



State Child Welfare Legislation 2005

July 2006

Introduction

State lawmakers play a significant role in crafting legislation and policy that govern the safety and well-being of children in their states. The National Conference of State Legislatures (NCSL) tracks this activity through its *State Child Welfare Legislation* reports. This report documents significant state legislation enacted during calendar year 2005.¹

Kinship care received a great deal of legislative attention in 2005. States promoted or enhanced the use of relatives as kinship care providers and established or amended guardianship laws to include relatives as important placement options. Another area of major legislative activity in 2005 concerned substance-exposed newborns and methamphetamine abuse.

In addition, legislatures addressed the following:

- Adoption, particularly adoption by relatives and post-adoption contact agreements;
- Parent and child involvement in case planning;
- Social worker loan forgiveness programs;
- Court handling of child welfare cases;
- Education of children in foster care;
- Behavioral health care for children in the child welfare system;
- Alternative response to reports of child maltreatment;
- Kinship care and guardianship;
- Children’s exposure to drug manufacturing;
- Extension of foster care beyond age 18; and
- Tribal issues.

Brief descriptions of significant state legislation appear below by issue area in alphabetical order.² The appendix contains both citations and more extensive summaries of the laws discussed here.

1. The legislation described here reflects emerging issues and key legislative trends related to child welfare, about which NCSL receives 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 compilation of all new state child welfare laws. Further, inclusion of the enactments herein should not be construed to mean that such enactments represent “best practice” or are in accord with federal law.

2. In 2005, Texas enacted Senate Bill 6, comprehensive legislation to reform its child and adult protective services systems. In this report, because the legislation covers many different areas of child welfare, significant provisions of the law have been placed under various subject matter headings

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Administration of Child Welfare

Several states enacted measures to study or change the administration of child welfare, create new administrative structures or alter the state/local allocation of responsibilities.

- Two states restructured their local child welfare agency offices. Connecticut replaced its six regions with a number of area offices and required the state agency to obtain accreditation. Michigan mandated restructuring of local child welfare offices to make more efficient use of available resources.
- Indiana created a new Department of Child Services.
- Kentucky created an office of faith-based and community nonprofit services in the Office of the Governor.
- North Dakota authorized the state agency to release a county from its statutory duty to administer child welfare.
- Washington established a task force to study the most appropriate and effective administrative structure for delivering services to children and families.

Adoption

Many states passed new laws on the adoption of children from foster care.

- Alaska, Arkansas, California, Idaho, Kentucky, Pennsylvania and South Dakota enacted measures to facilitate adoption of children by relatives and other caregivers.
- Arkansas streamlined the adoption process for families that previously have adopted through the child welfare agency.
- Arizona and North Carolina mandated studies to improve adoption promotion and incentives.
- California allowed for reinstatement of parental rights if a child has not been adopted within three years after being freed for adoption.
- Maryland, Nevada, New Hampshire and New York authorized enforceable agreements for post-adoption contact between birth families and adopted children.
- Missouri enacted a means test for state-funded adoption assistance.
- Several states increased post-adoption financial support, including Connecticut (funding for post-secondary education), New Mexico (extension of a subsidy to age 21 for medically fragile youth), Rhode Island (adoption tax credit) and Texas (medical assistance for adopted children not eligible for a subsidy).

Case Planning

State legislation in 2005 recognized the value of involving families in case planning.

- California, Minnesota, Virginia and Wyoming mandated parent and/or child involvement in case planning and permanency planning.
- Colorado and Texas enacted measures to promote family group decision making.

- Florida required that case plans for an immigrant child address the citizenship or residency status of the child.
- Texas mandated concurrent permanency planning.

Child Protection

Improving child safety was the focus of several enactments in 2005.

- Two states initiated studies related to child protective services (CPS). Montana requested a study of the state's CPS system. Washington created a joint task force on child safety for children who are in CPS or are receiving child welfare services.
- Two states focused on the training of CPS workers. Washington required training on adolescents in the CPS system, and Wyoming required training in family-centered practice.
- Texas enacted comprehensive reform of its CPS system, funded with \$248 million for the 2006–2007 biennium.
- Utah enacted two bills, one clarifying the rights and obligations of the state and parents with respect to the protection of children and the other providing that a parent or guardian's health care decision made on behalf of a child does not constitute neglect unless the decision is found to be not reasonable and informed.
- Washington appropriated \$14.5 million in state and federal funds for CPS reforms required by the federal Child and Family Services Reviews (CFSRs) and the *Braam* lawsuit.
- The Washington legislature expressed its intent for the child welfare agency to intervene in cases of chronic neglect by recognizing patterns of chronic neglect and reinforcing the need for the parent's early engagement in services to decrease the likelihood of future neglect.

Child Welfare Workforce

As in years past, states in 2005 passed laws and appropriated funds to strengthen and stabilize the child welfare workforce.

- Some states passed laws regarding child welfare caseloads. These include Arizona (requirement to develop caseload standards), Indiana (new caseload caps effective in 2008), Nebraska (requirement to report to the Legislature on caseloads) and Texas (requirement to develop a plan to reduce and redistribute caseloads). Texas' reform of CPS also included the hiring of more than 2,500 new staff during the 2006–2007 biennium.
- Two states enacted measures related to worker safety. Louisiana created the crime of assault on a child welfare worker. Washington required a work group to develop policies and protocols to address worker safety.
- Illinois, New Jersey and New York created new social worker loan forgiveness programs. Texas required a study of financial incentives for the education and training of caseworkers.
- Maryland withheld spending authority pending the filling of caseworker and supervisor vacancies.
- Texas required a program to provide for the timely replacement of caseworkers with trainees hired in anticipation of vacancies.
- Texas required its child welfare agency to explore the strategic use of technology as a means to reduce workloads and achieve other objectives.

Coordination and Collaboration

States continue to explore new ways to integrate services from multiple systems, improve interagency coordination and collaboration and work more closely with communities to protect children and strengthen families.

- Arkansas, New Mexico, North Carolina, South Dakota, Texas and Wyoming created new interagency administrative structures, task forces and initiatives.
- Maine required the Department of Health and Human Services to use a wrap-around model in the delivery and funding of services to children.
- Texas required a strategy to build community partnerships, including moving staff from centralized offices to community-based settings.
- Washington required the child welfare and corrections agencies to jointly develop a plan to support children of incarcerated parents.

Courts

State legislatures are taking a more active role in oversight of juvenile courts and attorneys in child welfare matters, including establishing or shortening time frames for the permanency process, improving legal representation of children and families and promoting better court/agency collaboration.

- Connecticut established specialized children's probate courts based on a successful pilot program and created a new commission to develop a system for the delivery of legal services in juvenile matters.
- Florida authorized the state Supreme Court to create a case tracking system for identifying individuals and families within the family court system.
- Georgia, New York and North Carolina passed laws to specify or shorten time frames in child welfare court proceedings.
- Idaho clarified the duties of a guardian ad litem.
- Maryland and New York required more stringent court oversight of case handling by child welfare agencies.
- North Carolina and Texas clarified the appeals process for termination of parental rights decrees.
- Texas required a pilot program to allow for the paperless exchange of information between the child welfare agency and courts.

Education

States passed a variety of laws in 2005 to improve educational outcomes for children in the child welfare system.

- Arkansas, Oregon and Virginia passed laws to minimize educational disruptions caused by foster care placement. Montana required the school superintendent to pay tuition for students in foster care who are placed outside of their school districts.
- Arkansas and Delaware enacted measures regarding eligibility for federal funds for the education of certain foster children under the McKinney-Vento Homeless Assistance Act.

- Arkansas and Maryland required improved coordination and communication between child welfare agencies and school systems.
- California passed measures dealing with educational decision making for foster children and extension of foster care for youth pursuing a high school equivalency certificate. It also urged Congress to enact an exception to the Family Educational Rights and Privacy Act to allow schools to share records with child death teams.
- Texas required the development of an educational passport for foster children.

Federal Funds

In 2005, state legislation addressed foster children's eligibility for federal Social Security benefits, the need for more flexibility in federal title IV-E funds, and the use of Temporary Assistance for Needy Families (TANF) funds for child welfare.

- California addressed all three of these issues. One measure required a work group to develop best-practice guidelines for county child welfare agencies to assist children who are eligible for Social Security benefits. It also included provisions related to the disposition of such benefits. A second California measure urged federal approval of the state's application for a Title IV-E waiver demonstration and urged Congress to enact laws to allow for more flexible use of federal child welfare funding. Finally, the state budget authorized the transfer of \$63 million in TANF funds to the Social Services Block Grant to offset state costs for foster care and certain other child welfare services.
- Pennsylvania, which has long supplemented state child welfare funds to counties with TANF funds, was required to make an additional \$225 million in state funds available to counties in response to a decline in TANF reserves.

Foster Families

A few states passed measures to acknowledge and support foster families.

- California enacted provisions regarding visitation rights, the development of a shared responsibility plan and participation in Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits for children in foster care who are parents.
- Michigan required a pilot program to assist foster families with smoking cessation services.
- Oregon and Pennsylvania enumerated the rights of foster parents.

Health Care

A number of states passed legislation to improve health care, particularly behavioral health care, for children in the child welfare system.

- Connecticut required its child welfare agency to provide health care for any child under its supervision who is not receiving Medicaid benefits. Connecticut also required an integrated behavioral health services system for certain Medicaid enrollees and children receiving voluntary services from the child welfare agency.
- Idaho, Illinois, Indiana and Iowa passed laws to improve the delivery of behavioral health care services to children.
- Michigan required its child welfare agency to clarify the types of children who go into specialized foster care and the kinds of services that they receive.

- Oklahoma created a task force on reactive attachment disorder among children in the custody of the child welfare agency.
- Texas required the design of a comprehensive and cost-effective medical services delivery model.
- Wyoming required a CPS agency to refer a child under age 6 for educational and developmental screening and assessment.

Investigation/Assessment

Alternative response, joint investigations with law enforcement and diversion to community-based service providers were the subjects of state legislation in 2005.

- Maryland, Minnesota, North Carolina, Tennessee and Wyoming passed measures authorizing or requiring a child welfare agency to respond to certain lower risk reports of child maltreatment with a family assessment rather than with an investigation.
- Texas' comprehensive CPS reform included provisions to strengthen joint investigations between child welfare and law enforcement. The bill also included a grant program for community organizations to respond to low-priority cases.

Kinship Care and Guardianship

In 2005, many states passed laws regarding kinship caregivers both in and outside of the child welfare system.

- Arizona, Arkansas and Texas passed legislation promoting the use of relatives as foster caregivers.
- Several states established or amended existing guardianship initiatives:
 - Maine established a guardianship subsidy program to promote permanency for children in the child welfare system.
 - Maryland and Tennessee authorized courts to grant custody or guardianship as a permanent placement.
 - Missouri tightened eligibility for guardianship subsidies.
 - New Jersey required its child welfare agency to promote the kinship legal guardianship program to potential kinship guardians.
 - Ohio created a new permanency incentive program, including incentive payments to kinship guardians and custodians.
 - Wisconsin created a subsidized guardianship program.
 - The District of Columbia created a new grandparent caregiver subsidy pilot program.
- California allowed its child welfare agency to refer kinship care cases to the local child support agency.
- Colorado and New York imposed new requirements regarding searches for and identification of relatives who could serve as placement resources.

- Hawaii, New York and Washington expanded or clarified the authority of kinship caregivers to make decisions regarding a child's health care or education.
- Idaho amended its de facto custodianship law, which allows another person, under certain circumstances, the same standing as a parent in proceedings related to the appointment of a guardian of a minor. ("De facto custodian," as defined by the state's probate code, means a person who has been the primary caregiver and primary financial supporter of a child who, prior to the filing of a petition for guardianship, has resided with the person for six months or more if the child is younger than age 3 and for one year or more if the child is at least age 3.)
- Tennessee funded new services to elderly foster parents and disabled relative caregivers.
- Maryland, Montana and Virginia emphasized consideration of relatives in placement decisions.
- Washington required an oversight committee to monitor kinship care recommendations and activities.

Prevention and Early Intervention

Shaken-baby syndrome and postpartum depression were among the topics covered by legislation in 2005.

- Colorado and Iowa passed laws related to child death review as a prevention strategy.
- Minnesota and Texas required hospitals to provide new parents with information about shaken-baby syndrome.
- New Jersey and New York passed measures to improve public awareness of their infant safe-haven laws.
- New Mexico enacted a general policy statement on family support and created a new fund for prevention activities.
- Texas and Washington required dissemination of information about the effects of postpartum depression.
- Texas and Washington emphasized the use of evidence-based prevention and early intervention programs.

