



# State Child Welfare Legislation 2002–2003

March 2004

## Introduction

Comprehensive child welfare systems are critically important in promoting positive outcomes for the children and families they serve. Improvements in how children and families are assisted through those systems are brought about, in part, through state legislation. The National Conference of State Legislatures (NCSL) highlights state legislation related to child welfare issues through its *State Child Welfare Legislation* reports. This report documents significant state legislation enacted during calendar years 2002 and 2003.<sup>1</sup>

Severe budget constraints during this period limited states' ability to create and fund new programs to promote children's safety and permanency and child and family well-being. Nevertheless, states such as Arizona, Florida and New Jersey made significant new investments to improve the quality and stability of their child welfare workforces. A number of states also addressed issues of child safety that have made headlines during the past two years, including children's exposure to methamphetamine and other dangerous drugs, abuse by members of the clergy and children missing from foster care.

In addition, states passed a number of measures in the following areas: education of children in foster care, services to foster youth in transition and kinship care. Other areas addressed included child welfare system accountability, adoption and guardianship, children's exposure to domestic violence, child maltreatment investigations, safe havens for abandoned newborns, public access to records and proceedings, systems coordination and general system reform.

Descriptions of significant state legislation appear below by issue area in alphabetical order. The appendix contains citations and summaries of the laws discussed here.

## Accountability

Two states—Arizona and New Jersey—made major changes to the way their child welfare systems are held accountable for adherence to legal requirements and achievement of positive results.

- Arizona enacted substantial reform legislation during a special session in 2003. The legislation requires, among other things, the development of a comprehensive financial and program accountability system for child protective services. It also requires the state auditor to establish an onsite audit team within the Department of Economic Security.

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- New Jersey launched a wide-ranging effort to reform its child welfare agency, the Division of Youth and Family Services (DYFS). That reform included the enactment in 2003 of legislation to establish the Office of the Child Advocate with broad powers to investigate and monitor the agency, its institutions and its contract service providers. (About half of the states now have children's ombudsman or advocate offices to oversee their child welfare agencies.)

Other states also enacted accountability measures.

- Michigan required the Family Independence Agency to submit regular reports to the Legislature on the progress of the federal child and family services reviews and Title IV-E foster care eligibility reviews.
- Oklahoma required the establishment of a system for resolving the grievances of foster parents, children in the custody of the Department of Human Services and recipients of developmental disability services.

### **Adoption and Guardianship**

A number of states passed measures regarding adoption and permanent guardianship of children in foster care.

- Nevada and Oregon codified procedures for the placement of abused or neglected children in permanent guardianships.
- California and Illinois enacted legislation to protect sibling relationships in adoption.
- North Carolina created a Special Needs Adoption Incentive Fund to remove financial barriers to the adoption of children by their foster parents.
- Ohio tightened eligibility criteria for its Post Adoption Special Services Subsidy in response to budget constraints.
- Washington appropriated funds for a new service program to assist children affected by maternal substance abuse and biological, foster and adoptive parents.
- Several states, including Colorado and South Dakota, passed legislation to expedite the adoption process.

### **Child Welfare Workforce**

Numerous states enacted laws to address training, compensation and retention of staff.

- Arizona included in its package of reforms a number of provisions intended to strengthen the child welfare workforce. These included a \$16.6 million appropriation for new staff, performance-based compensation adjustments, foster care rate increases and maintenance of staffing and service levels; a requirement for payment of stipends to child protective service workers who have at least three years of experience and who investigate at least six allegations of dependency, abuse or neglect in a month; and a requirement to develop state-specific child protective services caseload standards.
- Florida enacted a number of measures to improve retention of front-line child welfare workers. The Legislature appropriated more than \$30 million in state and federal funds for pay adjustments and authorized bonus payments, and appropriated \$1.9 million for front-line retention strategies, including \$1 million for a social worker loan forgiveness program. It also passed measures to improve the training of child welfare workers.

- New Jersey appropriated \$24.8 million to fund the Division of Youth and Family Services Reform Initiative, which included funding for a substantial increase in the number of caseworkers and supervisors and improvements in space and equipment for workers.
- North Carolina required the Division of Social Services to ensure that each child welfare worker receives pre-service and continuing training on family-centered practice.
- Texas required the Department of Protective and Regulatory Services (now known as the Department of Family and Protective Services) to develop a human resources management plan designed to improve employee morale and retention.

### **Children’s Exposure to Domestic Violence**

Louisiana and Montana joined the growing list of states that have addressed in legislation the problem of children’s exposure to domestic violence.

- Louisiana provided for additional penalties for perpetrators of domestic violence when a child is present during the commission of a domestic abuse battery.
- Montana passed two measures in this area. The first amends the definition of “psychological abuse or neglect” to include violence against a household member that injures a child’s emotional, intellectual or psychological functioning. In response to concerns raised by domestic violence advocates regarding this type of legislation, the measure provides that the amended definition cannot be construed to hold a victim responsible for failing to prevent domestic violence. The second Montana law, like the Louisiana legislation, strengthens penalties for domestic violence in the presence of a child.

### **Children’s Exposure to Methamphetamine and Other Drugs**

At least 10 states enacted legislation to address the serious problem of children’s exposure to methamphetamine and its precursor chemicals, and other drugs.

- Several states—Arkansas, Colorado, Illinois, Minnesota, North Dakota and Washington—established criminal offenses or enhanced penalties relating to such exposure.
- Colorado, Montana and Tennessee amended the definition of child abuse in their child maltreatment statutes to include the manufacture of dangerous drugs in the presence of a child.
- Arizona authorized the taking of a child into protective custody if the child is physically injured as a result of living on premises where dangerous drugs are being manufactured.
- California required that courts consider the presence of a child as an aggravating factor in sentencing for felony manufacture of controlled substances. The California Legislature also encouraged law enforcement and social services agencies to develop coordinated responses to drug-endangered children.

### **Clergy Reporting**

In response to high-profile media reports of child abuse by clergy, many states continued the trend of enacting laws to require clergy reporting of child abuse.

- At least 12 states added clergy to the list of mandated reporters of child maltreatment. Most of those laws do not require clergy to report confidential information that is covered by clergy/penitent privilege. Some states, such as Connecticut and Vermont, included in their legislation provisions regarding training for mandatory reporters of child abuse.

### **Foster Care: Education of Children in Care**

Several states addressed in legislation the educational barriers faced by children in foster care, particularly the disruptive effects of placement changes, inadequate educational advocacy and lack of coordination between schools and child welfare agencies.

- California enacted far-reaching legislation declaring legislative intent that foster children have the same opportunities as other students and meet the same academic standards that are applicable to other students. Among other provisions, the measure requires the designation of educational liaisons for foster children, assigns responsibility and specifies procedures for the timely transfer of foster children between schools and requires that children who are removed from home or who change placements be allowed to remain in their original school.
- Washington enacted broad legislation in this area. In 2002, it required the formation of a working group to address the educational needs of children in short-term foster care and mandated pilot programs in two school districts to enhance educational stability. The next year, the Legislature enacted a requirement for greater coordination and communication among the child welfare agency, the schools and the courts to promote educational continuity for foster children. The measure also established an oversight committee to develop strategies for school-based recruitment of foster parents and to promote best practices.
- Other notable legislation in this area includes an authorization for foster parents to act as educational advocates (New Hampshire); clarification of responsibility for the provision and funding of education for children in kinship care (Maryland); and a provision requiring immediate enrollment of children removed from home, notwithstanding lack of documentation (Texas).

