

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. Links to pertinent resources are provided 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 document.)

Step 1: Congress passes and the President signs legislation that creates or amends a federally funded child welfare program.

Enactment of a new act is the result of a long legislative process that begins when a member of the House or Senate introduces a bill to his or her 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, Children's Bureau, U.S. Department of Health and Human Services

<http://www.acf.hhs.gov/programs/cb/laws-policies/federal-laws>

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.

Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption, Child Welfare Information Gateway (2015)

<https://www.childwelfare.gov/pubs/otherpubs/majorfedlegis/>

Summarizes the major provisions of key Federal laws regarding child protection, child welfare, foster care, and adoption and 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

<https://www.congress.gov/>

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, Parliamentarian, U.S. House of Representatives

<http://thomas.loc.gov/home/lawsmade.toc.html>

Describes the organization, operation, and legislative process in the House of Representatives.

Enactment of a Law, Parliamentarian, U.S. Senate

<http://thomas.loc.gov/home/enactment/enactlawtoc.html>

Describes the organization, operation, and legislative process in the Senate.

Step 2: The Children’s Bureau provides guidance in response to Federal legislative mandates.

The Children’s Bureau 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/ requirements. After review, the Children’s Bureau summarizes the new law in the form of an Information Memorandum or Program Instruction for States and Tribes. Policies related to the new law are developed in the form of topical questions and answers and published in the Child Welfare Policy Manual (CWPM). Proposed regulations specific to implementing legislation 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.

Guidance related to new laws is disseminated to the States through a variety of means, including the following:

Information Memoranda (IMs) are used by the Children’s Bureau to provide information to States, Tribes, and grantees on a variety of child welfare issues including program activities and priorities, progress reports, research findings, funds available, related regulations, and proposed and pending Federal legislation affecting human service programs: <http://www.acf.hhs.gov/programs/cb/laws-policies/information-memoranda>

Program Instructions (PIs) clarify and explain procedures and methods to operationalize program policies, add details to program regulations or policy guide requirements, and convey program guidance information on required actions: <http://www.acf.hhs.gov/programs/cb/laws-policies/program-instructions>

CWPM conveys mandatory policies that have their basis in Federal law and/or program regulations:

http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/index.jsp

For more information:

Code of Federal Regulations (CFR), National Archives and Records Administration (NARA)

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

Codifies the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Federal Register, NARA

<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>

Serves as the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

Laws and Policies, Children's Bureau

http://www.acf.hhs.gov/programs/cb/laws_policies/index.htm

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

Laws and Policies, Child Welfare Information Gateway

<https://www.childwelfare.gov/topics/systemwide/laws-policies/>

Provides publications and resources related to State and Federal civil laws on child abuse and neglect, child welfare, foster care, and adoption.

Reg Map, General Services Administration

<http://www.reginfo.gov/public/reginfo/Regmap/index.jsp>

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 two major types of Federal child welfare funding programs: mandatory formula grants and discretionary grants. The following are mandatory programs:

Title IV-E Foster Care Maintenance, Adoption Assistance, and Guardianship Assistance. The Children's Bureau provides these funds to the States, the District of Columbia, and Puerto Rico as an open-ended entitlement on a formula basis to provide reimbursement to States or 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. Beginning October 1, 2008, an Indian Tribe, Tribal consortium, or Tribal organization may submit title IV-E plans for direct funding for Indian children served by the Tribe in its identified service area(s).

Chafee Foster Care Independence Program (CFCIP) and Education and Training Voucher Program (ETV).

These programs are funded under title IV-E on a formula, fixed-grant basis to assist States in providing services and supports that help youth 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, may apply for direct funding for CFCIP (including ETV funding and services) as of October 1, 2009.

Title IV-B Child and Family Services. The mandatory formula funding is awarded as annual fixed grants to support States, Tribes, and territories in the development of effective child welfare services and to help them operate every aspect of their child welfare systems—from prevention of child abuse and neglect to adoption—and the information systems necessary to support these programs. Specific programs include the Promoting Safe and Stable Families Program (PSSF) and the Court Improvement Program (CIP).

Child Abuse and Neglect Prevention and Treatment Act (CAPTA). Funds are awarded to States on a formula, fixed-grant basis to assist States in improving child protective services and child maltreatment prevention programs. Programs include the CAPTA State grants, Community-Based Grants for the Prevention of Child Abuse and Neglect (CBCAP), and the Children’s Justice Act (CJA).

Discretionary Grants

The Children’s Bureau also awards grants on a discretionary basis for knowledge development through a competitive peer-review process to State and local agencies, universities, faith-based and community-based organizations, and other nonprofit and for-profit groups. Specific programs include Adoption Opportunities, Child Welfare Training, Abandoned Infants Assistance, CAPTA Research and Demonstration Projects, Family Connections, and the Infant Adoption Awareness Training Program.