Privatization

Two states enacted provisions enabling private providers of child welfare services to offer services to children and families, continuing a trend in which states have shifted major child welfare services to the private sector.

- Arizona required its child welfare agency to submit options for the privatization of portions of its case management duties.
- Texas enacted sweeping legislation to privatize foster care and case management services.

Program Improvement Plans

Legislatures in some states took steps to provide resources and oversight to their child welfare agencies in implementing and reporting on their Program Improvement Plans (PIPs) as part of the federal CFSRs.

- California and Wisconsin appropriated funds for implementation of their PIPs.
- California and Washington required reporting to the legislature on progress in PIP implementation.

Racial Disproportionality

In recent years states have begun to look at issues related to the disproportionate numbers of children of color in the child welfare system.

- Michigan and Texas required studies of disproportionate representation of minorities in the child welfare system.

Residential Treatment

Placement of children in residential treatment facilities, particularly out-of-state facilities, was the subject of legislation in a few states.

- Two states established committees regarding out-of-state placement of children. New York's committee focuses primarily on improving the oversight and contracting processes, while the West Virginia committee concentrates on reducing the number of children placed out of the state.
- Texas enacted provisions related to oversight and standards for residential child care facilities.

Siblings in Foster Care

Continuing a trend that has been in progress for several years, a few states enacted laws to preserve a foster child's bonds with his or her siblings.

- Maryland and Texas authorized suits by siblings for access to a child in foster care.
- Nevada required that reports to a court on a child's placement include information on contact with siblings.

Substance Abuse

In the area of substance abuse and its connection to child welfare, methamphetamine continued to dominate legislative activity in 2005. States also enacted new measures related to substance-exposed newborns.

- Illinois, Mississippi, Nevada, Oregon, Texas and Virginia enacted laws pertaining to children's exposure to drug manufacturing, including the manufacture of methamphetamine:
 - Illinois required the development of a multi-agency protocol for the care of a child present at a site where methamphetamine is manufactured.
 - Mississippi, Nevada, Oregon and Virginia provided criminal penalties for allowing a child to be present during the sale or manufacture of methamphetamine and other drugs.
 - Texas required the establishment of a drug-endangered child initiative.
- Arkansas, Colorado, Louisiana and Nevada required reporting of substance-exposed newborns to CPS.
- Two states enacted measures related to family drug courts. California required an evaluation of cost savings resulting from family drug courts. Texas required its child welfare agency to establish a family drug court program.
- Washington required the development of comprehensive services for drug- or alcohol-affected mothers and infants. It also appropriated funds for chemical dependency specialists at each local child welfare agency office.

Transition from Foster Care

Another legislative trend that continued in 2005 was increased support for former foster youth and those who are approaching emancipation.

- California required assistance to be provided for the transitional housing needs of emancipating pregnant or parenting foster youth.
- Florida, New York, Oregon and Texas enacted laws regarding the extension of court jurisdiction and/or foster care services beyond a youth's 18th birthday. California extended the maximum age for transitional housing from 21 to 24 years.
- Florida, Indiana, Louisiana and Texas provided for enhanced services and/or information to be provided to youth who are preparing for emancipation from foster care.
- Georgia, North Carolina and Washington created new grant or tuition waiver programs for postsecondary education. Washington required an existing oversight committee to review issues related to postsecondary education for foster youth.
- Indiana, Nevada and Texas provided for extension of Medicaid eligibility to former foster youth.
- Michigan created a task force to review services for at-risk youth.
- Two states expanded opportunities for youth to become involved in policymaking. Texas added a former foster youth to the Family and Protective Services Council. Washington established a Legislative Youth Advisory Council.

Tribes

In 2005, legislation in some states recognized the unique needs of Indian children in the child welfare system.

- Maine, Montana and South Dakota passed measures to ensure compliance with the federal Indian Child Welfare Act (ICWA).
- Minnesota authorized tribal delivery of child welfare services.
- New Mexico specified placement preferences for Indian children and clarified that its infant safe-haven act is not intended to abridge the rights afforded by ICWA.

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Appendix. Citations and Summaries of State Child Welfare Legislation 2005

Administration of Child Welfare

2005 Conn. Acts, SB 1037, P.A. 05-246

Replaces the department's six regions with an unspecified number of area offices, and makes related changes. Clarifies the role and responsibility of the department's legal division and its relationship with the Office of the Attorney General. Transfers responsibility for the Nurturing Families Network statewide program from the department to the Children's Trust Fund Council. Requires the department to seek accreditation from the Council on Accreditation.

2005 Ind. Acts, SB 529, P.L. 243

Sec. 95. Establishes the Department of Child Services responsible for providing child protective, child abuse prevention and family preservation services. States that the department also is responsible for regulating and licensing child caring institutions, foster family homes, group homes and child-placing agencies.

Sec. 200. Establishes the select committee on the reorganization of child services to consider which is the proper agency to administer each program that has an impact on services for children. Requires a report to the legislature.

2005 Ky. Acts, HB 383, Chap. 13

Creates the Office of Faith-Based and Community Non-Profit Social Services in the office of the governor to establish policies, priorities and practices in the executive branch to enable and expand social service programs for children and families.

2005 Mich. Pub. Acts, SB 271, Act. 147

Sec. 261. Requires the Department of Human Services to develop a plan to restructure local offices. Requires that the plan include an emphasis on maximizing services while maintaining a reduction in administrative costs. Requires that the plan be submitted to the appropriations committees by January 15, 2006. Provides that the savings resulting from the plan may be allocated to counties to fund additional frontline workers.

Sec. 262. Requires the Department of Human Services to develop a plan to improve the effectiveness and efficiency of local service delivery by maximizing the use of state resources while responding to unique needs. Expresses the intent of the Legislature to allocate savings in excess of \$832,100 to fund additional frontline workers. Requires that a plan be submitted to the appropriations committees by January 1, 2006.

2005 N.D. Sess. Laws, SB 2149, Chap.418

Provides that the Department of Human Services may release a county from its statutory duty to administer child welfare services based upon the county's performance or upon the county's request. Requires the department to find an authorized entity (such as a private agency) to resume those duties. Provides that a county so released retains financial responsibility for such services.

2005 Wash. Laws, SB 5872, Chap. 474

Creates a joint task force to determine the most appropriate and effective administrative structure for the delivery of social and health services to children and families. Specifies membership. Requires a report to the Legislature by December 1, 2005.

Adoption

2005 Alaska Laws, HB 53, Chap. 328

Sec. 16. Requires the department to attempt to locate all living adult family members of a child before identifying a placement of the child in an adoptive home and, if an adult family member expresses an interest in adopting the child, to investigate the adult family member's ability to care for the child. Requires the department to provide, to all of the child's adult family members who are located by the department, written notice of the adult family members' rights and of the procedures necessary to gain custody of the child. Provides that the department's obligation to provide written notice does not apply to a parent of the child whose parental rights are being or have been terminated or to an adult family member who is known by the department to be ineligible for a foster care license.

2005 Ariz. Sess. Laws, SB 1515, Chap. 328

Creates the Joint Legislative Committee on Adoption Promotion. Specifies membership. Requires that the committee review how the state uses funds to promote the adoption of children with a case plan of adoption, examine past practices and outreach efforts and make recommendations on improving effectiveness, and identify obstacles in adoption processes. The committee also must make recommendations to the Department of Economic Security and the Joint Legislative Budget Committee on promoting the adoption of children with a case plan of adoption and on how to spend federal Temporary Assistance for Needy Families (TANF) funds designated for adoption outreach.

2005 Ark. Acts, HB 2790, Chap. 1685

Allows a family who adopts a child from the custody of the child welfare agency to be eligible for a streamlined adoption process if they choose to adopt another child within five years after the first adoption. Requires an updated home study and criminal background and central registry checks.

2005 Ark. Acts, HB 1408, Act 437

States that a family is initially eligible for an adoption subsidy if no other potential adoptive family is willing and able to adopt the child without the use of a subsidy. Specifies the cases in which the department may certify a child as eligible for a subsidy without searching for families willing to take the child without a subsidy. These are cases in which the child has established significant emotional ties with prospective adoptive parents while in their care as a foster child or will be adopted by members of his or her biological family. Requires the department to annually re-determine eligibility for each state adoption subsidy.

2005 Cal. Stats., AB 519, Chap. 634

Permits a child who has not been adopted after the passage of least three years from termination of parental rights to petition the juvenile court for reinstatement of parental rights, pursuant to specified procedures.

2005 Cal. Stats., SB 218, Chap. 626

Authorizes a court to designate a current caretaker as a prospective adoptive parent if a child who has been freed for adoption has lived with the caretaker for at least six months, the caretaker has expressed a commitment to adopt the child, and the caretaker has taken at least one step to facilitate the adoption. Provides that a child living with a designated prospective adoptive parent may be removed from the home only after a hearing in which the court finds that removal from the home is in the child's best interest.

2005 Conn. Acts, HB 6940, P.A. 05-251

Appropriates funding to provide postsecondary education for children and youth adopted after January 1, 2005. Appropriates funding to make the adoption subsidy comparable to the foster care subsidy for adoptions finalized after January 1, 2005.

2005 Idaho Sess. Laws, HB 325, Chap. 391

Sec. 47. States that failure of the parent to maintain a normal parental relationship without just cause for a period of one year shall constitute prima facie evidence of abandonment. States that, where termination of parental rights is sought by a grandparent seeking to adopt a child, the willful failure of the parent to maintain a normal parental relationship without just cause for six months shall constitute prima facie evidence of abandonment.

2005 Ky. Acts, SB 16, Chap. 175

Expands the list of relatives with whom a child may be placed for adoption without the approval of the child welfare agency, to include a great-grandparent, great-aunt or great-uncle.

2005 Md. Laws, SB 710, Chap. 464

Sec. 5-308. Authorizes a written agreement between a prospective adoptive parent and the parent of a prospective adoptee to allow contact, after the adoption, between the parent or other relative of the minor adoptee and the adoptee or adoptive parent.

2005 Mo. Laws, SB 539

Sec. 453.073.1. Limits eligibility for adoption assistance to children who reside in a household with an income that does not exceed 200 percent of the federal poverty level or who are eligible for Title IV-E adoption assistance. Provides that the time period for which an adoption subsidy is granted shall not exceed one year, subject to renewal at the discretion of the director of the state child welfare agency. Provides that all existing adoption assistance agreements will be deemed to have expired one year after they were initially entered into.

2005 Nev. Stats, AB 51, Chap. 413

Specifies that any agreement for postadoptive contacts is enforceable only if the agreement is written, signed by the parties and incorporated in the order or decree of adoption.

2005 N.H. Laws, SB 21, Chap. 246

Provides for voluntary mediated agreements between birth and adoptive parents for postadoption contact with a child who was adopted from the legal custody of the state child welfare agency.

2005 N.M. Laws, SB 233, Chap. 189

Sec. 72. Provides that payment of adoption subsidies may not be made after the child reaches age 18, except that payments for a child enrolled in the medically fragile waiver program may extend until the child reaches age 21.

2005 N.Y. Laws, SB 5805, Chap. 3

Part A, Sec. 19. Specifies procedures to be followed upon substantial failure of a material condition of surrender of a child prior to finalization of adoption. Authorizes the filing of a petition to enforce an agreement for continuing contact and communication prior to the finalization of an adoption.

Part A, Sec. 41. Authorizes written agreements for pre-adoptive communication and contact between a child surrendered for adoption and the child's birth parents and siblings.

Part A, Sec. 63. Allows parties to an adoption proceeding to enter into an enforceable agreement regarding postadoption communication with or contact between an adoptive child, adoptive parent and birth parent and/or the child's biological siblings.

2005 N.C. Sess. Laws, SB 622, Chap. 276

Sec. 10.49. Requires the Department of Health and Human Services to conduct a study to identify potential incentives for the adoption of children who are difficult to place and the associated costs for each incentive. Requires a report to the legislature.

2005 Pa. Laws, HB 127, Act 68

Requires that a resource family be given an interview with the appropriate county or private agency when the following occur: 1) the child's permanency goal is adoption, 2) the resource family is interested in adopting the child and 3) the child has resided with that resource family for six months or more. Requires the interviewing agency to convey information from the interview to the county agency responsible for making the adoptive placement of the child. Requires such county agency to document in the child's case record its reasons for placing the child with the selected adoptive parent. Prohibits the county agency from denying a resource family consideration as an adoptive family solely on the basis that the resource family would no longer be available as a resource family.