### **Foster Care: General**

States passed laws in 2002 and 2003 that are intended to promote the well-being of children in care, support foster families and enhance recruitment of foster parents.

- Colorado and Washington adopted measures to protect foster children's relationships with their siblings. The Washington Legislature also enacted a measure that expresses legislative intent regarding the importance of nurturing connections between foster children and their birth families.
- California expanded its list of foster children's rights to include the rights to equal access to services and freedom from discrimination.
- Michigan authorized the establishment of foster parent resource centers on a pilot basis.
- Missouri enacted a statement of foster parents' rights and duties.
- Texas authorized expenditures for a program to recruit and train foster parents from faith-based organizations.

## **Foster Care: Missing Children**

Media coverage of the Rilya Wilson case in Florida drew public attention to the problem of children missing from foster care. Several states enacted legislation to require more “eyes” on children in care and to facilitate the investigation of missing children.

- Florida enacted the Rilya Wilson Act, which requires that young children in the child welfare system who are in early childhood education programs be enrolled for five days per week. The law specifies the responsibilities of parents regarding such children’s attendance and absences from child care and requires child care providers to report unexcused absences.
- Florida allowed its child welfare agency to release information to the public to assist in locating children under investigation or supervision.
- Illinois passed a measure requiring private child welfare agencies to, among other activities, visit children placed in foster homes at least once a month to verify that such children continue to reside in foster homes and to verify the children’s safety and well-being.
- Maine established procedures for law enforcement investigations of children missing from foster care.

## **Foster Care: Youth in Transition**

In 2002 and 2003, states passed a number of laws to support foster youth who are preparing for independence. Some state measures acknowledge the critical role that relationships play in a young person’s successful transition to adulthood.

- California enacted broad legislation requiring agencies and courts to ensure that foster youth preparing for independence maintain relationships with important adults.
- Iowa authorized guardians ad litem or court-appointed special advocates to continue relationships with foster youth beyond their 18<sup>th</sup> birthdays.
- Alaska, Florida and Ohio enacted general enabling legislation to require the provision of independent living services. Ohio also authorized an amendment to its Medicaid plan to include youth who are receiving independent living services, pursuant to the federal Foster Care Independence Act.
- Iowa and Oregon passed measures to specify the role of courts in transition planning.
- Florida, Kentucky, Maine and New Jersey established or expanded post-secondary tuition waiver or scholarship programs for foster youth.

## **Investigations of Child Maltreatment**

States enacted legislation to enhance the effectiveness of investigations of child maltreatment.

- Arizona’s child welfare reform legislation contains several provisions to strengthen investigation of allegations of “extremely serious conduct,” as defined. It requires that such investigations be conducted jointly between child protective services and law enforcement pursuant to protocols to be developed by county law enforcement agencies and the Department of Economic Security (DES). It also requires the DES to develop initial screening

and safety assessment protocols in consultation with law enforcement personnel, medical experts and others. Finally, it requires that child protective services workers receive training in forensic interviewing.

### **Kinship Care**

In recognition of the value and needs of relatives who care for children, a growing number of states are enacting legislation to support such relatives with financial subsidies, services, information and legal assistance.

- Colorado, Connecticut and Delaware passed laws to establish kinship care programs.
- In 2002, Washington required a kinship caregivers working group to brief the Legislature on policy issues. It followed up in 2003 with legislation requiring strategies to prioritize placement of abused and neglected children with kin.
- Texas authorized expenditures to develop a relative placement reimbursement pilot program.
- New York enacted a measure to allow grandparents to petition for legal custody of the children in their care under certain circumstances.

### **Public Access to Records and Proceedings**

As in prior years, state legislatures continued their attempts to balance the interests of confidentiality and public accountability in child welfare.

- Three western states— (Arizona, Nevada and Utah—passed laws initiating or expanding pilot programs to open child welfare proceedings to the public.
- Arizona replaced its statute governing the confidentiality of child protective services records. The new legislation requires that federal law authorizing the public release of child abuse and neglect records be construed “as openly as possible.” It also contains a broad provision requiring release of such records to any federal, state, tribal, county or municipal agency if there is a reasonable need for the information for purposes of providing services, protecting children or prosecuting child maltreatment.<sup>2</sup>

In addition, states amended their laws to provide for mandatory public disclosure of information relating to child fatalities.

- California provided that, after the death of a minor foster child, certain identifying information regarding the child shall be subject to disclosure pursuant to the public records act.
- New Hampshire changed from permissive to mandatory the public disclosure of information on child fatalities or near-fatalities resulting from abuse or neglect.

### **Safe-Haven Laws**

In 2002 and 2003, at least 15 states enacted laws to establish or modify procedures for the safe relinquishment of unwanted newborns, bringing to 45 the number of states with such laws. Several states required actions to raise public awareness of the existence of such laws.

- California requires safe-surrender sites statewide to post signs using a designated logo.

- Kentucky required a media campaign to educate the public about its safe-haven law.
- Illinois required sex education classes to include information about the state's Abandoned Newborn Infant Protection Act.
- Missouri required a toll-free telephone line to provide information about the state's Safe Havens for Newborns Act of 2002.
- New Jersey appropriated \$500,000 to advertise the state's Infant Safe Haven Law.
- The North Carolina Legislature required the State Department of Health and Human Services to incorporate education and awareness of its Infant Homicide Prevention Act into other state-funded programs at the local level.

### **Systems Coordination and Integration**

States passed laws in 2002 and 2003 to improve the coordination and integration of child welfare, law enforcement, domestic violence and substance abuse treatment services.

- California required law enforcement, child welfare and other agencies to develop protocols regarding responses to domestic violence in homes where children reside.
- Colorado created an integrated care management program for the delivery of child welfare services.
- Florida required the establishment of a single managing entity in two districts for delivery of substance abuse services to recipients of child protective services.
- Maryland required a plan to address the link between the child welfare and juvenile justice systems.

### **Systems Reform**

In addition to Arizona and New Jersey (see "Child Welfare Workforce" above), two other states enacted legislation in 2003 related to broad reform of child welfare.

- Iowa required the Department of Human Services to implement a sweeping system redesign focusing on the child safety and permanency and child and family well-being outcomes underlying the federal child and family services reviews.
- New Hampshire required its Department of Health and Human Services to develop and submit, by February 1, 2004, a plan to achieve full accreditation of child welfare services.

For more information about the legislation discussed in this report, please see the legislative citations and summaries that appear in the appendix beginning on page 9.

## Notes

1. The legislation described here reflects emerging issues and key legislative trends related to child welfare, about which NCSL received numerous requests for information from state legislators and legislative staff. The report also discusses new laws that address important issues in the child welfare field or institute substantial changes in child welfare practice or administration. The report is not intended to be an exhaustive presentation of new state child welfare legislation.

2. A recent amendment to the federal Child Abuse Prevention and Treatment Act requires states to have such a provision (Keeping Children and Families Safe Act of 2003, P.L. 108-36, Title I).

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## **Appendix. Citations and Summaries of State Child Welfare Legislation, 2002-2003**

The National Conference of State Legislatures (NCSL) highlights state legislation related to child welfare issues through its *State Child Welfare Legislation* reports. This appendix contains citations and summaries of the legislation documented in the report *State Child Welfare Legislation: 2002-2003*; section numbers are included for laws that contain numbered sections.