For more information:

Programs, Children’s Bureau

<http://www.acf.hhs.gov/programs/cb/programs>

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

https://library.childwelfare.gov/cbgrants/ws/library/docs/cb_grants/GrantHome

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

Section 11 of the Green Book, U.S. House Committee on Ways and Means

<http://greenbook.waysandmeans.house.gov/2014-green-book/chapter-11-child-welfare>

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 may enact statutes, and State and Tribal agencies may develop programs and policies to meet the needs of their constituencies.

The delivery of child protection and child welfare services to individual citizens is primarily governed by State laws, regulations, and policies/procedures. Federal laws provide standards and requirements for providing such programs and services if a State wishes 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 program initiatives that help them work toward compliance with Federal funding requirements.

For title IV-E foster care and adoption assistance funding, each State must develop and submit a State plan that documents the State's compliance with Federal requirements. Beginning October 1, 2009, Indian Tribes, Tribal consortia, and Tribal organizations also may 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). 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.

For more information:

State Statutes, Child Welfare Information Gateway

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

Presents a searchable database of State child welfare laws, organized by more than 38 topics.

Online Resources for State Child Welfare Law and Policy, Child Welfare Information Gateway (2015)

<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/resources/>

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.

2014 Child Welfare Enacted Legislation, National Conference of State Legislatures (2014)

<http://www.ncsl.org/research/human-services/2012-child-welfare-enacted-legislation-database.aspx>

A searchable database of child welfare legislation enacted from 2012 through 2014 in the 50 States, the District of Columbia, and Puerto Rico by State, topic, keyword, status, and/or primary author.

State and Tribal Funding, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/programs/state-tribal-funding>

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 Child Welfare Services and Promoting Safe and Stable Families, the Chafee Foster Care Independence program, Child Abuse and Neglect Prevention and Treatment (CAPTA) State Grants, Community-Based Grants for Prevention of Child Abuse and Neglect, the Children's Justice Act (CJA), and the State Court Improvement Program (CIP).

State and Tribal Child and Family Services Plan, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/programs/state-tribal-cfsp>

Provides technical assistance documents and materials, as well as references to specific laws and policies that relate to the development of State and Tribal Child and Family Services Plans (CFSPs)/Annual Progress and Services Reports (APSRs).

Step 5: The Children’s Bureau monitors State child welfare services through data collection and onsite reviews to ensure that programs achieve positive outcomes for children and families.

The Children’s Bureau has the responsibility of 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 provide data to monitor and improve child welfare outcomes. The data collection systems include:

The 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. Each State is subject to an AFCARS Assessment Review to assess and evaluate the accuracy and reliability of its adoption and foster care data.

The Statewide Automated Child Welfare Information System (SACWIS). SACWIS is a statewide, comprehensive, case management system that also automates the collection of federally mandated child welfare data and provides support for the delivery and management of child welfare services. The Omnibus Reconciliation Act of 1993 authorized Federal financial participation for the development of such a State system. If a State elects to accept Federal funds and implement a SACWIS, the system must be a comprehensive, automated, case management tool that supports social workers’ foster care and adoption assistance case management practice. A Tribe also may develop a similar system, which is referred to as a Tribal Automated Child Welfare Information System (TACWIS).

The National Child Abuse and Neglect Data System (NCANDS). This data collection and analysis system was created in response to the requirements of the Child Abuse Prevention and Treatment Act. The data collected serve as the basis for annual *Child Maltreatment Reports*:
<http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>

The National Youth in Transition Database (NYTD). NYTD was created in response to the John H. Chafee Foster Care Independence Program (CFCIP) that 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 CFCIP. 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 will allow 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 onsite, 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:

Reporting Systems, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/research-data-technology/reporting-systems/>

Provides information about Federal and State reporting systems, including AFCARS, NCANDS, NYTD, and SACWIS, that supply data to monitor and improve child welfare outcomes.

Child Welfare Monitoring, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/monitoring>

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

<http://www.acf.hhs.gov/programs/cb/resource/cfsr-legislation-policy-tb>

Includes *Federal Register* announcements, the Child Welfare Final Rule, Adoption and Safe Families Act (ASFA), Information Memoranda, and a National Standards background paper.

Title IV-E Reviews, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/monitoring/title-ive-reviews>

Provides guidance on planning, conducting, and completing a foster care eligibility review, including an explanation of the title IV-E eligibility criteria against which States will be reviewed, review schedules, and review instruments.

AFCARS, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/research-data-technology/reporting-systems/afcars>

Provides guidance to State child welfare program and system staff regarding the AFCARS Assessment Review process.

State and Tribal Information Systems, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/research-data-technology/state-tribal-info-systems>

Provides information about laws, regulations, documentation, and available technical assistance regarding SACWIS/TACWIS.

Step 6: The Children's Bureau responds to congressional mandates to report on State performance in delivering child welfare services.

Reports to Congress may analyze data collected through the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS); provide information about progress in monitoring programs, such as the Child and Family Services Reviews (CFSRs); or provide results of specific studies mandated by Federal legislation. The information provided in these reports helps to inform future legislation.