2005 R.I. Pub. Laws, HB 5835, Chap. 401

Provides that a taxpayer entitled to a federal adoption tax credit shall be entitled to a credit against state income tax if the adopted child was under the care, custody or supervision of the state Department of Children, Youth and Families prior to the adoption.

2005 S.D. Sess Laws, SB 55, Chap. S.J. 482

Allows any relative who has been denied adoptive placement to request a hearing, filed within 30 days with the circuit court, to determine whether the placement was an abuse of discretion.

Case Planning

2005 Cal. Stats., AB 1412, Chap. 640

Adds a child age 10 or older and who has been in out-of-home placement to the list of children for whom social workers are required to develop case plans and other reports related to court-ordered periodic status review hearings, subject to appropriation through the budget process. Requires that a child be involved in his or her case plan, as appropriate.

2005 Colo. Sess. Laws, HB 1198, Chap. 101

Authorizes the development of a family-centered, community-based strategy for placement decisions that includes team decision making, family group decision making or other agency decision making processes that involve the family and community supports. Promotes the placement of children in family foster homes within the neighborhoods and communities in which the children originally resided.

2005 Fla. Laws, SB 498, Chap. 245

Declares that services must be provided to children alleged to have been abused, neglected or abandoned without regard to the citizenship of the child, except where immigration status is set forth as a statutory condition of coverage or eligibility. Requires the department to include in the case plan a recommendation as to whether the permanency plan should include remaining in the United States, in which case the department must determine whether the child is eligible for special immigrant juvenile status under federal law. Requires the department to file for such status, and allows the court to retain jurisdiction over the child pending federal approval, but only until the child's 22nd birthday.

2005 Minn. Laws, HF 1889, Chap. 159

Art. 2, Sec. 15. Requires a responsible social services agency to make reasonable efforts to engage a parent in case planning. Specifies actions required if the parent refuses to cooperate or disagrees with the services contained in the case plan.

Art. 2, Sec. 17. Requires a responsible social services agency to periodically review a child's placement in long-term foster care and the services that it is providing to the child.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.38. Requires the Department of Family and Protective Services (DFPS) to concurrently provide to the child and the child's family time-limited family reunification services and adoption promotion and support services, regardless of whether the goal in the child's service plan is to return the child to the parents or terminate parental rights. Requires the court to review whether the parents have acquired or learned the specific skills or knowledge stated in the service plan.

Sec. 1.48. Requires the DFPS and an authorized entity to acquire, no later than September 1, 2009, the use of real-time technology for a child placement system. Requires the DFPS to institute a quality assurance system to evaluate placement decisions.

Sec. 1.52. Allows the DFPS to collaborate with the courts and other appropriate local entities to develop and implement family group conferencing as a strategy for promoting family preservation and permanency.

2005 Va. Acts, HB 2744, Chap. 653

Requires the involvement of parents and children in the development of foster care plans. Requires that, in the absence of such involvement, the plan must state the reasons for the absence.

2005 Wyo. Sess. Laws, SF 39, Chap. 236

Adds to the membership of a multidisciplinary team required to be appointed by a court after the filing of a petition alleging that a child is neglected. Requires that, to the extent appropriate, the team shall involve the child in the development of case planning recommendations. Specifies duties of the multidisciplinary team with respect to a child placed outside the home.

Child Protection*2005 Mont. Laws, SJR 37*

Requests a study of the child protective services (CPS) system in Montana.

2005 Tex. Gen. Laws, SB 1, Chap. 1369

Appropriates \$248 million for the 2006–2007 biennium, including \$200 million in general revenue, for the reform of CPS.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.22. Requires the DFPS, subject to the appropriation of money, to develop a set of casework quality indicators and a case tracking system. Requires supervisor training on the use of the quality indicators and the use of data to monitor cases and make decisions. Mandates DFPS caseworkers to document critical investigation actions that affect child safety, not later than the day after the action occurs.

2005 Utah Laws, HB 338, Chap. 304

Describes the rights of parents and the obligations of the state with regard to children and the protection of children. Provides that, prior to an adjudication of unfitness, government action in relation to parents and children may not exceed the least restrictive means or alternatives available to accomplish a compelling state interest.

2005 Utah Laws, SB 83, Chap. 95

Provides that a health care decision made by a child's parent or guardian does not constitute neglect unless the state or other party to a child neglect proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed.

2005 Wash. Laws, HB 2156, Chap. 430

Creates a Joint Task Force on Child Safety for children who are in the child welfare system or who are receiving child welfare services. Specifies membership. Requires the task force to make recommendations to the Legislature and governor on improving the health, safety and welfare of Washington children in the child welfare system.

2005 Wash. Laws, SB 5583, Chap. 345

Requires the Department of Social and Health Services, within existing resources, to develop a curriculum designed to train staff who assess or provide services to adolescents on how to screen and respond to CPS referrals that involve victims of maltreatment between the ages of 11 and 18.

2005 Wash. Laws, SB 6090, Chap. 518

Sec. 202. Appropriates \$14.5 million in state and federal funds for the 2005–2007 biennium for reforms to the CPS and child welfare services programs, including 30-day face-to-face contact with children in out-of-home care, improved timeliness of CPS investigations, an enhanced in-home child welfare services program and education specialist services. These reforms are required by the federal Child and Family Services Reviews and the *Braam* lawsuit. Appropriates \$5 million for fiscal year (FY) 2007 to fund SB 5922 (see below) regarding child neglect and \$2.2 million to fund the requirement of SB 5763 (see the section “Substance Abuse” below) that chemical dependency specialist services be offered in each Children's Administration field office.

2005 Wash. Laws, SB 5922, Chap. 512

Expresses the intent of the Legislature that the Department of Social and Health Services be permitted to intervene in cases of chronic neglect where the health, welfare or safety of a child is at risk, by recognizing patterns of chronic neglect and reinforcing the need for the parent's early engagement in services that decrease the likelihood of future neglect.

Provides that, when a court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent on the parents' compliance with all relevant court orders and the case plan, including, if applicable, continued participation in substance abuse treatment.

Amends the definition of “negligent treatment or maltreatment” to include a failure to act or the cumulative effects of a pattern of conduct, behavior or inaction that constitutes a clear and present danger to the child. Specifies that, when considering whether a clear and present danger exists, evidence of a parent's substance abuse shall be given great weight.

Specifies the actions that the department may take upon a finding that a child has been subject to negligent treatment or maltreatment. Provides that, where the department has offered services and the parents refuse to accept or are unwilling to substantially complete treatment or services, the department may initiate a dependency proceeding.

Amends the definition of “imminent harm,” for purposes of the statute governing the circumstances under which a child may be taken into custody, to include a parent’s failure to perform basic parental functions, obligations and duties as the result of substance abuse.

2005 Wash. Laws, SB 6090, Chap. 518

Appropriates \$5 million for FY 2007 to fund SB 5922 regarding child neglect.

2005 Wyo. Sess. Laws, SF 39, Chap. 236

Requires that all CPS workers be trained in the principles of family-centered practice, among other things.

Specifies the purpose and function of child protection teams and expands the membership of such teams.

Child Welfare Workforce

2005 Ariz. Sess. Laws, SB 1513, Chap. 286

Appropriates an increase of \$8.7 million (\$2.7 in general funds and \$5.9 million in TANF funds) for 173.9 additional CPS full-time equivalents (FTEs).

Requires the Department of Economic Security to submit to the Legislature specific caseload standards for CPS. Provides that, if the standards are submitted by a certain date, an additional \$1.3 million from the State general fund and \$2.9 million in TANF funds shall be appropriated for 86.7 more FTE positions.

2005 Ill. Laws, HB 1343, P.A. 94-0497

Creates the Child Welfare Student Loan Forgiveness Program, to be administered by the Illinois Student Assistance Commission. States that the program will provide loan assistance for eligible students for upper-division undergraduate and graduate study in an approved social work or human services degree program. Sets the maximum loan time period at two years and the maximum loan amounts at \$4,000 for undergraduate study and \$8,000 for graduate study. Requires the student to be full-time, to have stated an intent to work in child welfare and to maintain a minimum grade point average of 2.5. Requires graduate students to be enrolled in an approved social work master’s degree or human services program, to hold a social work or human services bachelor’s degree, and to have maintained a 3.0 grade point average in an undergraduate program or scored 1,000 points or better on the GREs. Sets repayment schedule, credit and penalties.

2005 Ind. Acts, SB 529, P.L. 243

Requires a report to the budget committee and Legislative Council that provides data on and a statistical analysis of child protection caseworker caseloads. States that the report must include information about the department’s progress in recruiting, training and retaining caseworkers; on the methodology used to compute caseloads for each child protection caseworker; and on whether the statewide average caseload for child protection caseworkers exceeds the caseload standards established by the department. The report also must include a written plan that indicates the steps that are being taken to reduce caseloads and must identify, describe, and, if appropriate, recommend best management practices and resources required to achieve effective and efficient delivery of child protection services.

2005 Ind. Acts, HB 1001, P.L. 246

Appropriates \$8 million in additional state funds in FY 2006 and FY 2007 to hire 400 new caseworkers over the biennium.

Sec. 214. Effective after June 30, 2008, provides that a child protection or a child welfare caseworker may not be assigned work that exceeds the following maximum caseload levels at any time:

- For caseworkers assigned only initial assessments, including investigations, 12 active cases per month per caseworker;
- For caseworkers assigned only ongoing cases, 17 active children per caseworker; and
- For caseworkers assigned a combination of initial assessments (including investigations) and ongoing cases, four investigations and 10 active ongoing cases per caseworker.

La. Acts 2005, HB 422, Act 59

Defines the crime of assault on a child welfare worker as an assault committed when the offender has reasonable grounds to believe that the victim is a child welfare worker acting in the performance of his or her duties. "Child welfare worker" includes a child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the above, any person authorized to transport clients for the agency, or court appointed special advocate (CASA) program representative. Sets a penalty of a fine of not more than \$500 or imprisonment of not less than 15 days but not more than 90 days, or both.

2005 Md. Laws, HB 150, Chap. 443

Provides that \$2 million of the general fund appropriation for child welfare services may not be expended unless the Department of Human Resources has, on January 1, 2006, at least 1,863 filled caseworker and supervisor positions allocated to meet Child Welfare League of America (CWLA) caseload-to-staff ratios.

2005 Neb. Laws, LB 264

Requires that annual reports to the Legislature and governor regarding CPS caseloads include the number of state and private caseworkers, the average length of time of employment in such positions, the average caseload of such caseworkers, the outcomes of such cases, and the cost of training such caseworkers.

2005 N.J. Laws, SB 2334, Chap. 157

Establishes the Social Services Student Loan Redemption Program to address the shortage of direct care professionals and to provide an incentive to engage in employment at certain public facilities and nonprofit social service agencies under contract with the Department of Human Services or the Juvenile Justice Commission. Requires the program to provide loan redemption to finance undergraduate or graduate study in exchange for full-time employment as a direct care professional at a qualified facility.

2005 N.Y. Laws, A 6841, Chap. 57

Part J, Sec. 1. Creates the Regents Licensed Social Worker Loan Forgiveness Program to benefit social workers who agree to practice in a critical human service area, defined to mean an area with health, mental health, substance abuse, aging, HIV/AIDS and child welfare concerns, or communities with multilingual needs.

2005 N.Y. Laws, S 553-C, Chap. 53

Appropriates \$1 million to fund the Regents Licensed Social Worker Loan Forgiveness Program.

2005 Tex. Gen. Laws, SB 984, Chap. 857

Directs the Health and Human Services Commission to study the feasibility of providing a financial incentive to individuals to assist them in receiving training for CPS. Requires that the study include, among other things, an estimate of both the cost and the savings associated with improved training.

2005 Tex. Gen. Laws, SB 1, Chap. 1369

Provides for allocation of the CPS Reform Appropriation, including more than 2,500 new FTEs in the areas of direct service delivery, regional screening, case records compliance, functional units for all stages of service, expanded training, child safety, performance of diligent search and background checks, CPS management, agency operations support, contract oversight and program quality assurance.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.80. Requires the DFPS to continually explore the strategic use of technology as a means to improve services, reduce workload burdens, increase accountability, and enhance the overall efficiency and effectiveness of department operations. Includes a requirement to develop strategic plans and to seek funding to implement technology enhancements.

Sec. 1.83. Requires the DFPS, to the extent that funding is available, to develop a program to provide for the timely replacement of caseworkers with trainees hired in anticipation of vacancies.

Sec. 1.84. Requires the DFPS to improve the quality and consistency of training provided to CPS caseworkers.