### **Accountability**

2002

*2002 Okla. Sess. Laws, SB 1329, Chap. 445*

Requires the advocate general of the Commission for Human Services to establish a system for resolving the grievances of foster parents, children in the custody of the Department of Human Services and all those receiving developmental disabilities services. Requires the advocate general to investigate allegations of abuse of children by certain caretakers other than parents and foster parents. Requires reports of such investigations.

2003

*2003 Ariz. Sess. Laws, Second Special Session, HB 2024, Chap. 6*

Sec. 22. Requires the Department of Economic Security, the Office of Strategic Planning and Budgeting and the Joint Legislative Budget Committee to develop a financial and program accountability system for child protective services. Requires that the system include the following accountability factors:

1. Success in meeting training requirements;
2. Caseloads for child protective services workers;
3. Number of new cases, cases that remain open and cases that have been closed;
4. The ratio of child protective services workers to immediate supervisors;
5. Employee turnover;
6. Source and use of federal money in child protective services;
7. Source and use of state money in child protective services; and
8. Any additional factor deemed necessary.

Requires a financial and program accountability report to the governor and Legislature on or before February 1 and August 1 of each year.

Sec. 37. Requires the joint legislative committee on children and family services to meet at least annually to review child fatalities related to abuse or neglect.

Sec. 40. Requires the auditor general to establish an audit team to be located in the Department of Economic Security to provide ongoing review and analysis. Specifies powers of the audit team.

*2003 Mich. Pub. Acts, SB 283, Act 172*

Sec. 271. Requires the Family Independence Agency to report to the Legislature on the progress of the child and family services reviews. Provides that reports are to be submitted quarterly, beginning in December 2003. Specifies that such reports are to include the following:

1. Changes made by the courts with respect to court forms and court rules to meet statutory requirements;
2. State policy changes within the areas of foster care, juvenile justice and adoption to meet statutory requirements;
3. Recommendations made by a working group composed of department and other agency stakeholders;
4. A summary of the seven systemic factors;
5. A summary of the seven data outcome indicators;
6. Federal recommendations made to the state, including recommendations to the courts;
7. Federal penalties assessed against the state for noncompliance; and
8. Status of the Program Improvement Plan submitted to the federal government.

Sec. 272. Requires the Family Independence Agency to report to the Legislature on the result of the Title IV-E foster care eligibility reviews. Specifies required contents of the reports.

*2003 N.J. Laws, A 3772/1729/1090, Chap. 187*

Establishes the Office of the Child Advocate. Provides that the child advocate shall seek to ensure the provision of effective, appropriate and timely services for children at risk of abuse and neglect and that children under state supervision because of abuse and neglect are served adequately by the state.

Authorizes the child advocate to investigate and review the state agency response to an allegation of abuse or neglect; inspect and review the operations of juvenile detention centers, foster homes, residential treatment facilities and other placements made by a state or county agency; review and make recommendations concerning procedures used by state agencies providing services to children at risk of abuse or neglect; review the performance of state-funded private entities charged with the care and supervision of children at risk of abuse or neglect; receive and investigate complaints; hold public hearings; and establish a 24-hour hotline. Authorizes the child advocate to intervene in or institute litigation and to commence negotiations, mediation or alternative dispute resolution.

Requires the child advocate to report annually to the governor, the commissioner of human services and the Legislature.

Appropriates \$2 million from the general fund to the Office of the Child Advocate.

**Adoption and Guardianship****2002***2002 Colo. Sess. Laws, HB 1312, Chap. 329*

Requires that any hearing concerning a petition for adoption or a petition for relinquishment shall be given priority on the court's docket.

*2002 Ill. Laws, HB 4208, PA 92-666*

Requires the state to inform adoptive parents whenever a sibling of the adopted child becomes available for adoption. Specifies factors that must be considered in deciding whether to place the child with the adoptive parents of the child's siblings.

*2002 S.D. Sess. Laws, SB 170, Chap. 130*

Repeals a provision that required a foster parent to care for a child for at least two years before the foster parent could adopt the child.

*2002 Wash. Laws, HB 2767, Chap. 252*

Appropriates funds for the services of a pediatric interim care facility for young children in need of care as a result of maternal substance abuse. Requires the facility to provide onsite training to biological, foster and adoptive parents and to provide support after placement of children from the facility.

Appropriates funds for up to three non-facility-based programs for training and recruitment of biological, foster and adoptive parents of children through age 3 who are affected by maternal substance abuse.

**2003***2003 Cal. Stats., SB 169, Chap. 19*

Authorizes a child who was adopted as part of a sibling group and who has been separated from his or her siblings through re-adoption to petition the court to enforce any agreement for visitation or to order visitation in the absence of such an agreement.

*2003 Nev. Stats., AB 273, Chap. 103*

Establishes procedures for the placement of abused or neglected children in permanent guardianships. Requires petitions for guardianship to explain why adoption or reunification is not in the child's best interest. Specifies conditions that must be met for appointment of a guardian, including that the prospective guardian must have had custody of the child for at least six months, unless waived by the court. Sets forth powers and duties of guardians.

*2003 N.C. Sess. Laws, HB 397, PL 284*

Creates a Special Needs Adoption Incentive Fund to facilitate the adoption of certain children residing in licensed foster homes. Specifies that the funds shall be used to remove financial barriers to the adoption of such children by their foster families. Requires county matching funds.

*2003 Ohio Laws, HB 95*

Revises the Post Adoption Special Services Subsidy (PASSS) as follows:

1. Requires the state to establish clinical standards to assess a child's need for post-adoption services;
2. Eliminates the requirement that each agreement undergo an annual redetermination-of-need process;

3. Limits to \$10,000 (\$15,000 if there are extraordinary circumstances) the value of services the child may receive during a single year;
4. Requires the adoptive parent to pay at least 5 percent of the total cost of services;
5. Requires the state to adopt rules establishing the method for determining the scope, amount and duration of assistance provided to a child; and
6. Lowers the age limit for eligibility from 21 to 18, except for children who are mentally or physically handicapped.

*2003 Or. Laws, SB 70, Chap. 229*

Establishes procedures for the creation of permanent guardianships for abused and neglected children who are wards of the state. Prohibits a parent from moving the court to vacate such a guardianship. Allows a guardianship petition to be filed by a party or a person granted rights of limited participation for that purpose. Provides that a guardianship may be granted upon a showing that the child cannot safely return home and that adoption is not an appropriate plan for the child. Sets forth procedures and criteria for modifying or vacating a guardianship.

### **Child Welfare Workforce**

2003

*2003 Ariz. Sess. Laws, Second Special Session, HB 2024, Chap. 6*

Sec. 37. Requires, to the extent possible, the director of the Department of Economic Security to establish separate investigation units for the purpose of investigating allegations of dependency, abuse and neglect.

Sec. 46. Requires the Department of Economic Security to pay a monthly stipend equal to 10 percent of monthly salary to each child protective services worker who has at least three years of experience and who investigates at least six allegations of dependency, abuse or neglect per month.

Sec. 49. Requires the Department of Economic Security to develop and adopt its own child protective services caseload standards before July 1, 2004.

Sec. 50. Requires the Department of Economic Security to establish evaluation criteria for child protective services, including performance measures for employees, performance measures for foster parents and evaluations of ongoing improvements.

Sec. 52. Appropriates \$6,304,300 for the following purposes:

1. \$1,953,500 for 93 annual full-time equivalent (FTE) positions to meet national staffing standards for child protective services caseloads;
2. \$1,674,200 for 67 annual FTE positions to fund a 100 percent investigation rate;
3. \$1,562,400 for performance-based compensation adjustments or classification adjustments;
4. \$103,500 to replace obsolete technical support equipment; and
5. \$1,010,700 for family foster care rate increases.

