



How Federal Legislation Impacts Child Welfare Service Delivery

This factsheet provides an overview of the process by which legislative actions and policy changes at the Federal level impact State and Tribal child welfare systems and service delivery. It provides links to pertinent resources for each step of the process; however, the steps described do not always occur in the sequence in which they are listed below. (See the flow chart on the last page of this factsheet for more information.)

WHAT'S INSIDE:

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- **STEP 2:** The Children's Bureau provides guidance in response to Federal legislative mandates.
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- **STEP 4:** In response to Federal legislative mandates, policy, and/or funding requirements, States, Tribes, and territories develop programs and policies to meet the needs of their constituencies. States may also enact legislation.
- **STEP 5:** The Children's Bureau monitors State child welfare services and provides annual reports on child welfare outcomes to Congress.



Step 1

Congress passes and the President signs legislation that creates or amends a federally funded child welfare program.

Enactment of a new law is the result of a potentially long legislative process that begins when a member of the House of Representatives or Senate introduces a bill to their respective legislative body. Only a member of Congress can introduce a bill, but the idea may be developed by constituents, academics, interest groups, lobbyists, State legislatures, executive branch departments, Federal agencies, and/or the President of the United States.

FOR MORE INFORMATION:

[Federal Laws](#)

U.S. Department of Health and Human Services, Children's Bureau

Provides descriptions of significant Federal child protection, child welfare, foster care, and adoption laws as well as links to the full text of selected acts and other resources, such as titles IV-B and IV-E of the Social Security Act and the Child Abuse Prevention and Treatment Act (CAPTA).

[Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption](#)

Child Welfare Information Gateway (2019)

Summarizes the major provisions of key Federal laws regarding child protection, child welfare, foster care, and adoption. It also includes a timeline and an index page that allows users to browse or search the acts included in the publication.

[Congress.gov](#)

Library of Congress

Tracks legislative activity in the U.S. Congress and provides links to summaries and full-text versions of bills, the Congressional Record, committee reports, and other resources.

[How Our Laws Are Made](#)

Sullivan, J. (2007)

U.S. House of Representatives

Provides a basic outline of the numerous steps of the Federal law-making process.

Step 2

The Children's Bureau provides guidance in response to Federal legislative mandates.

The Children's Bureau (a Federal agency within the U.S. Department of Health and Human Services' Administration for Children and Families) reviews the new legislation and its legislative history (as published in the Congressional Record) to determine what actions are required to advise States, Tribes, and territories about the new statutory provisions and requirements. After review, the Children's Bureau summarizes the new law in the form of an [Information Memorandum](#), which is distributed to the field and published on the Children's Bureau website. Policies and requirements related to the new law are developed and distributed in the form of a [Program Instruction](#) or through questions and answers published in the [Child Welfare Policy Manual](#). If the new law requires regulatory action, proposed regulations are published in the [Federal Register](#), and the public is invited to provide comment. A final regulation that takes these comments into consideration is then published as a final rule in the *Federal Register* and codified in the [Code of Federal Regulations](#) (CFR).

FOR MORE INFORMATION:

[Laws & Policies](#)

Children's Bureau

Offers publications and resources on Federal laws, policies, and specific sections of regulation (as published in the CFR) related to child abuse and neglect, child welfare, foster care, and adoption.

[Laws & Policies](#)

Child Welfare Information Gateway

Provides publications and resources related to State and Federal civil laws on child abuse and neglect, child welfare, foster care, and adoption, including a [State statutes index and search](#).

[Reg Map](#)

General Services Administration

Furnishes an overview of the rulemaking process from the initiating event through the publication of the final rule.

Step 3

The Children's Bureau disburses funds to support child welfare programs as authorized by Federal legislation.