Sec. 1.86. Requires the DFPS to develop and implement a plan for the CPS program to reduce and equally distribute caseloads, enhance accountability, improve the quality of investigation, eliminate delay, and ensure the most efficient use of CPS staff and resources. Includes the development of incentives to recruit and retain staff.

2005 Wash. Laws, HB 2189, Chap. 389

Requires the Department of Social and Health Services to establish a work group to develop policies and protocols to address the safety of CPS and child welfare services staff.

Coordination and Collaboration

2005 Ark. Acts, SB 1030, Act. 2000

Creates a task force on abused and neglected children. Defines the duties of the task force to include investigating multidisciplinary cooperation, legal advocacy for children and accountability. Includes a provision for the task force to determine best practices for the prevention of child abuse and neglect and to make recommendations for the better distribution of funds for such purposes. Requires the task force to make recommendations to the General Assembly regarding specific changes to the law that will improve child safety and welfare.

2005 Me. Laws, LD 863, Chap. 108

Requires the Department of Health and Human Services to deliver services to children based on a wrap-around model of care and to indicate the amount of funding expended for services based on the wrap-around funding model. Requires the department to submit an application for a waiver to the Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services, to establish a wrap-around funding demonstration pilot in three areas of the state.

2005 N.M. Laws, SB 435, Chap. 64

Creates the Children's Cabinet, consisting of the governor, lieutenant governor and various department heads, to study and make recommendations for the design of a coordinated system to maximize outcomes in the areas of children's physical health, family and community safety and support, preparedness for and success in school, successful transition to adulthood, and community involvement. Requires the cabinet to produce an annual child and youth report card and child and youth policy and budget inventory with proposed budget allocations.

2005 N.C. Sess. Laws, SB 622, Chap. 276

Sec. 6.24(a). Creates the School-Based Child and Family Team Initiative to identify and coordinate services for children at risk of school failure or out-of-home placement to address the physical, social, legal, emotional and developmental factors affecting academic performance.

Sec. 6.24(b). Creates the North Carolina Child and Family Leadership Council to review and advise the governor on the development of the School-Based Child and Family Team Initiative.

Sec. 10.25(h). Creates a Children's Services Work Group within the Department of Administration, consisting of representatives from specified state departments. Expresses legislative recognition of the need to focus state-level policy on providing support and removing barriers to coordination and collaboration at the local level. Requires the work group to identify common outcome measures for child-serving agencies, identify strategies for funding flexibility between state and local agencies, develop a common service terminology, make recommendations regarding creation of a shared database, develop mechanisms for sharing information across service systems, examine state and local training needs, and study other issues that would improve coordination and collaboration.

Sec. 10.25(i). Creates a Coordination of Children's Services Study Commission to study and recommend changes to improve collaboration and coordination among agencies that provide services to children, youth and families with multiple service needs.

2005 S.D. Sess. Laws, SB 178, Chap. S.J. 796

Provides for the creation of county interdisciplinary child information teams to facilitate the exchange and sharing of information that one or more team members may be able to use in serving a child. Requires a written agreement. Authorizes school districts to release information to a team. Provides for confidentiality of information exchanged among team members. Provides for immunity from liability arising out of good-faith participation on a team.

2005 Tex. Gen. Laws, HB 1685, Chap. 587

Establishes the Interagency Coordinating Council for Building Healthy Families. The council will facilitate communication and collaboration related to policies for the prevention of and early intervention in child abuse and neglect, among state agencies whose programs and services promote and foster healthy families. Requires a report by December 1, 2006, with recommendations for improving coordination and collaboration.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.86. Requires the DFPS to develop a strategy to build community partnerships to support children and families. Requires a plan to move staff from centralized office sites into community-based settings to the greatest extent feasible and a plan to develop joint offices or workplaces with local officials and organizations (child advocacy groups, law enforcement officials, prosecutors, health care providers and domestic violence shelters). Allows the department, subject to funding, to employ local legal liaisons and community initiative specialists.

Sec. 1.89. Requires a Parental Advisory Committee to advise the department on policies that affect parents and their involvement with the department.

2005 Wash. Laws, HB 1426, Chap. 403

Requires the Department of Corrections, in partnership with the Department of Social and Health Services, to establish an oversight committee to develop a comprehensive interagency plan to provide necessary services and supports for children of incarcerated parents.

2005 Wyo. Sess. Laws, SF 39, Chap. 236

Creates an interagency children's collaborative consisting of the heads of various human services departments, including the director of the Department of Family Services, to review case files of children in state custody and the progress made in achieving permanency for such children.

Courts

2005 Conn. Acts, HB 7502, P.A. 05-3

Sec. 44. Establishes a Commission on Child Protection within the Public Defender Service Commission. Requires the commission to appoint a Chief Child Protection Attorney who must establish a system for the delivery of legal services and guardians ad litem to children and indigent people in juvenile matters.

2005 Conn. Acts, HB 6747, P.A. 05-225

Makes permanent the New Haven regional children's probate court pilot program. Authorizes the probate court administrator to establish six more regional children's probate courts. Permits the probate court administrator to use Probate Court Administration Fund money as necessary to establish, improve, maintain or operate court facilities in the six designated regions. Requires a report on the operation and effectiveness of the regional courts in the report on the original New Haven court that must be submitted to the Judiciary Committee by January 3, 2007.

2005 Fla. Laws, SB 348, Chap. 239

Authorizes the state Supreme Court to create a system for identifying individual families within the family court system, and requires the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board and the Florida Association of State Court Clerks to provide recommendations to the governor and the Legislature by January 2, 2006, regarding a personal identifier for individuals and families within the family court system.

2005 Ga. Laws, HB 195, Chap. 75

Shortens the time frames for hearings to terminate parental rights to 90 days from the date that the petition was filed, and requires the juvenile court to issue an order of disposition no later than 30 days after the termination of parental rights hearing.

2005 Idaho Sess. Laws, HB 79, Chap. 5

Defines the duties, rights and powers of a guardian ad litem (GAL). Requires the GAL to conduct an independent factual investigation of the ward and to submit a report of such investigation to the court. Requires the GAL to ensure that all entities involved in the ward's case fulfill their obligations.

2005 Md. Laws, SB 696, Chap. 504

Specifies factors that a court must consider in making a finding on whether a local department of social services has made reasonable efforts to prevent placement of a child. These include assessing whether a local department has ensured that 1) a caseworker is promptly assigned to and actively responsible for the case at all times, 2) the identity of the caseworker has been promptly communicated to the court and the parties, and 3) the caseworker is knowledgeable about the case and has received all pertinent files and other information. Prohibits a court from considering a potential loss of federal funds for placement of a child that may result from a finding that reasonable efforts were not made.

2005 N.Y. Laws, SB 5805, Chap. 3

Part A, Sec. 11. Permits a court to authorize the use of conferencing or mediation at any point in the proceedings to further a plan for the child that fosters the child's health, safety and well-being.

Part A, Sec. 13. Requires that, when a child protective agency applies to a court for the immediate removal of a child, the court shall calendar the matter for that day and shall continue the matter on successive subsequent court days, if necessary, until a decision is made by the court.

Requires a court, after determining that a child should be removed from home, to set a date certain for an initial permanency hearing.

Part A, Secs. 15–16. Specifies time frames for hearings and issuance of summonses after the filing of a petition.

Part A, Sec. 27. Enacts a new article to the family court act regarding permanency hearings for children placed out of their homes. Establishes uniform procedures for permanency hearings for all children placed in foster care, children who are directly placed with a relative, and children who are freed for adoption.

Specifies the required contents of permanency hearing reports to the court. Describes acceptable permanency goals. Provides that the permanency goal of "another planned permanent living arrangement" must include a significant connection to an adult who is willing to be a permanency resource for the child.

Requires that permanency hearing reports include, among other things, an update on the educational and other progress the child has made since the last hearing, including the steps that have been taken to enable prompt delivery of appropriate educational, vocational or early intervention services to the child.

Authorizes a court to direct a local social services agency to make diligent efforts to encourage and strengthen the parental relationship, including visitation.

Part A, Sec. 28. Provides for expedited appeals of family court cases.

Part A, Sec. 32. Requires the appellate division to establish procedures to ensure the expeditious filing and service of appellate briefs.

Part A, Sec. 35. Provides for continuing court jurisdiction over the parties until the child is discharged from placement and all orders regarding supervision, protection or services have expired.

Part B, Sec. 3. Includes in the definition of "aggravated circumstances" 1) where a child has been subjected to abuse within five years after returning home following placement in foster care as a result of neglect and 2) where the parent of a child in foster care has, for a period of six months from the date of removal, refused and failed to engage in services.

2005 N.C. Sess. Laws, HB 1150, Chap. 398

Provides for appeal of a court finding that reasonable efforts to reunify are not required. Requires the Court of Appeals to review such finding if a petition to terminate parental rights has been granted, the termination of parental rights order is appealed, and the order to cease reunification is assigned as an error in the record on appeal of the termination of parental rights.

Provides for the appointment of a guardian ad litem of a parent if the court finds that the parent is incompetent or has diminished capacity.

Requires that, if an order of adjudication, disposition or termination of parental rights is not entered within 30 days after the appropriate hearing, the clerk of court for juvenile matters shall schedule a hearing to determine and explain the reason for the delay.

Requires that a dispositional hearing take place immediately following the adjudicatory hearing and be concluded within 30 days.

Specifies factors that must be considered by a court in determining whether termination of parental rights is in a child's best interest.

2005 Tex. Gen. Laws, HB 409, Chap. 176

Prohibits an appellate court, in an appeal of a final order placing a child in the care of the DFPS, from considering any issue not specifically presented to the trial court. Specifies that a claim that a judicial decision is contrary to the evidence or that the evidence is factually or legally insufficient is not sufficiently specific to preserve an issue for appeal.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.81. Requires the DFPS to develop and implement a pilot program to allow the paperless exchange of information between the DFPS and courts with jurisdiction over CPS costs. Requires the program to be designed to facilitate the progression of CPS cases through the judicial process.

Education*2005 Ark. Laws, HB 1710, Act 1255*

Declares legislative intent that children in foster care should have continuity of educational services, shall be assisted so that they remain in their schools, shall be placed in the least restrictive educational setting, and shall have the same access to academic resources, services and extracurricular activities as all other children. Recommends that teachers, representatives from the departments of human services and education, circuit courts, attorneys, court-appointed special advocates, service providers, parents and guardians work together to ensure children's educational continuity. Requires every school district to identify a foster care liaison to ensure timely school enrollment of foster children, assist foster children when transferring schools, and expedite the transfer of school records. Requires the department to provide information to the school on health and safety issues affecting foster children. Requires the school district to recognize the rights of foster parents when making educational decisions for children. States that a foster child's grades may not be lowered because of absences from school due to a change in the child's school enrollment or because of a child's attendance at dependency-neglect court proceedings or court-ordered counseling or treatment.

2005 Ark. Laws, SB 926, Act 1990

Sec. 12. Defines all juveniles in shelters or awaiting foster care who are in the custody of the department as homeless children and youth for purposes of eligibility under the McKinney-Vento Homeless Assistance Act. Requires the court, when transferring the custody of the juvenile to the department, to issue orders regarding educational issues related to the juvenile. These must include

a determination of whether the parent or guardian shall have access to school records, is entitled to obtain information on the current placement of the juvenile, and may participate in school conferences or other school activities.

2005 Ark. Laws, HB 2604, Act 1961

Requires the department and local school districts to work together in the best interests of children placed in custody of the department. Requires the department to notify, by the next business day, local school districts when the court has placed a 72-hour hold on a child or a child is placed in custody of the department.

2005 Cal. Stats., AB 1261, Chap. 629

Revises applicable circumstances in which a child placed in a licensed children's institution or foster home does not have to attend programs operated by the local educational agency. Requires a foster child's school of origin to be a school that the child attended in the past 15 months. Defines pupil in foster care. Adds nonpublic, nonsectarian schools to the list of schools required to develop an alternative accountability system. Authorizes the court to temporarily limit the right of a parent or guardian to make educational decisions for a child and to temporarily appoint a responsible adult to make those decisions. Authorizes the court to make educational decisions for a child if a responsible adult cannot be identified and there is no foster parent.

Requires a county welfare department to provide a health and education summary to a dependent child who has reached the age of majority.

2005 Cal. Stats., AB 1633, Chap. 641

Extends to a foster child who is pursuing a high school equivalency certificate the opportunity to remain in foster care placement and be eligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments beyond age 18. Declares the intent of the Legislature to enact legislation related to educational opportunities and resources for foster youth and to require that foster youth be informed of their educational rights.