Appropriates \$10.3 million to maintain current staffing and service levels for child protective services, including adoption services, permanent guardianship and children's services. Provides that monies unexpended and unencumbered revert to the state general fund on July 1, 2004.

*2003 Fla. Laws, SB 2-A, Chap. 397*

Appropriates more than \$30 million in state and federal funds for pay adjustments for front-line child welfare workers. Expresses legislative intent that the state move the salaries of such workers to the national Child Welfare League of America average salary of people who carry out these responsibilities. Authorizes the state to provide bonus payments to front-line workers to retain employees during the transition to community-based care. Directs the state to use \$100,000 to conduct an independent study and redesign of the child welfare training system, to be completed no later than September 1, 2003. Appropriates \$1.9 million in general revenue for front-line retention strategies, including \$1 million to implement a family safety social worker loan forgiveness program.

*2003 Fla. Laws, SB 1454, Chap. 146*

Sec. 4. Requires the Department of Children and Families to establish core competencies for a single integrated curriculum to ensure that each person delivering child welfare services obtains the knowledge, skills and abilities necessary to conduct his or her work. Requires the department to collaborate with representatives from community-based agencies, sheriff's offices that conduct child protection investigations, child welfare legal services providers and others. Requires the department to competitively solicit and contract for the development and evaluation of the curriculum. Requires the department to collaboratively examine the advanced training of those who deliver child welfare services and to develop minimum certification standards and minimum standards for trainer qualifications.

*2003 N.J. Laws, S 3000, Chap. 122*

Appropriates \$24.8 million for reform of the Division of Youth and Family Services, including an increase in the number of caseworkers and supervisors.

*2003 N.C. Sess. Laws, SB 421, PL 304*

Requires the Division of Social Services to ensure that each child welfare worker receives pre-service and continuing training on family-centered practice and state and federal law regarding the basic rights of individuals regarding provision of child protective services.

*2003 Texas Laws, HB 1, Chap. 1330*

Requires the Department of Protective and Regulatory Services to develop a Human Resources Management Plan designed to improve employee morale and retention. Requires that the plan focus on reducing employee turnover through better management. Requires a report to the Legislature.

**Children's Exposure to Domestic Violence**

2003

*2003 La. Acts, HB 849, Act 1038*

Creates the offense of domestic abuse battery. Provides for additional penalties when a child age 12 or younger is present during the commission of a domestic abuse battery.

*2003 Mont. Laws, HB 703, Chap. 398*

Amends the definition of “psychological abuse or neglect” to include the commission of acts of violence against another person residing in the child’s home, which acts are injurious to the child’s emotional, intellectual or psychological capacity to function.

Provides that the term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

Authorizes the state child welfare agency to take certain actions in the event that a child is determined to be in danger or in need of protection as a result of the occurrence of partner or family member assault against an adult member of the household. Specifies that such actions include making reasonable efforts to protect the child and prevent removal, making reasonable efforts to remove the alleged perpetrator of the assault from the child’s residence and providing services to help protect the child from being placed with or having unsupervised visitation with the alleged perpetrator. Requires that the state child welfare agency refer adult victims to domestic violence programs.

*2003 Mont. Laws, HB 926, Chap. 409*

Requires that any person who, in the presence of a minor, inflicts serious injury or uses a deadly weapon on a person with whom the assailant has a personal relationship be placed on supervised probation in addition to any other punishment. Requires that a person who commits a subsequent violation shall be sentenced to no fewer than 30 days in jail in addition to any other punishment.

**Children’s Exposure to Methamphetamine and Other Drugs**

2002

*2002 Minn. Laws, SF 2580, Chap. 314*

Makes it child endangerment to permit a child to be present where any person is manufacturing or possessing immediate precursors or chemical substances with intent to manufacture a controlled substance.

*2002 Tenn. Pub. Acts, SB 2932, Chap. 868*

Adds to the definition of “severe child abuse” knowingly allowing a child to be present within a structure where the act of creating methamphetamine is occurring.

*2002 Wash. Laws, HB 2610, Chap. 229*

Creates the crime of endangerment with a controlled substance, in which a person permits a dependent child or adult to be exposed to certain chemicals used in the manufacture of methamphetamine.

2003

*2003 Ariz. Sess. Laws, Second Special Session, HB 2024, Chap. 164*

Sec. 23. Authorizes the taking of a child into temporary custody if probable cause exists to believe that the child is physically injured as a result of living on premises where dangerous drugs are being manufactured.

*2003 Ark. Acts, HB 1267, Act 930*

Establishes a criminal penalty for any adult who, with the intent to manufacture methamphetamine, allows a child to be exposed to, ingest, inhale or have any contact with a chemical substance or methamphetamine.

*2003 Cal. Stats., AB 233, Chap. 620*

Requires in certain cases that sentencing courts consider as a factor in aggravation of the sentence for felony manufacture of controlled substances, including methamphetamine, that a child under age 16 resided in a structure in which the felony occurred.

*2003 Cal. Stats., SB 496, Chap. 75*

Encourages every law enforcement and social services agency in the state to develop and implement, by January 5, 2005, written policies for their response to narcotics crime scenes where a child is either present or where there is evidence that a child lives. Expresses that the needs of drug-endangered children are best served by a coordinated response by law enforcement and child protective services. Encourages communities to form multi-jurisdictional groups to address the welfare of children endangered by parental drug use.

*2003 Colo. Sess. Laws, HB 03-1004, Chap. 359*

Defines child abuse to include the manufacture or attempted manufacture of a controlled substance in the presence of a child or possession of certain substances with the intent to use the substance as a precursor to the manufacture of a controlled substance.

*2003 Colo. Sess. Laws, HB 03-1169, Chap. 91*

Adds to the definition of child abuse the manufacture or attempted manufacture of a controlled substance in the presence of a child, or on the premises where a child is found or resides.

*2003 Ill. Laws, HB 2844, PA 93-340*

Creates the offenses of drug-related child endangerment and aggravated drug-related child endangerment.

*2003 Ill. Laws, SB 1793, PA 93-223*

Provides for enhanced penalties for anyone who manufactures, prepares to manufacture or stores methamphetamine, methamphetamine ingredients or methamphetamine waste in any vehicle or real property where a child under age 18 resides, is present or is otherwise endangered.

*2003 Mont. Laws, SB 364, Chap. 458*

Includes in the definition of “child abuse or neglect” exposing a child to the distribution or production of dangerous drugs or the operation of an unlawful clandestine laboratory.

*2003 N.D. Sess. Laws, HB 1351, Chap. 183*

Provides a criminal penalty for a person who knowingly or intentionally causes or permits a child or vulnerable adult to be exposed to, to ingest or inhale or to have contact with a controlled substance, chemical substance or drug paraphernalia.

**Clergy Reporting**

2002

*2002 Colo. Sess. Laws, SB 210, Chap. 295*

Adds clergy members to the list of mandatory reporters of child abuse.

*2002 Conn. Acts, HB 5680, Act 138*

Adds members of the clergy, juvenile or adult probation or parole officers, licensed or certified emergency medical service providers, certified alcohol and drug counselors, licensed professional counselors, employees of the departments of children and families and public health responsible for licensing child day care centers, group day care homes and family day care homes or youth camps to the list of mandated reporters of child abuse.

