

APPENDIX E: SIGNIFICANT FEDERAL FOSTER CARE STATUTES¹

Foster Care and Adoption Assistance

Social Security Act Title IV-A – 1961²

1961 PL 87-64
42 U.S.C. § 608³

Title IV-A included federal funding for foster care maintenance payments as part of the AFDC program. The foster care program was moved into Title IV-E in 1980.

The Adoption Assistance and Child Welfare Act of 1980

P. L. 96-272
42 USC §§ 620, *et seq.* and 670, *et seq.*

The Adoption Assistance and Child Welfare Act (AACWA), also known as P.L. 96-272, created the Title IV-E program to fund foster care and adoption assistance. It also implemented major foster care reforms, such as the requirement that states make reasonable efforts to prevent foster care placement, and reunite families when children are removed and federal mandates for individual case plans, case reviews, and procedural protections for children and parents.

Adoption and Safe Families Act (ASFA) – 1996

P.L. 105-89⁴
42 U.S.C. §§ 620, 653, 670, *et seq.*, 1320a, 5111

ASFA amended P.L. 96-272 and CAPTA to, among other things, emphasize child safety, reduce the time to termination of parental rights in certain situations, and provide fiscal incentives for states that increase adoption of children from foster care. ASFA regulations also clarified that foster care placements with relatives have to meet the same standards as other foster care placements.

Independent Living and Transition Services

The Federal Independent Living Program (ILP) – 1986

P.L. 99-272
42 U.S.C. § 677

¹ The California Department of Social Services developed a chronology of child welfare services policy milestones. <http://www.dss.cahwnet.gov/cdssweb/res/pdf/Chronology.pdf>. The United States Department of Health and Human Services Administration for Children and Families created an index of federal child welfare laws. <http://naic.acf.hhs.gov/general/legal/federal/federalchildlaws.cfm>

² Dates indicate the date the act was passed. Many of these statutes have been amended since original passage.

³ Amended in 1980. See, P.L. 96-272 *infra*.

⁴ Amended 1996 P.L. 104-193, 1999 P.L. 105-200, 2000 P.L. 106-314, 2003 P.L. 108-145.

ILP provides federal funds for independent living skills programs for foster youth age sixteen and older to help them live independently when they emancipate from the foster care system

The John H. Chafee Foster Care Independence Act (FICA) – 1999

P.L. 106-169⁵

42 U.S.C §§ 677, 1396a(a)(10)(A)(ii)

FICA provides federal block grant funds, often called Chafee funds, for ILP programs and for transitional services for youth who emancipate from foster care. FICA also established transitional Medicaid for former foster youth.

Child Welfare Services

Social Security Act, Title IV-B – 1935

P.L. 74-271

42 U.S.C. §§ 620, *et seq.*

Title IV-B provides federal funding for state child welfare services.

Family Preservation and Family Support Services Program – 1993

P.L. 103-66

Promoting Safe and Stable Families Act – 1997

P.L. 105-89⁶

42 U.S.C §§ 620, *et seq.*

These amendments provided additional flexible federal funds for family preservation and community based family support services.

Child Abuse Prevention

The Child Abuse Prevention and Treatment Act (CAPTA) – 1974

P. L. 93-247,⁷

42 U.S.C. §§ 5101, *et seq.*

CAPTA provides Federal funding to support child abuse prevention, assessment, investigation, prosecution, and treatment activities. As a condition of funding, CAPTA requires states, among other things, to have provisions or procedures for the reporting of known and suspected instances of child abuse, to appoint a Guardian ad Litem (GAL) for every abused or neglected child involved in a judicial proceeding, and to refer every abused or neglected child under three for early intervention services.

⁵ Amended 2001 P.L. 107-133.

⁶ Amended 1999 P.L. 106-177, 2001 P.L. 107-133.

⁷ Amended and/or reauthorized: 1984 P.L. 98-457, 1988 P.L. 100-294, 1992 P.L. 102-295, 1996 P.L. 104-235, 1988 P.L. 100-294, 2003 P.L. 108-36

Race, Ethnicity, and Nationality

The Indian Child Welfare Act (ICWA) – 1978

P.L. 95-608

25 U.S.C. §§ 1901, *et seq.*

ICWA recognizes tribal authority and provides protections for Indian children in child custody proceedings. It affirms the right of tribes to conduct proceedings in tribal court and to participate in proceedings conducted in state court and creates federal standards for the removal and placement of Indian children.

Multiethnic Placement Act (MEPA) – 1994

P.L. 103-283

Inter-ethnic Placement Provisions – 1996

P.L. 104-188

42 U.S.C. §§ 620(b)(9), 672(a)(18), 674(d)

MEPA prohibits states from delaying or denying placement of children on the basis of race, color, or national origin and requires states to recruit foster and adoptive families that reflect the ethnic and racial diversity of children for whom foster and adoptive homes are needed.