2005 Cal. Stats., AJR 22, Chap. 101

Urges Congress to enact an exception to the federal Family Educational Rights and Privacy Act to allow schools to share relevant pupil records with interagency child death teams.

Vol. 75 Del. Laws, HB 279, Chap. 125

Confirms in the practices and procedures of the Department of Education and the Department of Services for Children, Youth and Their Families that all foster children are within the provisions and protections of the federal McKinney-Vento Homeless Education Assistance Improvement Act, which allocates funds to the states for the education of homeless children and youth.

2005 Md. Laws, SB 426, Chap. 308

Requires a placement agency responsible for a child in state-supervised care, or the agency's designee, to provide notice to a public school or a specified nonpublic school regarding the enrollment or imminent enrollment of a child in state-supervised care.

2005 Mont. Laws, HB 83, Chap. 463

Requires the superintendent of public instruction to pay tuition for children who attend school outside of their district of residence because of placement in foster care or a group home.

2005 Or. Laws, HB 3075, Chap. 521

Provides that a child who is placed into out-of-home care is to be considered a resident for school purposes of the school district in which the child resided prior to placement. Allows the child to continue to attend the school that the child attended prior to placement. Directs a court to give placement preference to those who can maintain the child in the same school as prior to placement. Directs that the placement agency is responsible for providing transportation for the child.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 165. Requires the Health and Human Services Commission to develop an educational passport for each foster child to include educational records, the child's grade-level performance, and any other relevant information. Requires the DFPS to make the passport available to the person authorized to consent to medical care and to a provider of medical care if such information is necessary to the provision of medical care.

2005 Va. Acts, SB 1006, Chap. 343

Requires immediate school enrollment of a foster child, notwithstanding that a local social services agency is unable to produce documents required for enrollment. Requires school districts to cooperate in facilitating enrollment of foster children across jurisdictional lines. Allows the sending and receiving school districts to agree to allow the child to attend the school in which he or she was enrolled prior to foster placement.

Federal Funds*2005 Cal. Stats., AB 1633, Chap. 641*

Requires the department to convene a work group to develop best-practice guidelines for county welfare departments to assist eligible children who are in the state's or a county's custody and are qualified for federal Social Security and Supplemental Security Income (SSI) benefits. Requires these guidelines to be established by December 31, 2006. Requires the county to establish a maintenance account and a dedicated account for each child, which will contain the Social Security and SSI benefits. Requires the work group to make recommendations to the department, by December 31, 2006, regarding the feasibility and cost effectiveness of reserving a designated amount of foster children's Social Security and SSI/Supplemental Security Payment benefits instead of the current process in which the county and the state are reimbursed for care and maintenance after services have been provided.

Requires counties to inform the Social Security Administration of the foster care status of a child who is receiving federal benefits, and to apply to become the child's representative payee during the time that the child is placed in foster care. Requires counties to provide information regarding certain federal requirements when a foster youth who is receiving SSI payments is approaching his or her 18th birthday.

2005 Cal. Stats., AJR 10, Chap. 68

Declares legislative support for, and urges federal approval of, the California Title IV-E Waiver Demonstration Project Application, submitted to the U.S. Department of Health and Human Services. Urges Congress, states and counties to enact laws and policies to allow for more flexible use of federal child welfare funding to support the needs of children and families at risk, even if the child is not removed from the home or formally made part of the child welfare system.

2005 Cal. Stats., SB 77, Chap. 38

Authorizes TANF funds to be transferred into the Title XX Social Services Block Grant to offset the costs of foster grants (\$55.1 million) and certain child welfare services (\$8 million).

2005 Pa. Laws, HB 815, Act 1A

Increases general fund support for county child welfare activities by \$225 million to make up for a reduction in available TANF funds used for this purpose. Includes within this increase a \$45 million TANF transition fund for one-time grants to counties that can be used as county matching funds to draw down state funds.

Foster Families*2005 Cal. Stats., SB 436, Chap. 630*

Declares that a child whose parent has been adjudged dependent shall not be considered at risk of child abuse or neglect solely because of age, dependent status or foster care status of the parent.

Allows a teen parent in foster care whose child is not a dependent of the court to have visitation rights with the child; visitation rights also extend to the noncustodial parent and appropriate family members.

Requires a shared responsibility plan to be developed between the teen parent, caregiver and other county or state representatives for the care of the child of the teen parent when the child is not under jurisdiction of the dependency court but is living in out-of-home placement in a family foster home. The plan is to include feeding, clothing, transportation and child care responsibilities.

Authorizes federal financial participation for certain children adjudged dependents of the court who are receiving AFDC-FC benefits if the parent and child are in the same foster care facility and are receiving reunification services.

2005 Mich. Pub. Acts, SB 271, Act 147

Sec. 550. Requires the Department of Human Services to develop materials for distribution to foster families on the health risks to children from use of tobacco and secondhand smoke. Requires a pilot program to offer foster parents nicotine patches or other smoking cessation products. Requires a report to the Legislature.

Sec. 551. Requires a report to the Legislature on the number of children in foster homes where foster parents smoke, the subsequent health costs incurred, and the potential effect on foster family recruitment if only nonsmokers were allowed to be foster parents.

2005 Or. Laws, SB 815, Chap. 676

Provides for a foster parents bill of rights. These include the rights to be treated with dignity, to be included as a valued member of a team in planning for the foster child, to receive support as resources permit, to receive information about a foster child that may jeopardize the health or safety of the foster parents, to have input into the child's permanency plan, to receive assistance from the Department of Human Services in dealing with loss and separation when a foster child leaves the home, to be informed about policies and procedures that relate to the role of foster parents, to be informed of how to receive services, to be allowed to initiate an inactive status for up to 12 months to allow relief from caring for foster children, to not be discriminated against, and to be notified of their right to limited participation in juvenile court proceedings.

Amends the definition of "caregiver relationship" within the juvenile dependency intervenor statute to permit a nonrelative foster parent to seek party status if the relationship with the child has continued for at least six months.

2005 Pa. Laws, HB 1579, Act 73

Expresses legislative recognition of the important service provided by resource families in caring for children and youth in the foster care system and expresses legislative intent to ensure that resource families are treated equitably and with consideration and respect.

Requires county child welfare agencies to provide the following to resource families: 1) notification of scheduled meetings concerning a child, 2) support services; 3) timely responses to contacts by the resource family; 4) information about the child's medical history, behavior and relationship with his or her parents, educational history, life experiences and previous and prospective placement circumstances; 5) consultation with the resource family in the development of the permanency plan; 6) consultation with the resource family in the decision to release the resource family's address to the child's parent; 7) assistance with services to address loss and separation upon a child's departure from the resource family's home; 8) information on policies and procedures; 9) appropriate training; 10) information on how to receive services and contact agency personnel at any time; 11) confidentiality regarding allegations of abuse involving a member of the resource family; and 12) the opportunity to be heard regarding agency decisions and the right to be free from retaliation for appropriate inquiries.

Health Care*2005 Conn. Acts, HB 7000, P.A. 05-280*

Secs. 92, 94, 96–102. Requires the commissioners of social services and children and families to develop and implement the Behavioral Health Partnership, an integrated behavioral health service system for certain Medicaid enrollees and children enrolled in the voluntary services program operated by the Department of Children and Families. Establishes a Behavioral Health Oversight Council.

2005 Conn. Acts, HB 6787, P.A. 24

Requires the department to provide medical assistance to any child under its supervision who is not receiving Medicaid benefits, has not yet qualified for Medicaid benefits or is otherwise ineligible for such benefits because of institutional status. Directs the department to apply for, or assist such child in qualifying for, the Medicaid program.

2005 Idaho Sess. Laws, SB 1165, Chap. 223

Allows courts hearing child protection cases to order a mental health assessment and plan of treatment for minors who appear to be suffering severe emotional disturbance (SED). Specifies that such orders can be issued when the court has reason to believe that the child's SED presents a risk to the child's safety or well-being and that the child's needs are not being met with the services thus far provided. Allows the court to convene a screening team, drawn from a wide range of agencies and including the child's parents or guardians, to provide recommendations for the court. Allows the plan of treatment to become an order of the court, and requires the department to provide the mental health treatment designated. States that any residential or inpatient treatment can be ordered only after a hearing or waiver of a hearing by the child and the child's parents or guardians.

2005 Ill. Laws, HB 759, P.A. 34

Requires every child in the care of the Department of Children and Family Services to receive the necessary behavioral health services, including, but not limited to, mental health services, trauma services, substance abuse services and developmental disability services. Requires that these services include integrated assessment, treatment plans, individual and group therapy, specialized foster care, community-based programming, licensed residential services, psychosocial rehabilitation, screening assessment and support services, hospitalization and transitional planning and referral to the department for appropriate services when the child reaches adulthood. Requires an assessment of behavioral health community services available to the department in the state, to include an analysis of the current availability and need for comprehensive integrated assessment, trauma services, mental health treatment, qualified mental health professionals, community providers, psychosocial rehabilitation and substance abuse services. Requires the department to complete all individual and regional assessments by January 1, 2007, and to submit a written report to the governor and the General Assembly that describes the results of the assessment and contains a specific plan to address the need for services.

2005 Ind. Acts, SB 529, P.L. 243

Sec. 29. Requires the Departments of Health, Education, Child Services and Corrections, and the Division of Mental Health and Addiction, to develop a children's social, emotional and behavioral health plan that is to include recommendations concerning comprehensive mental health services, early intervention and treatment services for children from birth to age 22. Requires that the plan recommend procedures for the following:

- Identifying and assessing social, emotional and mental health problems;
- Assisting the child and the child's family in obtaining necessary services;
- Coordinating provider services and interagency referral networks;
- Incorporating social, emotional and behavioral development into school learning standards and education programs; and
- Including social, emotional and mental health screening as a part of routine examinations in schools and by health care providers.

Requires shared accountability among state agencies to conduct ongoing needs assessments and the use of outcome indicators and benchmarks to measure progress. Requires the development of a state budget for children's social, emotional and mental health prevention and treatment that will include strategies for how state and local agencies can obtain federal and other funding to implement the plan.

2005 Iowa Acts, HF 538, Chap. H.J. 1862

Requires the department to submit a waiver request to the U.S. Department of Health and Human Services to provide coverage under the medical assistance program for not more than 300 foster care children in need of behavioral health care services. States that the waiver request may include the use of a wrap-around services approach or the renegotiation of the medical assistance program contract provisions. Requires the department to submit options to the governor and the legislature for meeting the children's needs if federal approval of the waiver is not granted.

2005 Mich. Pub. Acts, SB 271, Act. 147

Requires the Department of Human Services to clarify the types of children who go into specialized foster care and to identify the services that they receive, based on the report and recommendations required by section 545(2) of 2004 Mich. Pub. Acts, Act 344. As part of this process, the department also defined two levels of foster care services to be purchased from private providers: general foster care services and specialized foster care services. The department further specified that the factors that designate children eligible for specialized foster care include medical needs and difficulty maintaining placement within the foster care system.

2005 Okla. Sess. Laws, HB 1725, Chap. 133

Creates the Task Force on Reactive Attachment Disorder for Children to study the disorder as it relates to children in custody and those served by the Department of Mental Health and Substance Abuse Services.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.65. Requires the Health and Human Services Commission to collaborate with health care and child welfare professionals to design a comprehensive, cost-effective medical services delivery model, either directly or by contract. Specifies that the medical model should include the following:

- Designation of health care facilities with expertise in the forensic assessment, diagnosis and treatment of child abuse and neglect;
- A statewide telemedicine system to link department investigators and caseworkers with such health care facilities;
- Identification of a medical facility for each foster child where the child will receive assessment, preventive treatments, acute medical services, therapeutic care and rehabilitative care for the duration of the child's stay in foster care;
- Development and implementation of electronic health passports, which will provide specific health information for each child;
- Establishment and use of a management information system that allows monitoring of medical care provided to all foster children;
- Use of medical advisory committees and medical review teams to establish treatment guidelines;
- Provision for courts to review a departmental summary of each child's medical care; and
- Provision for the person authorized to provide medical consent to participate in each appointment with a provider of medical care.

Defines those authorized to provide medical consent to include foster parents, the child's parents (if rights have not been terminated), the DFPS and guardians/attorneys ad litem. Requires such people to complete a DFPS-approved training class related to informed consent (excludes biological parents unless court ordered). Allows physicians to file a letter to the court if they have concerns about a foster child's medical care.