Requires mandated reporters to make oral reports by telephone or in person to the Department of Children and Families or law enforcement agencies no later than 12 hours after the reporter has reasonable cause to suspect abuse. Requires the department to develop an educational training program for mandated reporters. Requires mandated reporters who fail to report child abuse to participate in the training program. Requires the department to notify law enforcement agencies of child sexual and serious physical abuse cases within 12 hours of receipt of a report. Requires the child abuse hotline to accept all reports, regardless of the relationship of the alleged perpetrator to the child victim.

*2002 Ill. Laws, HB 5002, PA 92-801*

Requires members of the clergy to report child abuse to the Department of Children and Family Services. Exempts clergy from reporting communications covered by clergy/penitent privilege.

*2002 Mass. Acts, SB 2230, Act 14*

Adds the following people to the list of those required to report child abuse: priest, rabbi, ordained or licensed minister of any church, religious society, or faith, or an accredited Christian Science practitioner, or any person or layperson in any church, religious society or faith acting in a capacity as a leader, official, delegate or other designated function on behalf of any church, religious society or faith. Allows such people to keep privileged information confidential unless the person providing the information gives consent to the report.

*2002 Mo. Laws, SB 923*

Sec. 352.400, 210.145. Adds ministers to the list of those required to report child abuse. Defines "minister." Provides that a minister shall not be required to report privileged communications.

**2003*****2003 Ala. Acts, HB 262, Act 272***

Requires clergy members to report known or suspected child abuse. Exempts clergy from reporting information obtained solely in a confidential communication.

***2003 Ark. Acts, HB 2262, Act 1039***

Adds clergy members, court-appointed special advocate staff or volunteers, foster parents, child care workers and juvenile intake or probation officers to the list of mandated reporters of child maltreatment. Defines clergy to include minister, priest, rabbi, Christian Science practitioner or other similar functionaries. Grants a reporting exemption to those clergy who acquire knowledge of the maltreatment through a confidential communication pursuant to the religious discipline of the denomination or faith, or as a statement of admission from the offender.

***2003 La. Acts, HB 171, Act 567; SB 383, Act 1187***

Includes in the category of mandatory reporters of child abuse and neglect members of the clergy, including any priest, rabbi, minister, duly ordained deacon, Christian Science practitioner or other similarly situated functionary of a religious organization. Provides an exception to the mandatory reporting of confidential communications to clergy members who, in the course of practice of their denomination, are accustomed to hearing confidential communications and have a duty to keep such communications confidential. In such instances, states that clergy shall encourage the person to report the allegations to appropriate authorities.

***2003 Me. Public Laws, LD 309, Chap. 210***

Adds clergy member and official of a church or other religious institution to the list of mandatory reporters of child abuse and neglect.

***2003 N.M. Laws, HB 247, Chap. 189***

Adds to the list of mandatory reporters of child abuse members of the clergy who have information that is not privileged.

***2003 S.C. Acts, H 3199, Act 94***

Adds members of the clergy, including a Christian Science practitioner or religious healer, to the list of people required to report child maltreatment, except when information is received from the alleged perpetrator during a communication that is protected by the clergy and penitent privilege.

***2003 Vt. Acts, S 93, Act 43***

Adds "member of the clergy" to the list of mandated reporters of child abuse and neglect. Specifies the conditions under which a member of the clergy is not required to make a report. Provides a criminal penalty for violations. Requires the state to develop model protocols and a training program for mandatory reporters. Requires a report to the Legislature.

**Foster Care: Education of Children in Care**

2002

*2002 N.H. Laws, SB 354, Chap. 205*

Authorizes foster parents to act as educational advocates for foster children with educational disabilities.

*2002 Wash. Laws, SB 6709, Chap. 326*

Requires the formation of a working group to develop a plan to address the educational needs of children in short-term foster care. Requires recommendations to the Legislature by November 1, 2002.

Requires two school districts to implement pilot projects to assist school-age foster children to continue attending the school in which they were enrolled before entering foster care.

2003

*2003 Cal. Stats., AB 490, Chap. 862*

Requires school districts to accept for credit full or partial coursework completed by a pupil while attending a public school, juvenile court school or non-public, non-sectarian school or agency.

Declares legislative intent that pupils in foster care have an opportunity to meet the academic standards applicable to all students, are placed in the least restrictive educational programs and have the same access to resources, services and activities as all other pupils.

Requires a parent or other person with educational decisionmaking authority over a pupil in foster care to first consider placement of the pupil in the regular public school before making a decision to place the pupil in a juvenile court school.

Requires each local educational agency to designate a staff person to serve as the educational liaison for foster children and to ensure the proper educational placement, enrollment and transfer between schools of such children.

Requires local educational agencies to allow a child who is removed from home and placed in foster care or who changes foster placements to continue his or her education in the school such child is currently attending.

Provides that the timely transfer between schools of foster children is the responsibility of both the local educational agency and the county placing agency. Specifies procedures to be followed to effect such transfers.

Authorizes school districts to permit county placing agencies to access pupil records for specified purposes.

Limits the right of foster parents to represent a foster child's educational interests to situations in which the child is in a planned, permanent living arrangement and in which the court has limited the right of the parent to make educational decisions.

Authorizes area boards on developmental disabilities to conduct life quality assessments for dependents of the juvenile court.

*2003 Cal. Stats., SB 464, Chap. 413*

Requires that a representative of the group home in which a pupil has been placed be invited to the pupil's individualized education program team meetings.

*2003 Md. Laws, SB 32, Chap. 207*

Provides for the funding of the education of a child in informal kinship care because of serious family hardship. Requires the district of the kinship caregiver's residence to provide the child with an appropriate education. Requires the district where the child's parent or legal guardian resides to pay the cost of the child's education. Specifies formulas for determining the amount of the payment.

*2003 Md. Laws, SB 178, Chap. 217*

Requires certain residential child care programs to enroll children in the local school system, unless the program operates an approved educational program. Requires such residential child care programs to initiate and monitor the transfer of academic records, to meet the child's teachers at the time of enrollment and to include the child's report card in the child's case record.

*2003 Texas Laws, HB 1050, Chap. 234*

Requires that a child removed from home be returned to school within 3 days. Requires the state to notify the school if a child has a physical or mental condition making school attendance temporarily infeasible.

Requires a school district to accept a child for enrollment without documentation if the state has taken possession of the child. Requires the state to ensure that the required documentation is provided to the district within 30 days after enrollment.

*2003 Wash. Laws, HB 1058, Chap. 112*

Sets forth legislative findings regarding the importance of educational stability for children in foster care. Declares that it is the policy of the state that children placed in foster care shall remain enrolled in their home schools. Requires the state to develop protocols with school districts and courts specifying strategies for coordination and communication to maximize educational continuity for foster children. Requires the state to establish an oversight committee to develop strategies for school-based recruitment of foster homes, monitor the progress of relevant pilot projects and promote best practices. Requires the state to work with the courts to ensure that educational stability is addressed during shelter care hearings.

**Foster Care: General**

2002

*2002 Mich. Pub. Acts, HB 5242, Act 646*

Allows the Family Independence Agency to establish foster parent resource centers as two-year pilot projects. Requires that the activities of each center include support for and coordination of respite care and assistance in

obtaining day care. Requires an evaluation and report on the pilot project's organization, effectiveness and success that includes the number of foster parents using the centers and their top 10 concerns.

*2002 Mo. Laws, SB 923*

Sec. 210.566. Enacts a new provision regarding the rights and duties of foster parents.