The Children's Bureau administers Federal child welfare funding programs. These include mandatory grants, which are awarded to all applicants who meet predetermined eligibility criteria, and discretionary grants, which allow the agency to exercise judgement and select recipients from a pool of eligible candidates. (For more information about mandatory and discretionary spending, see the U.S. Government Accountability Office's [Federal Budgeting](#) webpage.) The following include some of the Children's Bureau's [major funding programs](#):

- **Title IV-E funding related to foster care, adoption, guardianship, kinship care, and prevention.** The Children's Bureau provides reimbursement to States and Tribes for a portion of the costs of providing foster care, adoption assistance, and, if elected by the State or Tribe, guardianship assistance to eligible children. Title IV-E funding can also be used to reimburse States for their kinship navigator and prevention programs. Beginning October 1, 2008, Indian Tribes, Tribal consortiums, or Tribal organizations became eligible to submit title IV-E plans for direct funding for Indian children served by the Tribe in its identified service area(s).
- **Chafee and Education and Training Voucher (ETV) Programs.** The John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee) program and ETV program are funded under title IV-E on a [formula](#), fixed-grant basis to assist States and eligible Tribes in providing services and supports that help youth in or formerly in foster care acquire the training and skills needed for self-sufficiency. Tribes, Tribal consortia, and Tribal organizations that have an approved title IV-E plan, as well as those that have entered into a title IV-E cooperative agreement or contract with a State, became eligible to apply for direct funding for the Chafee program (including ETV funding and services) as of October 1, 2009.
- **Title IV-B.** Title IV-B includes subpart 1—the [Stephanie Tubbs Jones Child Welfare Services](#) (CWS) program— and subpart 2, the [MaryLee Allen Promoting Safe and Stable Families](#) (PSSF) program, which authorizes grants to States and Tribes for child and family services. CWS funds can be used for a broad variety of child welfare services, including the prevention of maltreatment, family preservation, family reunification, services for foster and adopted children, and training for child welfare professionals. The PSSF program includes funding set aside for the [Court Improvement Program](#), kinship navigator grants, and monthly caseworker visit grants, among others.

- **Child Abuse Prevention and Treatment Act (CAPTA).** The CAPTA State grant program provides formula grants to States and territories to help improve their child protective service systems. In exchange, States must comply with various requirements related to the reporting, investigation, and treatment of child maltreatment cases. CAPTA also funds various discretionary activities related to child abuse prevention and treatment; formula grants to each State and territory for support of Community-Based Child Abuse Prevention (CBCAP) activities and services; and Children's Justice Act Grants, which help States and territories improve investigation, prosecution, and handling of child maltreatment cases.

FOR MORE INFORMATION:

[Programs](#)

Children's Bureau (CB)

Provides a listing and complete description of the full array of CB funding programs, including discretionary grants, State and Tribal grants, and general funding information

[Discretionary Grants Library](#)

Children's Bureau

An online tool for searching for and viewing information related to specific CB grant projects

[Chapter 11 of the Green Book](#)

U.S. House Committee on Ways and Means

Provides program descriptions and historical data on programs under the Committee's jurisdiction. Section 11 covers child protection, foster care, and adoption assistance

Step 4

In response to Federal legislative mandates, policy, and/or funding requirements, States, Tribes, and territories develop programs and policies to meet the needs of their constituencies. States may also enact legislation.

The delivery of child protection and child welfare services to individual citizens is primarily governed by State laws, regulations, and policies or procedures. Federal laws provide standards and requirements for providing such programs and services to assist States that wish to obtain Federal funding for them. State legislatures may enact legislation in response to Federal legislative mandates and/or the specific needs of their State. States, Tribes, and territories also may develop new programs that help them work toward compliance with Federal funding requirements.

For title IV-E [foster care](#) and [adoption assistance](#) funding, each State or Tribe must develop and submit a plan that documents compliance with Federal requirements. States may also submit plans for guardianship, kinship, and prevention services. As of October 1, 2009, Tribes, Tribal consortia, and Tribal organizations can submit a title IV-E plan for direct Tribal funding.

To maintain eligibility for title IV-B services, States, Tribes, and territories jointly develop, with staff from the Children's Bureau Regional Offices, a comprehensive 5-year Child and Family Services Plan (CFSP). In years between CFSP submissions, States and Tribes must submit an Annual Progress and Services Report (APSR). CFSPs and APSRs are described in detail on the Children's Bureau [website](#). The CFSP outlines initiatives and activities the State, Tribe, or territory will carry out in administering programs and services to promote the safety, permanency, and well-being of children and families. The APSR discusses progress made by a State, Tribe, or territory in accomplishing the goals and objectives cited in its CFSP. The Children's Bureau has a [searchable database](#) of States', Tribes', and territories' CFSPs and APSRs as well as a [State toolkit](#) and a [Tribal toolkit](#) with all the information and forms needed to develop a State or Tribal CFSP or APSR.