Allows for medical care to be provided to foster children without consent or court authorization if there is an emergency in which medical care must be provided to prevent death or substantial bodily harm to the foster child.

Allows foster children who are at least age 16 to consent to the provision of medical care if the court determines that the child has such capacity.

Includes a provision for parental notification of significant medical conditions. Defines significant medical conditions as an injury or illness that is life threatening or has potentially serious long-term health consequences.

Requires the DFPS to study the level-of-care system that it uses to ascertain whether the system creates incentives for prescribing psychotropic medication to children in foster care. Requires the results to be reported to the Legislature no later than October 1, 2006.

2005 Wyo. Sess. Laws, SF 39, Chap. 236

Requires local child protective agencies to refer a child under age 6 to the Department of Health for educational and developmental screening and assessment.

Investigation/Assessment

2005 Md. Laws, HB 150, Chap. 443

Provides that \$1 million in general fund appropriations may not be expended until the Department of Human Resources develops a plan for differential response in FY 2007. Requires the plan to evaluate other state models and address needed resources, coordination of existing resources and evaluation of a pilot program.

2005 Minn. Laws, HF 1889, Chap. 159

Art. 1. Makes changes in the required child welfare response to allegations of abuse and neglect to include an alternative response. Requires a local child welfare agency to conduct either a family assessment or an investigation of a report of maltreatment, depending on the severity of the allegation.

2005 N.C. Sess. Laws, HB 277, Chap. 398

Authorizes a family assessment response in cases in which children are reported to be neglected or dependent, and an investigative response in cases of reported child abuse.

2005 N.C. Sess. Laws, SB 622, Chap. 276

Sec. 10.45(a),(b). Requires the Division of Social Services, Department of Health and Human Services, to continue working with local departments of social services to implement a multiple-response system of child protection. Requires the department to expand the project using both state appropriations and any non-state funding sources.

2005 Tenn. Pub. Acts, HB 447, Chap. 391

Expresses legislative intent that the Department of Children's Services perform its function pursuant to the belief that families can change the circumstances associated with the level of risk to a child when they are provided with intensive and comprehensive services tailored to their strengths and needs. Requires that the department's fundamental assumptions be that most children are better off with their own families than in substitute care and that separation has detrimental effects on both parents and children.

Requires that the Department of Children's Services establish a demonstration program for a multi-level response system that makes effective use of available community-based services. Requires gradual expansion of the demonstration program until the program is implemented statewide. Requires regular reports to the governor and legislature on implementation of the program and regular evaluations of the program's effectiveness. Specifies outcomes and performance indicators to be included in the evaluations.

Requires the department to screen reports involving risk of maltreatment other than physical harm or sexual abuse to determine the appropriate level of intervention: investigation, assessment and referral to community-based services, referral for services without investigation or assessment, or no further action. Prescribes procedures for assessment and referral for services without assessment.

Requires local law enforcement personnel, in jurisdictions that have implemented the multi-level response system, to assist the department, upon written request, in investigating certain cases of serious abuse or neglect.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.16. Requires the appropriate state or local law enforcement agency to assist the DFPS or the designated agency with a prompt and thorough investigation of a report of child abuse or neglect.

Requires the DFPS to assign priority to investigations, subject to the availability of funds, to do the following:

- Immediately respond to reports of abuse and neglect that might result in death of the child or substantial bodily harm;
- Respond within 24 hours to a report of abuse or neglect that is assigned highest priority; and
- Respond within 72 hours to a report of abuse and neglect that is assigned the second highest priority.

Sec. 1.17. Requires the DFPS, in consultation with the appropriate law enforcement agencies, to develop guidelines for joint investigation. Includes provisions for both agencies to clarify roles, implement training and incorporate use of forensic methods.

Sec. 1.18. Requires the DFPS employees who respond to reports with highest priority to identify forms and other paperwork that can be completed by members of the child's family.

Sec. 1.19. Allows the DFPS to screen out less serious cases and close such cases without providing services or making referrals. Defines less serious cases of abuse or neglect to be cases that do not indicate an immediate risk of death or serious harm to the child.

Sec. 1.22. Requires the Texas Department of Public Safety, subject to the availability of funds, to create a child safety check alert list as part of the Texas Crime Information Center to help locate a family for purposes of investigation of child abuse or neglect. Mandates law enforcement officers to request relevant information regarding the child and any other relevant information from the person on the child safety check alert list and report the information to the Texas Crime Information Center. Requires the DFPS to notify the Texas Crime Information Center if the child or the child's family on the safety check alert list is located without the help of a law enforcement officer. Requires a county attorney, district attorney, or criminal district attorney to request an ex parte court order to require the Texas Crime Information Center to place on the child safety check alert list the members of a family who cannot be located and are the subjects of a pending investigation.

Sec. 1.27. Requires law enforcement-style training for those who investigate suspected child abuse or neglect at the local or state level that includes forensic investigation and investigatory techniques and collection of physical evidence. Mandates training on applicable federal law, including the Adoption and Safe Families Act of 1997, the Child Abuse Prevention and Treatment Act, and the Keeping Children and Families Safe Act of 2003.

Sec. 1.28. Requires the DFPS, subject to the availability of money, to employ or contract with medical and law enforcement professionals to be strategically placed throughout the state to provide forensic investigation support and assist caseworkers with assessment decisions and intervention. Requires the DFPS to employ or contract with subject matter experts to assist caseworkers. Requires that DFPS personnel be designated to act as liaisons to develop relationships with local law enforcement agencies and courts.

Sec. 1.29. Requires the DFPS to employ in each administrative region a child safety specialist with the following duties:

- Ensure that risk assessment tools are fully and correctly used; and
- Review and evaluate cases in which there have been multiple referrals for abuse and neglect.

Sec. 1.30. Requires the DFPS and certain local law enforcement agencies that investigate child abuse in each county to co-locate in the same office. Provides for co-locating investigators in local child advocacy centers. States that, if a county does not have a local child advocacy center, the department should work with the community to encourage the development of a center.

Sec. 1.53. Requires the DFPS to administer a grant program to provide funding for community organizations, including faith-based or county organizations, to respond to low-priority and unsubstantiated cases of abuse and neglect. Allows the DFPS to refer such cases to community organizations that receive a grant. Requires such community organizations to conduct home visits and to offer family social services to its constituents. Allows the community organization to refer the case to the DFPS if the case is more serious than previously alleged.

2005 Wyo. Sess. Laws, SF 39, Chap. 236

Provides that certain reports of severe maltreatment are to be investigated and that others are to be assigned to an assessment response.

Kinship Care and Guardianship

2005 Ariz. Sess. Laws, HB 2220, Chap. 220

Makes permanent and statewide the kinship foster care services program for children in the custody of the department. Requires the program to promote relative placement. Specifies requirements for kinship foster care parent applicants who are not licensed foster care parents to include that the applicant is at least age 18 and must submit fingerprints for a criminal records check. Requires the department to conduct one or more home visits and interview the applicant. Allows the department to interview other household members, to check professional references, and to conduct a CPS central registry check. Requires the department to provide written notification to the applicant if it determines that placement with the applicant is not in the child's best interest. Specifies that a kinship foster care parent may be eligible for full foster care benefits (including payment if the applicant becomes a licensed foster care home) and TANF child-only payments.

Requires the department to establish procedures for child welfare workers to inform kinship foster care families about available financial and nonfinancial services. Requires that a family who declines services sign a statement indicating that they declined services.

Requires the department to provide nonfinancial services for kinship foster care parents through existing means or referral, to include family assessment, case management, child day care, housing, parenting skills, counseling, transportation, emergency services, respite services and additional necessary services.

Requires a performance evaluation and report to the Legislature and governor on the demographics and numbers of children placed with relative caregivers, the demographics of kinship foster caregivers, the number of relative children per kinship foster care family, the department's success at maintaining kinship foster care placements, and the types of services provided. The report also must provide information on the cost of services provided to kinship foster care families compared with the cost of out-of-home placements.

Requires the program to streamline, expedite and coordinate existing services and referrals. Requires the department to submit an amendment to the U.S. Department of Health and Human Services waiving the face-to-face requirement for relative caregivers who apply for TANF money for a child-only case.

2005 Ark. Laws, SB 442, Act 874

Allows a juvenile to be placed in the home of a relative on a provisional basis for up to six months, pending the relative's home being opened as a regular foster home. States that the relative shall not be paid a board payment until all the requirements are met. Allows a relative to apply for and receive benefits such as TANF and food stamps while awaiting approval. States that, if a relative's home is not fully licensed as a foster home after six months of placement, the department shall remove the child and close the relative's provisional foster home or the court shall remove custody from the department and grant custody to the relative.

2005 Ark. Laws, HB 1572, Chap. 1766

Defines provisional foster home as a relative foster home opened for no more than six months by the department after a health and safety check, including a central registry and criminal background check and a visual inspection of the home.

2005 Cal. Stats., AB 1743, Chap. 198

Allows the department to refer kinship care cases to the local child support agency if it is in the child's best interests.

2005 Colo. Sess. Laws, HB 1174, Chap. 194

Discourages multiple placements. Requires parents at temporary custody hearings to identify relatives for placement. Requires that the parents be advised that, if the parent does not identify these relatives in a timely manner, children may be placed permanently outside of the home and may face life-long damage to their emotional well-being if the child becomes attached to one caregiver and is later removed from the caregiver's home. When making placement determinations for a child following termination of parental rights, allows the courts to consider an individualized assessment of the child's needs, whether the child's placement at the time of the hearing is a safe and potentially permanent placement, the child's actual age and developmental stage, and attachment needs. The courts also may consider whether the child has significant psychological ties to a person who could provide a permanent placement for the child, including a relative, and, if so, whether this person maintained contact with the child during the child's placement outside of the home. Further, the court may assess whether a person who wants to adopt a child is willing to maintain appropriate contact with the child's relatives, including siblings.

2005 Hawaii Sess. Laws, SB 40, Act 208

Authorizes a minor's caregiver to consent to health care services for the minor. Establishes requirements for a caregiver consent affidavit form, which must be notarized. Allows the caregiver to consent to primary and preventive medical and dental care and diagnostic testing and other medically necessary health care and treatment. Requires the affidavit to include the caregiver's name and current home address, birth date, driver's license number and relationship to the minor; and the minor's name and birth date. Requires the signature of the child's parent, guardian or legal custodian, unless the caregiver has been unable to obtain the signature and the affidavit includes a statement documenting the caregiver's attempts to obtain the signature. Requires the affidavit to include notice that the parent's rights are not affected and that this does not give legal custody to the caregiver. Allows the parent or legal custodian to rescind the affidavit at any time. Provides civil and criminal immunity to health care providers, and does not require the health care provider to conduct any further inquiry or investigation.

2005 Idaho Sess. Laws, SB 1053, Chap. 113

Clarifies that the requirements for the status of de facto custodian must be met by the date the petition is filed. States that the evidentiary test for meeting the status of de facto custodian is "clear and convincing." Authorizes the court to determine that the status of de facto custodian is in the best interests of the minor child. In determining whether the status of de facto custodian is in the best interests of the minor child, the court is to consider whether the child is currently living with the de facto custodian or, if not, how long since the de facto custodian has been the primary caregiver and has been providing primary financial support for the child. Clarifies that the de facto custodian provisions apply only to proceedings for guardianship of a minor.

2005 Me. Laws, LD 1382, Chap. 372

Sec. 6. Requires the court to conduct a permanency planning hearing and to develop a permanency plan within the earlier of 30 days after a court order to cease reunification or 12 months after the time a child is considered to have entered foster care. The permanency plan must determine whether and when the child will be returned to a parent, placed for adoption, cared for by a permanency guardian, placed with a fit and willing relative or placed in another planned permanent living arrangement. If the child is age 16 or older, the plan must determine the services needed to help the child make the transition from foster care to independent living. Defines the powers and duties of a permanency guardian.

Establishes a Guardianship Subsidy Program using funds appropriated for child welfare services and funds provided under a title IV-B or IV-E waiver. Allows the department to provide services for special-needs children placed in permanency guardianships or in a similar status by a Native American tribe, when the department has not been successful at placing the child without guardianship subsidies and if the child would not be placed in a permanency guardianship without the subsidy. Defines permanency guardianship as a court-appointed placement in which the guardian can provide a safe home for the child, offers a close emotional bond with the child, can make a long-term commitment to the child and has the skills to care for the child. Defines special-needs child as a child with a physical, mental or emotional handicap or medical condition that makes placement difficult; is a member of a sibling group that includes at least one member who is difficult to place; is difficult to place because of race or age; has been a victim of physical, emotional or sexual abuse that places the child at risk for future emotional difficulties; or has a family background of severe mental illness, substance abuse, genetic or medical conditions that place the child at risk for future problems.