*2002 Wash. Laws, SB 6702, Chap. 52*

States the intent of the Legislature that sibling relationships in out-of-home care should be nurtured. Requires the state to ensure that siblings visit one another regularly. Requires social studies to include an assessment of the child's sibling relationships and the agency's plan to provide ongoing contact. Requires that any person with whom a child is placed in shelter care must be willing to facilitate a child's visits with siblings. Requires courts to consider sibling visitation when ordering a child removed from home. Requires consideration of sibling relationships in permanency plans and placement decisions.

**2003**

*2003 Cal. Stats., AB 458, Chap. 331*

Adds to the list of foster children's rights the rights to fair and equal access to services, and to not be subjected to discrimination or harassment on the basis of race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or HIV status. Requires training for administrators, licensing personnel, licensed foster parents and relative caretakers to include training about such rights. States that it is the policy of the state that all people engaged in care of foster children shall have the same rights to service access and nondiscrimination.

*2003 Colo. Sess. Laws, SB 03-314, Chap. 409*

Creates a presumption that, in cases involving dependency and neglect, adoption, voluntary relinquishment and termination of parental rights, joint placement of siblings is in their best interest whenever the child welfare agency locates an available and appropriate joint placement. Provides that the presumption may be rebutted by a preponderance of the evidence that such placement is not in the siblings' best interest.

*2003 Texas Laws, HB 1, Chap. 1330*

Requires the Department of Protective and Regulatory Services to expend up to \$500,000 in fiscal year (FY) 2004 and up to \$706,000 in FY 2005 to develop and implement a program to recruit and train foster parents from faith-based organizations.

*2003 Wash. Laws, SB 5779, Chap. 227*

Expresses and clarifies legislative intent regarding the importance of sibling relationships. Defines "sibling." Creates a presumption in favor of sibling placement, contact or visits. Clarifies the authority of the court regarding sibling placement or contact. Requires that reasonable efforts to ensure sibling visitation and contact be made in termination of parental rights proceedings. Requires that orders terminating the parent-child relationship include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact or visits.

*2003 Wash. Laws, SB 5811, Chap. 226*

Expresses legislative intent regarding the importance of the connection between children in foster care and their birth families. States that creating and sanctioning such connections can result in greater placement stability and greater satisfaction for foster parents and social workers. Encourages foster parents to help birth parents understand their children's needs, enter into community-building activities with birth families and other foster families, transport children to family time visits with birth families and help birth families to maximize the purposefulness of family time.

**Foster Care: Missing Children**

2003

*2003 Fla. Laws, SB 1318, Chap. 292*

Creates the "Rilya Wilson Act." States legislative intent that children in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect and abandonment. Requires the state to notify certain child care programs of the enrollment of children age three to school-entry age who are in the custody of the state or in court-ordered protective supervision. Requires that pre-school-age children under protective supervision or in state custody and who are enrolled in an early education program must be enrolled for five days per week. Requires that case plans for such children must specify that participation in child care is a required action. Requires a study to explore ways in which early education and child care can keep children safe who are younger than school-entry age and are in the child welfare system.

Specifies responsibilities of parents or guardians regarding their children's attendance and absences from child care programs when such children are in state custody or under protective supervision. Requires providers of child care and early education to report any unexcused absences of children in the child welfare system, and requires the state to follow up with site visits and report to law enforcement agencies any children determined to be missing.

*2003 Fla. Laws, SB 1454, Chap. 146*

Sec. 2. Allows the Department of Children and Families to release information to the public on missing children under investigation or supervision of the department or its contracted service providers. The information to be released includes the name of the child, the date of birth, the physical description and a photograph. Provides civil and criminal immunity for entities releasing the information in good faith.

*2003 Ill. Laws, HB 3062, P.A. 343*

Requires that a private child welfare agency that places a child in a foster home ascertain whether any other children have been placed in such home and whether every such child so placed continues to reside in that home. Requires the agency to keep a record of every other child welfare agency that has placed a child in that foster home. Requires agencies to visit foster homes at least once every 30 days to verify that children placed continue to reside there. Requires foster parents and child welfare agencies to report missing children.

*2003 Me. Public Laws, LD 956, Chap. 443*

Establishes procedures for law enforcement investigations of missing children who were in the custody of the Department of Human Services in temporary shelter, and procedures for transferring investigative responsibility among law enforcement agencies, depending on where the child is believed to be located.

**Foster Care: Youth in Transition**

2002

*2002 Alaska Sess. Laws, HB 209, Chap. 82*

Directs the state to establish a foster care transition program.

*2002 Fla. Laws, HB 245, Chap. 19*

Establishes the statutory framework for implementation of the federal Chafee Foster Care Independence Act. Identifies services available to youth between the ages of 13 and 18 in foster care, and to young adults between the ages of 18 and 23 who formerly were in foster care. Creates the Road to Independence Scholarship to support young adults who were in foster care at age 18 to receive academic and vocational training. Establishes aftercare and transition services to provide short-term support to a young adult's efforts to achieve self-sufficiency.

*2002 Ky. Acts, HB 202, Chap. 279*

States legislative intent to support adoption, foster parenting and educational advancement of foster and adopted children. Opens tuition waiver program to part-time students, students under age 18 and certain Department of Justice foster children. Clarifies other eligibility criteria. Requires reports on the number of children in the program.

*2002 Ohio Laws, HB 38*

Requires local child welfare agencies to provide independent living services to children ages 16 and 17. Specifies the types of services to be provided.

Authorizes the state to amend its Medicaid plan to include individuals who are receiving independent living services.

Requires that local workforce development plans give priority to youth who are receiving independent living services.

2003

*2003 Cal. Stats., AB 408, Chap. 813*

Requires the court to determine whether the placing agency has made reasonable efforts to maintain relationships with individuals who are important to a child in care who is age 10 years or older. Requires social workers and certain agencies, in specified circumstances, to make efforts to identify those individuals and to make efforts to maintain those relationships.

Requires county welfare departments to provide information on maintaining important relationships to a dependent child who has reached the age of majority. Requires the state to encourage the development of approaches to child protection that ensure that no child leaves foster care without a lifelong connection to a committed adult. Provides that every dependent child shall be entitled to participate in age-appropriate extracurricular, enrichment and social activities.

Expands the list of permissible Independent Living Program purposes to include the convening of those who are important to the participant for the purpose of providing information to be included in his or her written transitional independent living plan.

Requires training of county child protective services workers to include the importance of maintaining specified child relationships with important individuals and methods to identify those individuals.

Requires that case plans for children age 16 or older include a written description of programs and services to assist the child in independent living and that case plans be developed with the child and other people who are important to the child.

*2003 Fla. Laws, SB 1454, Chap. 146*

Requires the independent living services workgroup to assess the implementation and operation of the system of independent living services in the state. Requires a report to the Legislature.

*2003 Iowa Acts, HF 457, Chap. 117*

Requires special review and approval of transition plans for independent living for children who are reasonably likely to need services or supports from the adult service system upon reaching age 18. Requires the court to modify its orders as necessary to specify services needed to assist the child in making the transition from foster care to adulthood. Allows the court to authorize the child's guardian ad litem or court-appointed special advocate to continue a relationship with and provide advice to the child for a period beyond the child's 18<sup>th</sup> birthday.

Directs the state to establish local transition committees to address the needs of children age 16 and older. Provides for membership and duties of such committees, including review and approval of transition plans.

*2003 Me. Public Laws, LD 326, Chap. 187*

Establishes additional tuition waivers at state post-secondary educational institutions for the 2003–2004 academic year for foster care residents, and gives sufficient time for foster youth to prepare their applications.