FOR MORE INFORMATION:

[State Statutes Search](#)

Child Welfare Information Gateway

Presents a searchable database of State child welfare laws that is organized by more than 45 topics.

[Links to State and Tribal Child Welfare Law and Policy](#)

Child Welfare Information Gateway (2021)

Provides links to websites that offer access to State statutes and regulations and lists the parts of each State and territory's code that contain laws addressing child protection, child welfare, and adoption.

[Child Welfare Enacted Legislation](#)

National Conference of State Legislatures (2021)

A database of child welfare legislation enacted from 2012 through 2021 in the 50 States, the District of Columbia, and Puerto Rico that is searchable by location, topic, keyword, status, and primary author.

[State & Tribal Funding](#)

Children's Bureau

Provides brief descriptions of the array of State and Tribal programs eligible for funding from the Children's Bureau, including title IV-E foster care and adoption assistance, title IV-B CWS and PSSF, the Chafee program, CAPTA State Grants, CBCAP, the Children's Justice Act, and the State Court Improvement Program.

Step 5

The Children's Bureau monitors State child welfare services and provides annual reports on child welfare outcomes to Congress.

The Children's Bureau is responsible for assessing States' conformity with certain Federal requirements for child protection, foster care, adoption, family preservation and family support, and independent living services. As part of this process, the Children's Bureau administers Federal and State reporting systems that gather and analyze data to monitor and improve child welfare outcomes.

In addition to collecting data, the Children's Bureau reports State performance on child welfare outcomes to Congress.

The data-collection systems include the following:

- **[Adoption and Foster Care Analysis and Reporting System \(AFCARS\)](#)**. AFCARS collects case-level information on all children in foster care for whom State child welfare agencies have responsibility for placement, care, or supervision and on children who are placed for adoption under the auspices of the State's public child welfare agency.
- **[National Child Abuse and Neglect Data System \(NCANDS\)](#)**. NCANDS is a voluntary data collection system included in CAPTA. The data serve as the basis for the Children's Bureau's annual [Child Maltreatment reports](#). NCANDS data, along with data from AFCARS, and are also used to develop the Children's Bureau's [Child Welfare Outcomes reports](#).
- **[National Youth in Transition Database \(NYTD\)](#)**. NYTD was created by the Foster Care Independence Act of 1999, which also established the Chafee program. NYTD requires ACF to develop a data-collection system to track the independent living services offered by States. States are required to collect information on each youth who receives independent living services paid for or provided by the State agency that administers the Chafee program. In addition, States must collect demographic and outcome information on certain youth in foster care whom the State will follow over time to collect additional outcome information. This information allows ACF to track which independent living services States provide and assess the collective outcomes of youth.

The Children's Bureau also administers a system of case review assessments to determine each State's conformity with the requirements in titles IV-B and IV-E of the Social Security Act. The system comprises two review components—Child and Family Services Reviews and Title IV-E Foster Care Eligibility Reviews:

- **[Child and Family Services Reviews \(CFSRs\)](#)**. Designed to help States improve safety, permanency, and well-being outcomes for children and families who receive services through the child welfare system, these reviews monitor States' conformity with the requirements of title IV-B and title IV-E of the Social Security Act.
- **[Title IV-E Foster Care Eligibility Reviews](#)**. Reviews of the Federal Title IV-E Foster Care Program focus on determining whether children in foster care meet the statutory eligibility requirements for foster care maintenance payments.

FOR MORE INFORMATION:

[Data & Research](#)

Children's Bureau

Provides information about how the Children's Bureau analyzes and reports data on a variety of topics, including adoption, foster care, and child abuse and neglect.