Specifies that the amount of the subsidy may vary, depending upon the resources of the permanency guardian, the special needs of the child, and the availability of resources. States that the amount may not exceed the total cost of caring for the child if the child remained in care of the department and may include up to \$400 for reimbursement of legal expenses. The subsidy may continue until the permanency guardianship ends or may continue until the child is age 21 if the child needs educational benefits or has a physical, mental or emotional handicap.

2005 Me. Laws, LD 1402, Chap. 371

Defines “de facto guardian” to mean an individual who has been the primary caretaker for a child who has, within the 24 months immediately preceding the filing of a petition, resided with the individual without a parent present and with a lack of demonstrated consistent participation by a parent for a specific period. Defines lack of consistent demonstrated participation, and allows the court to consider the intent of the parent in placing the child in de facto custodianship, the amount of involvement the parent had with the child, the parent’s refusal to comply with conditions for obtaining custody, and whether the parents were prevented from applying for custody because of previous domestic violence or child abuse.

2005 Md. Laws, HB 935, Chap. 404

Allows a court to give priority to the child’s relative over nonrelatives when ordering shelter care or committing the child to custody, unless good cause is shown.

2005 Md. Laws, SB 746, Chap. 507

Allows the court to grant custody and guardianship to a relative or nonrelative, which will terminate the department’s legal obligations and responsibilities to the child. Allows the court to order any further reviews that it determines are in the child’s best interests, and requires the court to consider any assurance by the local department that it will provide funds for necessary support and maintenance for the child. Requires the department to provide a report, which must include a home study, a CPS and criminal history records check, and a review of the proposed guardian’s physical and mental health history within 120 days after the court order.

2005 Mo. Laws, SB 539

453.073. Imposes a one-year time limit on guardianship subsidies paid to relatives of foster children, with a provision for renewal at the discretion of the Children's Division. Provides that guardianship subsidies shall be granted only to children in households with incomes that do not exceed 200 percent of the federal poverty level or that are eligible for title IV-E adoption assistance.

2005 Mont. Laws, HB 420, Chap. 178

Requires the department to investigate and determine whether awarding custody is in the best interests of the child when a member of the child's extended family, including an adult sibling, grandparent, great-grandparent, aunt or uncle, requests custody. Requires the department to provide a written explanation to the court as to why an extended family member who has applied for temporary or permanent custody has been denied custody.

2005 N.J. Laws, AB 208, Chap. 95

Requires the Department of Human Services to notify potential kinship guardians of the eligibility requirements for kinship legal guardianship and to notify both potential and current kinship guardians of the full range of services for which kinship legal guardians may be eligible.

2005 N.Y. Laws, SB 3216, Chap. 119

Authorizes a parent to designate another person as a person in parental relation to the parent's child for purposes of temporarily transferring authority to make educational and medical decisions on behalf of such child.

2005 N.Y. Laws, SB 4060, Chap. 671

Requires a local commissioner of social services, whenever a child is removed from home, to conduct an investigation to locate relatives, including a nonrespondent parent and any relatives identified by a child over age 5 who play or have played a significant role in the life of the child. Requires the court to immediately inquire as to the status of such an investigation, and authorizes the court to direct that the child be placed with a relative who has indicated a desire to become the child's foster parent. Requires the court to make findings regarding whether the local commissioner of social services made reasonable efforts to locate relatives of the child.

2005 N.Y. Laws, SB 5805, Chap. 3

Part A, Sec. 10. Specifies procedures for identifying and locating relatives who might become caregivers for a child who has been removed from home.

2005 Ohio Laws, HB 66

Sec. 5101.802. Creates the Kinship Permanency Incentive Program. Provides for an initial, one-time payment to defray the costs of initial placement with a kinship caregiver of a special-needs child. Allows for additional permanency incentive payments at six-month intervals for up to 36 months. Requires that the child be adjudicated by a juvenile court to be abused, neglected, dependent or unruly or that a probate court has determined that it is in the child's best interest to be in the guardianship of the kinship caregiver. Requires that the kinship caregiver be either the child's custodian or guardian. Specifies other requirements.

2005 Tenn. Pub. Acts, SB 2255, Chap. 389

Authorizes the juvenile courts to appoint an individual as a permanent guardian for a child who has been adjudicated dependent and neglected, unruly or delinquent. Specifies required findings that must be included in a guardianship order. Specifies factors that a court must consider in determining whether guardianship is in a child's best interest.

2005 Tenn. Pub. Acts, SB 2315, Chap. 503

Item 50. Earmarks \$1.25 million to fund the Relative Caregiver Program to support noncustodial children in relative care.

2005 Tenn. Pub. Acts, HB 704, Chap. 96

Requires the Department of Children's Services and the Commission on Aging and disability to design and implement a full range of educational, counseling, referral and other services designed to encourage and support elderly foster parents and disabled relative caregivers participating in the relative caregiver program to maximize family stability and success of the program.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.26. Requires the development of a child placement resource form that directs the parent or legal guardian of a child who might be removed because of a child abuse or neglect allegation to identify three individuals who could be relative or designated caregivers. Requires the form be presented at the status hearing if not presented before. Requires the department to develop an informational brochure for parents and potential relative caregivers that explains their rights and responsibilities.

Sec. 133. Requires the department to conduct a background and criminal history check of those relative or designated caregivers, prior to a full adversary hearing. Requires the department to evaluate each potential relative caregiver listed on the form and to complete a home study of the most appropriate caregiver prior to the adversary hearing. Requires that the department continue to explore substitute caregiver options while searching for and evaluating relatives and does not apply time frames to relatives or other designated caregivers living in another state.

Sec. 1.50. Requires the department to make the active recruitment and inclusion of senior citizens, especially foster grandparents, a priority in ongoing mentoring initiatives. Requires mentors to undergo state and national criminal background checks.

Sec. 1.62. Defines designated caregiver as an individual who has a longstanding and significant relationship with a child and who is appointed to provide substitute care for the child, but is not licensed or certified to provide foster care. Includes individuals who are appointed permanent managing conservator of the child after providing substitute care.

Defines relative caregiver as a person related to a child by consanguinity who provides substitute care for the child, but is not licensed or certified to provide foster care. Includes individuals who are appointed permanent managing conservator of the child after providing substitute care.

Requires the department to develop and procure a program to promote continuity and stability for children for whom the department is the managing conservator by placing those children with relative or other designated caregivers. Requires the department to facilitate relative or other designated caregiver placements by providing assistance and services to those caregivers.

Requires the department to administer the program using Title IV-E funds to the extent permitted by federal law. Requires the department to actively seek and use federal funds available to provide monetary assistance and additional support services to relative and designated caregivers.

Requires the department or another authorized entity to expedite administrative procedures to ensure that the child is placed with a qualified relative or designated caregiver. Requires the department to conduct an investigation to determine whether the proposed placement is in the child's best interest.

Requires the department, subject to the availability of funds, to enter into a caregiver assistance agreement with each relative or other designated caregiver to provide monetary assistance and additional support services to the caregiver. Requires monetary assistance to be based on a family's need, and allows for the following:

- A one-time cash payment of less than \$1,000 upon initial placement of the child or sibling group to assist the caregiver in purchasing essential child care items such as furniture and clothes;
- Reimbursement of all child care expenses incurred while the department is the child's managing conservator, for children younger than age 13 or younger than age 18 for children with developmental disabilities;
- Reimbursement of 50 percent of child care expenses incurred after the caregiver is appointed managing conservator for children younger than age 13 or younger than age 18 years for children with developmental disabilities; and
- Reimbursement of other expenses, not to exceed \$500 per year for each child.

Requires additional support services for an allotted period, to include case management services, referrals to appropriate state agencies, and family counseling not provided under Medicaid. Requires the department to coordinate with other health and human services agencies to provide assistance and services to relative and designated caregivers.

Requires the department to collaborate with the State Bar of Texas and local community partners to identify legal resources to assist relative and other designated caregivers in obtaining conservatorship, adoption or other permanent legal status for the child.

2005 Va. Acts, SB 78, Chap. 70

Defines kinship care as the full-time care, nurturing and protection of children by relatives. Requires a local board of social services to consider kinship care as an alternative to a foster care placement if it is in the child's best interest.

2005 Wash. Laws, HB 1281, Chap. 440

Lists the categories of people who are authorized to consent to a minor's health care, including an adult relative. Provides that a health care provider may rely on a representation or written declaration that an adult is a child's relative who is responsible for the child's health care. Provides for such health care provider's immunity from liability.

2005 Wash. Laws, HB 1280, Chap. 439

Requires the Department of Social and Health Services, within existing resources, to establish an oversight committee to monitor, guide and report on kinship care recommendations and implementation activities. Requires regular reports to the Legislature.

2005 Wis. Laws, AB 100, Act 25

Sec. 952. Makes the following changes in statute to provide for subsidized guardianship: 1) allows a nonrelative to be appointed as a guardian of a child in need of protection or services; 2) includes placement with a guardian as an option for children first entering out-of-home care; 3) creates a subsidized guardianship payment and allows the Department of Health and Family Services (DHFS) or a county department of social services to make the payments to a guardian of a child; 4) directs DHFS to request a federal waiver to claim reimbursement under Title IV-E for the subsidized guardianship payments; and 5) makes changes in the court process for appointing a guardian for a child in need of protection or services.

2005 D.C. Stat., Act 16-0231, Law 16-0069

Requires the Mayor to establish a pilot program to provide grandparents with subsidies for the care of children. Specifies eligibility requirements, including that the grandparent have been granted legal custody or standby guardianship of the child and

that the grandparent's income is less than 200 percent of the federal poverty level. Provides that the pilot program is subject to the availability of appropriations. Provides that the subsidy shall be no less than the subsidy for a long-term permanent guardianship and that the subsidy shall be offset by any amount a grandparent receives from TANF for the child.

Prevention and Early Intervention

2005 Colo. Sess. Laws, HB 1280, Chap. 249

Establishes a statewide, multidisciplinary child fatality prevention system to review specified deaths of children from birth to age 18 who are receiving child welfare services or for whom a child abuse or neglect report has been received. Requires the review of all other unexpected or unexplained deaths of children from birth to age 18. Specifies the goals of the system to include the development of a community approach to preventing child fatality, understanding the incidence and causes of child fatality, identifying services designed to prevent fatality or near fatality, identifying gaps in services and making recommendations for the prevention of child abuse and neglect. Allows each judicial district to create a local child fatality review team, and specifies membership, duties and requirements for reporting record sharing and confidentiality.

2005 Iowa Acts, HF 190, Chap. 6

Allows the child death review committee to make recommendations to law enforcement, the department and others involved in child protection to prevent harm to a child who is related to or is living in the same home as a child whose case is being reviewed by the committee. Allows the child death review team to share information with other agencies or offices in certain instances.

2005 Minn. Laws, 1st Special Session, HF 139A, Chap. 4

Art. 6, Sec. 24. Requires hospitals to make available for viewing, by the parents of each newborn baby delivered in the hospital, a video on the dangers associated with shaking infants and young children. Requires the commissioner of health to establish a protocol for health care providers to educate parents and primary caregivers about the dangers associated with shaking infants and young children.

2005 N.J. Laws, A3812, Chap. 294

Establishes the Safe Haven Awareness Promotion Task Force in the Department of Human Services to study and evaluate the efficacy of existing efforts to promote awareness among the general public of the provisions of the New Jersey Safe Haven Infant Protection Act and to develop recommendations to improve the effectiveness of the campaign to promote public awareness of the act.

2005 N.M. Laws, HB 97, Chap. 68

Declares that it is the policy of the state to support intact families, strengthen families in crisis, promote the creation of jobs, and help halt the breakup of the nuclear family. Specifies the responsibility of parents for the well-being of their families and the responsibility of the state to provide education, services, programs, training and support to help parents carry out their responsibilities. Renames the existing "Family Preservation Act" the "Family Support Act."

2005 N.M. Laws, SB 614, Chap. 65

Creates the Next Generation Fund in the state treasury for the purpose of providing positive child and youth development activities, promoting strong families and preventing child abuse and neglect, and promoting community coordination of child and youth development programming. Establishes the Next Generation Council to oversee grants from the fund.

2005 N.Y. Laws, AB 3812, Chap. 3812

Requires all hospitals and clinics to inform their prenatal care and obstetric patients of the state abandoned infant protection act.