*2003 N.J. Laws, A 2428, Chap. 132*

Creates in the Department of Human Services the Statewide Tuition Waiver Program to provide tuition to children who have been under the care and custody of the Division of Youth and Family Services.

*2003 Or. Laws, SB 808, Chap. 544*

Requires courts to review at a permanency hearing the comprehensive plan for a child's transition to independent living and make findings as to the adequacy of the plan, appropriateness of services offered and involvement of the child in development of the plan. Requires the Department of Human Services to ensure that case plans

address the child's needs and goals related to independent living, beginning after the child reaches age 14 but in no case later than the child's 16<sup>th</sup> birthday.

## **Investigations of Child Maltreatment**

2003

*2003 Ariz. Sess. Laws, Second Special Session, HB 2024, Chap. 6*

Sec. 4. Requires that allegations of extremely serious conduct, as defined in law, be investigated in cooperation with the appropriate law enforcement agencies, according to protocols to be established.

Sec. 13. Requires the Department of Economic Security to provide child protective services workers with training in forensic interviewing, the protocols for cooperation in investigating allegations of extremely serious conduct and relevant law enforcement procedures. Requires that all child protective services workers be trained to protect the legal rights of children and families.

Sec. 22. Requires the Department of Economic Security to develop initial screening and safety assessment protocols in consultation with the attorney general, county attorneys, chiefs of police, sheriffs medical experts and others. Requires that in each county, the county attorney, the sheriff, the chief law enforcement officer for each municipality and the Department of Economic Security shall develop and implement protocols for cooperation in investigations of allegations involving extremely serious conduct. Specifies required contents of such protocols.

## **Kinship Care**

2002

*2002 Colo. Sess. Laws, HB 1067, Chap. 220*

Creates the Family Caregiver Support Program to provide support services for family caregivers of older individuals and for grandparents or older individuals who are relative caregivers of children. Specifies services to be provided, including information, counseling, training and respite care. Specifies certain eligibility criteria.

*2002 Colo. Sess. Laws, HB 1262, Chap. 241*

Authorizes counties, subject to available appropriations, to provide a basic assistance grant to a grandchild who exited foster care into the legal custody or guardianship of a grandparent. Provides that eligibility shall be based either on the criteria in effect on July 16, 1996, or on the criteria for the average foster care home maintenance payment.

*Vol. 73 Del. Laws, SB 239, Chap. 270*

Requires the state to establish a kinship care program. Prescribes criteria for eligibility. Requires a toll-free telephone line for information about services. Requires the establishment of a fund to assist with one-time emergencies.

*2002 Wash. Laws, HB 1397, Chap. 144*

Requires the state to convene a kinship caregivers working group to brief the Legislature on policy issues regarding kinship care.

2003

*2003 Conn. Acts, SB 291, Act 42*

Requires the Department of Children and Families to create a kinship foster care program. Requires the department to inform relatives regarding procedures to become foster parents.

*2003 N.Y. Laws, S 4224, Chap. 657*

Authorizes a grandparent to apply to the court for legal custody of a child if the grandparent can demonstrate the existence of extraordinary circumstances, defined as including a prolonged separation of parent and child, together with voluntary relinquishment of care and control of the child to the grandparent. Requires local social services agencies, prior to accepting a transfer of custody, to locate all of the child's grandparents and to inform them of the opportunity for becoming foster parents or for seeking custody of the child and that the child may be adopted by foster parents if attempts at reunification are unsuccessful.

*2003 Texas Laws, HB 1, Chap. 1330*

Authorizes the state to use up to \$250,000 from funds appropriated for foster care payments to develop and implement a relative placement reimbursement pilot program in one region of the state. Requires an evaluation.

*2003 Wash. Laws, HB 1233, Chap. 284*

Requires the state to plan and implement strategies to prioritize the placement of children with kin when out-of-home placement is necessary. Requires that the strategies include procedures to be used when searching for kin and procedures for conducting active outreach efforts.

**Public Access to Records and Proceedings**

2003

*2003 Ariz. Sess. Laws, Second Special Session, HB 2024, Chap. 6*

Sec. 18. Enacts comprehensive provision on disclosure of child protective services (CPS) information, as defined. Provides that all exceptions for the public release of CPS information shall be construed as openly as possible under federal law. Identifies authorized recipients of CPS information. Requires release, upon request, of summary information regarding a fatality or near-fatality caused by abuse or neglect.

Sec. 41. Expands the pilot program to open to the public a percentage of dependency, guardianship and termination of parental rights proceedings. Specifies certain court records that are not available for public inspection. Requires an evaluation of the impact and effectiveness of the pilot program in each participating county other than Maricopa County.

*2003 Cal. Stats., AB 1151, Chap. 847*

Provides that after the death of a minor foster child, certain identifying information regarding the child shall be subject to disclosure pursuant to the public records act.

*2003 Nev. Stats., AB 132, Chap. 514*

Requires that, in larger counties, certain judicial proceedings related to abused and neglected children are to be presumptively open to the public. Allows a court to close all or parts of such proceedings if closure is in the child's best interest. Requires the court to make specific findings of fact to support its decision to close a proceeding. Requires that, in all other counties, judicial proceedings related to abused and neglected children shall be presumptively closed to the public. Requires that, in open proceedings, the court must keep information confidential to the extent necessary to obtain federal funds. Requires the court administrator to collect information concerning the effect of the foregoing provisions on children and the operation of the child welfare system and to report to the Legislature.

*2003 N.H. Laws, SB 86, Chap. 206*

Makes mandatory the public disclosure of certain information regarding the abuse or neglect of a child if there has been a fatality or near-fatality resulting from such abuse or neglect. Adds to the list of information that must be disclosed.

*2003 Utah Laws, HB 222, Chap. 332*

Directs the Judicial Council to select one or more judicial districts as pilot districts in which abuse, neglect and dependency cases are open to the public. Requires that proceedings in all other districts be open beginning July 1, 2005. Specifies procedures for release of records of proceedings. Requires the Judicial Council to report to the Legislature on the effects of the foregoing provisions before the 2005 annual general session.

**Safe-Haven Laws**

2002

*2002 Colo. Sess. Laws, HB 1311, Chap. 63*

Specifies that information on abandoned infants prepared by firefighters, hospital staff or law enforcement personnel is subject to confidentiality provisions.

*Vol. 73 Del. Laws, HB 120, Chap. 187*

Creates the "Safe Arms for Babies" program and establishes a defense against prosecution for anyone who surrenders a baby to a hospital emergency department.

*2002 Fla. Laws, SB 1222, Chap. 30*

Adds emergency medical services stations to the list of locations that are allowed to receive a newborn infant abandoned under the Safe Havens Act. Clarifies the importance of confidentiality.

*2002 Ga. Laws, HB 360, Act 921*

Creates the “Safe Place for Newborns Act of 2002.” Allows specified medical facilities to accept infants, younger than one week old, provided the mother shows proof of her identity, if available, and provides her name and address. Specifies that the mother will not be prosecuted for this action. Requires the Department of Human Resources to report on infants abandoned under this act and on the cost effectiveness of a toll-free telephone line to provide information about the act.

*2002 Kan. Sess. Laws, SB 652, Chap. 154*

Creates the “Newborn Infant Protection Act.” Allows a parent or other person to relinquish an unharmed newborn, 45 days old or younger, to any employee who is on duty at a fire station, city or county health department or medical care facility. Provides immunity to any person, city or county, or agency that accepts physical custody.