[Child Welfare Monitoring](#)

Children's Bureau

Presents an index of information, guides, instruments, and other resources on Children's Bureau monitoring programs

[Legislation, Policy, and Technical Bulletins Related to the CFSRs](#)

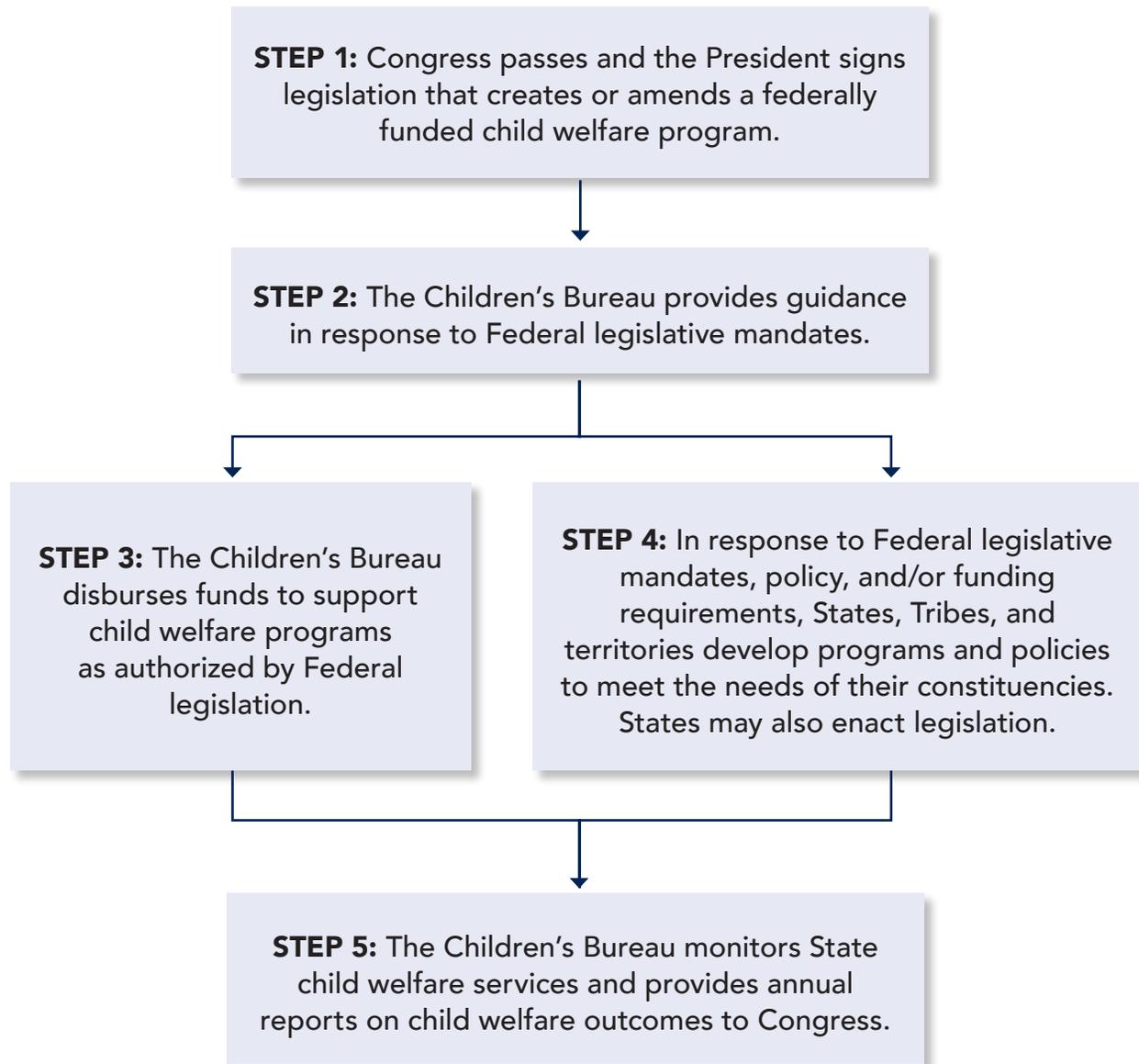
Children's Bureau

Includes *Federal Register* announcements, information memoranda, technical bulletins, and other policy documents regarding the CFSRs

SUGGESTED CITATION:

Child Welfare Information Gateway. (2022). *How Federal legislation impacts child welfare service delivery*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/pubs/impacts/>

Flow Chart: How Federal Legislation Impacts Child Welfare Service Delivery



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



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