For more information:**Child Welfare Outcomes Annual Reports**, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/cwo>

Informs Congress, the States, and the public about State performance on key child welfare outcomes and changes in performance over time. These reports are required by the Adoption and Safe Families Act (ASFA).

Child Maltreatment Annual Reports, Children's Bureau

<http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>

Provides the most complete national information about child maltreatment known to State child protective services agencies and are based on reports from the States to NCANDS.

Reports and Results of the Child and Family Services Reviews (CFSRs), Children's Bureau

https://library.childwelfare.gov/cwig/ws/cwmd/docs/cb_web/SearchForm

Provides access to Statewide Assessments, Final Reports, Program Improvement Plans, and Individual Key Findings Reports for each State.

National Incidence Study (NIS), Child Welfare Information Gateway

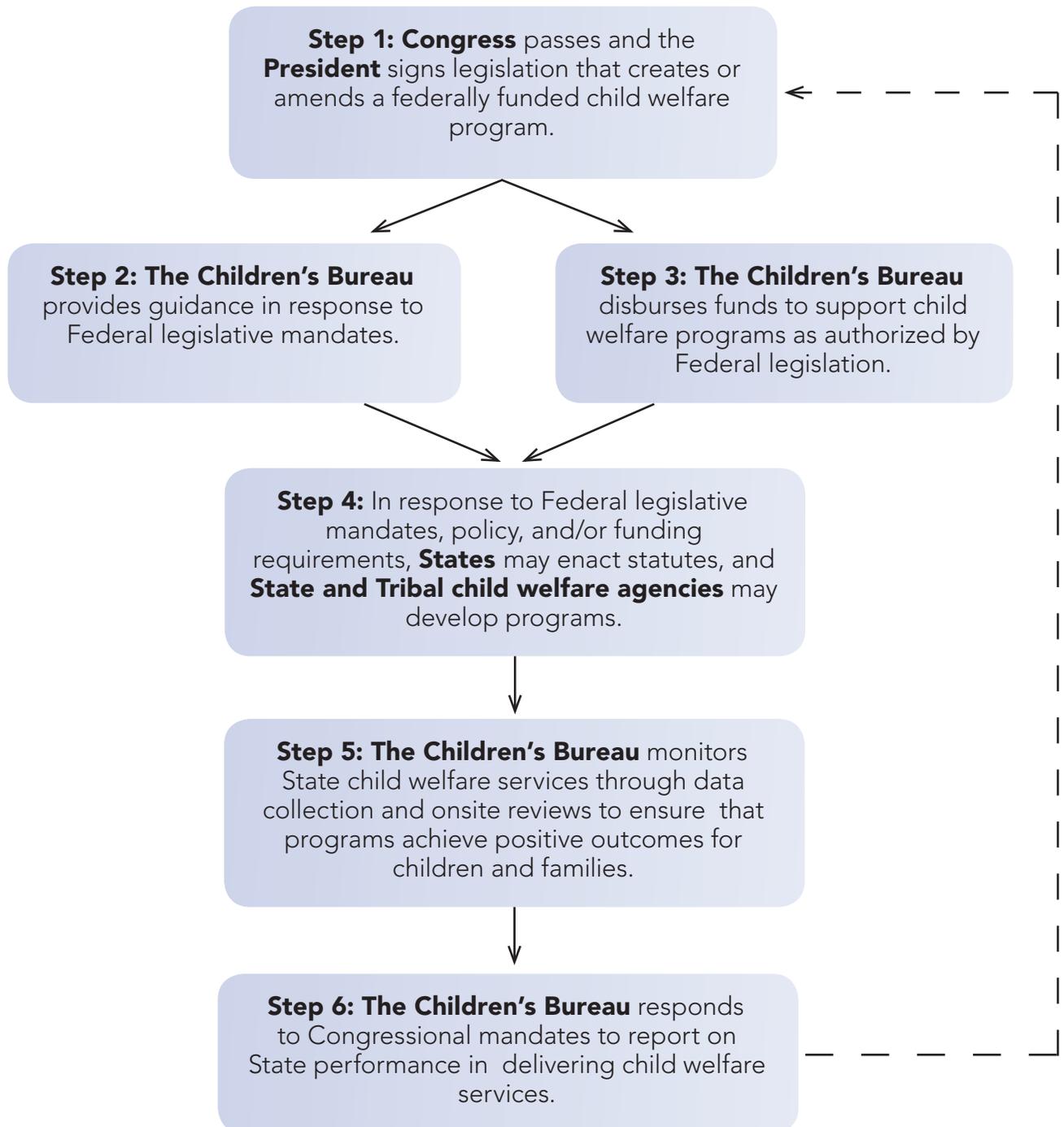
<https://www.childwelfare.gov/topics/systemwide/statistics/nis/>

A congressionally mandated, periodic research effort to estimate the incidence of child abuse and neglect in the United States by combining information about reported cases with data on maltreated children identified by professionals who encounter them during the normal course of their work. NIS-4, the most recent study, was published in 2010.

Suggested Citation:

Child Welfare Information Gateway. (2015). *How Federal legislation impacts child welfare service delivery*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

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