*2002 Ky. Acts, SB 55, Chap. 303*

Creates the “Representative Thomas J. Burch Safe Infants Act.” Requires emergency medical services providers, hospitals, police stations and fire stations to accept voluntarily surrendered, unharmed infants that are no more than 72 hours old. Requires police officers, firefighters and emergency medical services providers to immediately transfer the infant to the nearest hospital emergency room. Requires emergency rooms to gather health and medical information concerning the infant and the parents; however, the information is voluntary, and materials may be completed anonymously. Outlines the process for the emergency custody order, concurrent planning placement services, temporary removal hearing, petition to seek the involuntary termination of parental rights, parental rights claims, adjudicatory hearing and genetic testing to establish paternity or maternity. Requires the cabinet to produce and conduct a media campaign to educate the public.

*2002 Mo. Laws, HB 1443*

Sec. 210.950. Creates the “Safe Place for Newborns Act of 2002.” Allows a parent to voluntarily relinquish an unharmed infant, 30 days old or younger, to an employee at a hospital, a firefighter, an emergency medical technician or a law enforcement officer. Outlines termination of parental rights hearing and other court proceedings. Requires an examination of the putative father registry and other public notice efforts. Describes the nonrelinquishing parent’s rights to establish parentage. Provides immunity for employees who accept the infant. Requires the Division of Family Services to provide information via a toll-free telephone information number, pamphlets and brochures.

**2003***2003 Cal. Stats., SB 139, Chap. 150*

Allows surrender of a newborn to a safe-surrender site, as defined, at a hospital or location designated by a county. Provides that certain information regarding an individual who surrenders a newborn is confidential. Requires safe-surrender sites to post signs using a statewide logo.

*2003 Ill. Laws, HB 2298, PA 88*

Requires that all sex education courses that discuss sexual intercourse advise pupils of the Abandoned Newborn Infant Protection Act, as well as provide information about responsible parenting and confidential adoption services.

*2003 La. Acts, HB 243, Act 609*

Establishes a safe-haven mechanism for a parent to anonymously relinquish care of an infant to the state, without fear of prosecution. Designates any licensed hospital, public health unit, emergency medical service provider, medical clinic, fire station, police station, pregnancy crisis center or child advocacy center as a safe haven where a child may be relinquished, and allows relinquishment by a parent who calls 911. Creates a mechanism for the relinquishing parent to voluntarily provide information about prenatal care, the name of the other parent and medical and genetic history information. Mandates an immediate medical evaluation of the child and a custody hearing, with notification to the nonrelinquishing parent, if possible. Allows for appointment of a court-appointed special advocate for the child.

*2003 Mich. Pub. Acts, SB 710, Act 245*

Requires the establishment of a safe delivery program to provide information regarding prenatal care and safe delivery of newborns, including information that a hospital will take into protective custody a newborn who is surrendered as provided for in law and information that surrendering a newborn for adoption is an affirmative defense to abandonment charges.

*2003 N.H. Laws, HB 104, Chap. 40*

Requires a hospital or safe haven (a church, police station, fire station or 911 responder) to take temporary care and control of a child who is not more than seven days old, delivered by a parent who did not express an intent to return for the child. Requires the Department of Health and Human Services to assume care and control of the child upon notice by the hospital or safe haven and to request law enforcement officials to investigate the incident to determine whether the child is a missing child. Provides for immunity from liability. Creates an exception to the crime of endangering the welfare of a child for those acting in accordance with the foregoing provisions.

*2003 N.J. Laws, S 3000, Chap. 122*

Appropriates \$500,000 to advertise the state's Infant Safe Haven Law.

*2003 N.C. Sess. Laws, HB 397, PL 284*

Sec. 10.8B. Requires the state to incorporate education and awareness of the Infant Homicide Prevention Act into other state-funded programs at the local level. Requires a report to the Legislature.

*2003 Va. Acts, HB 2447, Chap. 822*

Creates an affirmative defense to prosecution for child abuse and neglect if the accused left a child at a hospital or rescue squad within 14 days of the child's birth. Provides immunity from liability for hospital or rescue squad personnel who receive infants under this provision. Authorizes local departments of social services to take custody of abandoned children and to institute proceedings for termination of parental rights.

*2003 Wyo. Sess. Laws, SF 142, Chap. 167*

Provides for the safe relinquishment of newborn infants up to 14 days old. Contains provisions regarding child placement, termination of parental rights, affirmative defense in criminal actions and immunity from liability.

**Systems Coordination and Integration**

2002

*2002 Cal. Stats., SB 1745, Chap. 187*

States legislative findings with respect to the relationship between domestic violence and child abuse. Requires child protective services, law enforcement agencies and others to develop protocols regarding responses to domestic violence in homes where children reside.

*2002 Colo. Sess. Laws, HB 1138, Chap. 164*

Creates the state Integrated Care Management Program for the delivery of child welfare services. Requires the state Department of Human Services to develop principles of integrated care management and a process to allow counties to participate in the program. Authorizes the state to enter into performance agreements with counties.

*2002 Md. Laws, HB 0959, Chap. 395*

Requires the departments of Juvenile Justice and Human Resources to identify the number of children in the child welfare system who were referred to the juvenile justice system for delinquent acts. Requires the departments to study the link between the child welfare and juvenile justice systems, develop a plan to address the link and report to the Legislature by December 31, 2002.

2003

*2003 Fla. Laws, SB 2404, Chap. 279*

Secs. 8, 9. Requires the Department of Children and Family to establish a single managing entity for districts four and 12 to be accountable for the delivery of substance abuse services to child protective services recipients. Specifies that the purpose of the strategy is to enhance the coordination of substance abuse services with community-based care agencies and the department. Requires the development of performance objectives that ensure that substance abuse services directly affect and complement the child's permanency plan.

Requires the Agency for Health Care Administration (agency) to work with the Department of Children and Family Services (department) to ensure that children and families in the child protection system have access to needed and appropriate mental health and substance abuse services.

Requires the agency and the department to submit a plan for the full implementation of capitated, prepaid behavioral health care in all areas of the state. Requires that the plan include provisions that ensure that children and families who are receiving foster care and related services are appropriately served.

**Systems Reform**

**2003*****2003 Iowa Acts, SF 453, Chap. 178***

Requires the Department of Human Services to implement a system redesign for child welfare and juvenile justice to make the transition to an outcomes-based system for children. Requires the outcomes-based system to be based on federal and state child welfare outcomes regarding safety, permanency, child and family well-being, public safety, accountability and rehabilitation. Includes the following principles: outcomes achieved in a cost-effective manner; clarified roles of all involved in service delivery; maximized state and federal funding flexibly directed to services on the basis of the needs of children and families; a detailed methodology for purchasing performance outcomes; and monitoring to ensure effective oversight and quality. Requires the redesign to build on successful Iowa programs, such as Community Partnerships for Protecting Children, child welfare funding decategorization projects and quality service reviews. Requires the development of a stakeholder panel to provide input into the planning, design, implementation and evaluation. Requires a six-member legislative committee to monitor the service system redesign. Appropriates \$2.2 million.

***2003 N.H. Laws, SB 86, Chap. 206***

Requires the Department of Health and Human Services to develop a plan to achieve accreditation by the Council on Accreditation for Children and Family Services, Inc. Requires that the plan contain both inputs—including staffing and budgeting requirements—and outcomes, including an assessment of the effect of accreditation on the number of abused and neglected children, the nature of their abuse and neglect and the relationships between such children and their families. Requires that the plan be submitted to the governor and Legislature by February 1, 2004.