needed to preserve or reunify a family, make child’s health and safety of paramount concern. • <i>Reasonable efforts</i> to place a child for adoption or with a legal guardian may be made at the same time as <i>reasonable efforts</i> to reunify or preserve family. • If continuing family preservation or reunification efforts is inconsistent with child’s permanency plan, then <i>reasonable efforts</i> must be made to place the child in a timely manner and to finalize permanent placement of the child. • <i>Reasonable efforts</i> 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 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 <i>reasonable efforts</i> 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 <i>reasonable efforts</i> 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. • Do specified criminal background records checks of any prospective foster and adoptive parents before final approval for placement of a child receiving foster care maintenance or adoption assistance under Title IV-E, (unless the state opts out of this requirement via state law or a letter from the governor to the HHS secretary).

Kind of plan requirement	Foster Care and Adoption Assistance Requirements (Section 471) ^a
<i>Child protections, services and programs to be provided</i> (continued)	<ul style="list-style-type: none"> • 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.

Chafee Foster Care Independence Program. Table 7 lists requirements related to funding for foster care independence services authorized under Title IV-E of the Social Security Act. The program is a capped entitlement and authorizes matching grants to states (80% federal share) for activities designed to improve the transition of older foster care youths (and those who have recently aged out of the foster care system) to independent living. *FY2002 funding: \$140 million.*

Table 7. The Chafee Foster Care Independence Program under the Social Security Act

Kind of plan requirement	Foster Care Independence Program Requirements (Section 477 (b)) ^a
<p><i>Planning services: administration, organization, and coordination</i></p>	<ul style="list-style-type: none"> • 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 Independent Living plan. • Give all interested members of the public at least 30 days to submit comments on the Independent Living plan. • Make every effort to coordinate Independent Living programs with other federal and state programs for abstinence education, local housing, school-to work (offered by high schools or local workforce agencies), youth (especially transitional living youth projects funded under Title III-B of the Juvenile Justice and Delinquency Prevention Act of 1974), and disabled youth (especially sheltered workshops). • 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 isn't 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.

Kind of plan requirement	Foster Care Independence Program Requirements (Section 477 (b))^a
<i>Data collection and reporting</i>	<ul style="list-style-type: none"> • Cooperate in national evaluations of the effects of the programs in achieving the purposes of the federal independent living program.
<i>Child protections, services and programs to be provided</i>	<ul style="list-style-type: none"> • Design and conduct program to meet defined purposes, including: 1) identifying children likely to remain in foster care until 18 years of age and offering them services related to educational and vocational attainment, life skills, substance abuse prevention and health activities (e.g., smoking avoidance, nutrition education and pregnancy prevention); 2) mentoring services and promotion of interaction with dedicated adults to provide personal and emotional support for children aging out of foster care; and 3) financial, housing, counseling, employment, education and other appropriate support services for former foster care recipients between 18-21 years of age. • Provide assistance and services to children who age out of foster care (at 18 years of age) and who are not yet 21 years of age. • Ensure that programs serve children of various ages and at various stages of independence. • 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.

Important Definitions. Table 8 includes definitions critical to understanding state responsibilities to children in its care. These definitions are included in Section 475 of the Social Security Act.⁴ 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 in Table 8 as separate terms for clarity and ease of reference.*

Table 8. Important Definitions in the Social Security Act

Term	Statutory definition
<p><i>Case review system</i> Section 475 (5)</p>	<p>Procedure for assuring that –</p> <ul style="list-style-type: none"> • 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 close proximity to the parents’ home (consistent with best interest and special needs of child). (Case plan must meet additional requirements; see separate definition.) • 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) continuing need or appropriateness of placement; 3) extent of compliance with the case plan; 4) extent of progress made toward removing or reducing causes that necessitated foster care placement; 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. (Permanency hearings are held in family, juvenile, tribal or other court of competent jurisdiction or by administrative body appointed by the court.) • 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 supplied to the foster parent or care provider at the time (and each time) child is placed.

⁴ Unless otherwise noted all references to titles or sections in this table refer to the Social Security Act

Term	Statutory definition
<p><i>Case review system</i> (continued)</p>	<ul style="list-style-type: none"> • Unless certain exceptions apply, if child has been in state-supervised foster care for 15 of past 22 months 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. • Unless certain exceptions apply, 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. • If child has foster parents, any preadoptive parent, or a relative caregiver, that person(s) receives notice of and opportunity to be heard in any review or hearing 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 hearing.
<p><i>Exceptions to mandated filing for termination of parental rights</i> Section 475(5)(E)(i-iii).</p>	<ul style="list-style-type: none"> • 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 <i>reasonable efforts</i> to reunify the family are required.)

Term	Statutory definition
<p><i>Permanency plan</i> See Section 475 (5)(C)</p>	<ul style="list-style-type: none"> • 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. • Placement in “another planned permanent living arrangement” may only be used as an option when the state child welfare agency has documented to the state 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.” • If child is placed in foster care outside the state where his/her parents live, plan must determine if this out-of-state placement continues to be in child’s best interest. • If child is age 16 or older, plan must determine services needed to assist child to make transition from foster care to independent living.
<p><i>Date child enters foster care</i> Section 475(5)(F)</p>	<p>Whichever is earlier:</p> <ul style="list-style-type: none"> • date of first judicial finding that the child had been subjected to maltreatment; or • 60 days after date the child is removed from the home.
<p><i>Case plan</i> Section 475(1) and see also Section 475 (5)(A)</p>	<p>A written document that includes, at least, the following:</p> <ul style="list-style-type: none"> • Description of type of home or institution where child is placed. (Must include discussion of safety and appropriateness of the placement and how agency responsible plans to carry out the voluntary placement agreement or judicial determination to remove child from home.) • 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; 3) address the needs of the child while in foster care. (Must include a discussion of appropriateness of services that have been provided to the child under the plan.) • Health and education records of the child (to extent available and accessible). (Include names and addresses of child’s health and educational providers; child’s grade level performance and school record; assurance that child’s foster care placement takes into account location of school child is enrolled in at the time of placement; record of child’s immunizations, known medical problems, and medications; any other relevant health and

Term	Statutory definition
<p><i>Case plan</i> (continued)</p>	<p>education information about the child determined to be appropriate by the state agency.)</p> <ul style="list-style-type: none"> • 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). • 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 12 months a caseworker from the parent's home state or from state where child now resides 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.
<p><i>Administrative review</i> Section 475 (6)</p>	<ul style="list-style-type: none"> • 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).
<p><i>Foster care maintenance payment</i> Section 475(4)</p>	<ul style="list-style-type: none"> • 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.

Term	Statutory definition
<i>Adoption assistance agreement</i> Section 475(3)	<ul style="list-style-type: none">• 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.

Term	Statutory description, Section 471(a)(15)
<p>Reasonable efforts</p> <p>Note: This is a <i>description</i> 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 in the statute. The description is included separately in this table for convenient reference.</p>	<p>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.</p> <ul style="list-style-type: none"> • In determining reasonable efforts, the paramount concern is child’s health and safety. • If reasonable efforts to preserve or reunify a family are found inconsistent with a child’s permanency plan, reasonable efforts must be made to complete whatever steps are necessary to make a timely placement of the child and to finalize a permanent placement for the child. • Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to preserve or reunify the family. • Reasonable efforts to preserve or reunify the family are <i>not</i> 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.

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