2005 Tex. Gen. Laws, SB 316, Chap. 696

Requires that parents of newborn babies be given information about postpartum depression, prevention of shaken-baby syndrome, a list of diseases for which a child is required to be immunized, and the appropriate schedule for follow-up procedures for newborn screening.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.64. Requires the DFPS, to the extent that money is appropriated, to fund evidence-based programs offered by community-based organizations that are designed to ameliorate child abuse and neglect. Requires the DFPS to place priority on programs that target children whose race or ethnicity is disproportionately represented in the CPS system. Requires the DFPS to periodically evaluate such programs.

Sec. 1.70. Requires the Health and Human Services Commission and the department to develop and implement a plan to combine funds of those agencies with funds of other appropriate state agencies and local governmental entities to provide services designed to prevent children from being placed in foster care. Allows the commission to request and accept gifts and grants under the terms of a gift, grant or contract from a local governmental entity, a private entity or any public or private entity (including the federal government) for the purpose of preventing children from being placed in foster care.

2005 Wash. Laws, SB 5898, Chap. 347

Requires the Council for the Prevention of Child Abuse and Neglect to conduct a public information campaign concerning the significance, signs and treatment of postpartum depression. Appropriates \$25,000 for that purpose.

2005 Wash. Laws, SB 6090, Chap. 518

Requires that, within amounts appropriated for child welfare, priority be given to proven intervention models, including evidence-based prevention and early intervention programs.

Privatization

2005 Ariz. Sess. Laws, SB 1513, Chap. 286

Requires the Department of Economic Security to submit to the Legislature options for privatization of portions of the case management duties for CPS.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.123. Defines case management services as the provision of case management services to a child for whom the DFPS has been appointed temporary or permanent managing conservator.

Requires the DFPS to privatize the provision of substitute care and case management services no later than September 1, 2011. Includes a provision for such service providers, to the best extent possible, to honor the cultural and religious affiliations of a child placed in their care.

Requires the DFPS, on and after September 1, 2011, to monitor the quality of services for which the department and each independent administrator contract. Includes a provision to ensure compliance with federal and state law.

Requires contractors with the DFPS that provide substitute care or case management services to give preference in hiring to qualified DFPS employees.

Requires the DFPS to research and develop a comprehensive strategy for contracting for case management support services from independent administrators on a regional basis.

Requires the DFPS to develop a transition plan for transferring the procurement, management and oversight of substitute care and case management services from the DFPS to an independent administrator.

Requires the Health and Human Services Commission and the DFPS, no later than March 1, 2006, to submit to the Legislature a transition plan for the implementation of the privatization of substitute care and case management services on a regional basis. The plan must include the following:

- A schedule with deadlines for implementation of the plan;
- A proposal for the first three regions of the state to implement privatization of substitute care and case management services, including the following:
 - Completion of the transition of the first region no later than December 31, 2007, with an evaluation conducted by an independent third party no later than the first anniversary of the contract date; and
 - Completion of the transition of second and third regions no later than December 1, 2009, only after the commission determines whether material modifications to the model for privatization are necessary.
- No later than September 30, 2006, establishment of a multidisciplinary team, evaluation criteria, and monitoring tools to monitor and evaluate contractor performance; and
- A new structural model for the community-centered delivery of services, including a description of financing, the procurement process and human resources issues.

Requires the department to create financing and payment arrangements that provide incentives for an independent administrator and substitute care and case management providers to achieve safety, permanency, and well-being outcomes and improved system performance.

Program Improvement Plans

2005 Cal. Stats., SB 77, Chap. 38

Provides \$42 million in FY 2006 for child welfare services program improvement activities in response to the federal Child and Family Services Reviews.

2005 Cal. Stats., AB 363, Chap. 296

Requires a report to the Legislature on the state's progress on the Child and Family Services Reviews to include findings and recommendations for child welfare system improvements that have been identified in the county self-assessments and county system improvement plans. Specifies that these are to include common barriers that inhibit system improvements and recommendations for overcoming the barriers. Requires the department to establish a process for allocating funds appropriated in the annual budget to improve child welfare service outcome indicators, and requires counties to use those funds to access additional federal, state and local funds.

2005 Wash. Laws, SB 6090, Chap. 518

Requires the Department of Social and Health Services to report annually to the Legislature on the status of enhancements to the child welfare system, including a progress report on the Child and Family Services Review Program Improvement Plan and areas identified for improvement in the *Braam* lawsuit settlement.

2005 Wis. Laws, AB 100, Act 25

Sec. 303. Appropriates \$2.2 million for FY 2006 and \$2.3 million for FY 2007 to implement components of the federal Child and Family Service Review Program Improvement Plan.

Racial Disproportionality*2005 Mich. Pub. Acts, SB 271, Act 147*

Sec. 548. Requires a task force to study the disproportionate representation of African-American and other children of color in the child welfare and juvenile justice systems in Michigan. Requires a report to the Department of Human Services with administrative and legislative recommendations for appropriate services to reduce disparities and bias and improve long-term outcomes for children of color in the systems. Requires the Department of Human Services to report to the Legislature by December 31, 2006.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.54. Requires the Health and Human Services Commission and Department of Family and Protective Services to analyze data regarding child removals and other enforcement actions during state fiscal years 2004 and 2005 to determine whether enforcement actions were disproportionately initiated against any racial or ethnic group. Requires a report no later than January 1, 2006. Requires a remediation plan to prevent racial or ethnic disparities and an evaluation of policies and procedures if the results of the analysis indicate disparate treatment of racial or ethnic groups. Requires a report on the evaluation and remediation plan by July 1, 2006.

Residential Treatment*2005 N.Y. Laws, SB 5810, Chap. 392*

Declares legislative intent to provide New York state and local governmental agencies appropriate control and oversight over the financing and quality of care received by children placed in out-of-state residential facilities and programs.

Establishes an Out-of-State Placement Committee comprising the commissioners of children and family services, mental health, mental retardation and developmental disabilities, education, alcoholism and substance abuse services and health, and the director of the Division of Probation and Correctional Alternatives.

Requires the establishment of a registry of out-of-state residential programs that have been approved by one or more members of the Out-of-State Placement Committee in accordance with core requirements to be developed by the committee. Requires the committee to establish recommended contract parameters for use by committee member agencies and local agencies when contracting with out-of-state programs. Requires the committee to establish model processes for placement and to make reasonable efforts to coordinate technical assistance resources to strengthen local and regional service coordination.

Requires the committee to make recommendations concerning the development of integrated and flexible funding for the purchase of services for children with complex needs.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.72. Requires the state auditor to conduct a management review of the residential contract management employees of the Health and Human Services Commission and the DFPS. Includes a financial audit and case file audit of selected residential contractors. Allows for the DFPS, subject to the availability of funds, to develop an Internet-based system to enable residential contractors to review and reconcile financial accounts.

Sec. 1.90. Requires residential child care facilities to meet statewide minimum standards and requires their regulation by a licensing program. Defines a residential child care facility as a facility licensed or certified by the DFPS to provide assessment, care, training, education, custody, treatment or supervision for a child who is not related to the owner or operator of the facility by blood, marriage or adoption, for the entire 24-hour day. Includes child care institutions, child-placing agencies, foster group homes, foster homes, agency foster group homes and agency foster homes.

Sec. 1.94. Requires the executive commissioner to adopt rules governing the placement and care of children by a child-placing agency, group homes and adoptive homes. Requires each residential child care facility to notify the department and the appropriate local law enforcement agency immediately on determining that a child is missing from the facility.

2005 W. Va. Acts, HB 2334, Chap. 46

Creates within the Department of Health and Human Resources a Commission to Study the Residential Placement of Children. Specifies the issues to be studied by the commission, including the current practice of placing children in residential placements, with special emphasis on out-of-state placements, and strategies to reduce the number of children who must be placed in out-of-state facilities and to return children from existing out-of-state facilities. Required the commission to report to the Legislature by December 1, 2005.

Siblings in Foster Care*2005 Md. Laws, HB 1336, Chap. 600*

Requires the department to place a sibling group together if it is in the best interest of the children and does not conflict with any health or safety regulation. Allows siblings separated because of foster care or adoption to petition the court with jurisdiction over one or more siblings for reasonable sibling visitation rights.

2005 Nev. Stats, AB 42, Chap. 455

Sec. 20. Requires that reports to the court regarding a child's placement include information regarding placement or contact with the child's siblings.

2005 Tex. Gen. Laws, HB 270, Chap. 1191

Authorizes a sibling who is at least age 18 and who is separated from a child because of an action by the DFPS to file suit for access to the child.

Substance Abuse

2005 Ark. Laws, SB 114, Act 1255

Creates Garrett's Law, which revises the definition of neglect to include an illegal substance present in a newborn's bodily fluids or substances. Allows the state child abuse and neglect hotline to accept reports of substance-exposed newborns. Requires the state child abuse hotline to provide an annual report to the legislature on the incidence of substance-exposed newborns. Requires the report to include information on the mother, the type of illegal substance, the estimated gestational age of the newborn and the newborn's health problems. States that the hotline can accept these calls only from licensed nurses, medical personnel, osteopaths, surgeons, physicians or resident interns.

2005 Ark. Laws, SB 926, Act 1990

Sec. 1. Revises the definition of abuse to include 1) giving a child or permitting a child to consume or inhale a poisonous or noxious substance that has the capacity to interfere with normal psychological functions or alter the child's mood, including marijuana, alcohol, narcotics, inappropriate or overdoses of over-the-counter drugs, or chemicals used during the production of methamphetamine; and 2) subjecting a child to Munchausen Syndrome by Proxy.

2005 Cal. Stats. SB 68, Chap. 78

Sec. 11. Requires the Department of Social Services, in collaboration with the Department of Alcohol and Drug Prevention Programs and the Judicial Council, to conduct an evaluation of savings in foster care and child welfare services attributable to dependency drug court programs and to report to the Legislature during hearings on the 2006–2007 budget.

2005 Colo. Sess. Laws, HB 1141, Chap. 166

Expands the definition of an abused or neglected or dependent child to include an infant who tests positive at birth for controlled substances.

2005 Ill. Laws, HB 3531, Act 94-554

Requires the Department of Children and Family Services, the Department of State Police and the State Board of Education to jointly develop a sample protocol to be followed when a person is arrested for manufacturing methamphetamine at a place where a child under younger than age 18 resides or is being exposed to an environment where methamphetamine is manufactured or used. Requires that an appropriate custodian for the child be appointed; that the child attend school; and that the care and supervision of the child, including clothing, shelter, food and medical attention, be attended to.

La. Acts 2005, SB 243, Act 338

Includes in the definition of neglect a newborn identified by a health care practitioner to be affected by the illegal use of controlled substances. Also includes infants exhibiting withdrawal symptoms from prenatal illegal drug exposure.

2005 Miss. Laws, HB 1058, Chap. 467

Provides that a parent or guardian who knowingly causes or permits a child to be present where any person is selling or manufacturing a controlled substance is guilty of child endangerment.

2005 Nev. Stats, SB 296, Chap. 442

Requires certain medical service providers to report to a child welfare agency a newborn infant affected by prenatal substance abuse and to refer a person responsible for the infant to a child welfare agency for appropriate counseling, training or other services. Provides that an investigation of such cases is not warranted if the alleged effect of prenatal illegal substance abuse could be eliminated if the child and family received substance abuse treatment services offered in the community. Includes within the definition of a child who may be in need of protection a child who is identified as being affected by prenatal illegal substance abuse.

2005 Nev. Stats, AB 465, Chap. 310

Provides that a person shall not intentionally allow a child to be present in any conveyance or other premises wherein a controlled substance other than marijuana is being used, sold or manufactured. Provides penalties.

2005 Or. Laws, SB 907, Chap. 708

Modifies the crimes of criminal mistreatment in the first degree and child neglect in the first degree to include leaving an individual in a place where methamphetamine is manufactured. Modifies the definition of abuse to include exposure to controlled substances.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Sec. 1.63. Requires the DFPS to create a family drug court program that will integrate substance abuse treatment services with child welfare system cases, with the goal of family reunification. Gives court commissioners of a county the ability to establish such programs.

Sec. 1.89. Requires the DFPS to establish a drug-endangered child initiative to protect children who are exposed to methamphetamine or to chemicals and other hazardous materials used in the illicit manufacture of methamphetamines. Requires the Department of Public Safety and each local law enforcement agency, to the extent that reporting does not interfere with criminal investigation, to report to the DFPS on discovering the presence of a child in a location where methamphetamine is manufactured. Requires the DFPS to maintain a record of reports received and actions taken by the DFPS to ensure the child's safety and well-being.

2005 Va. Acts, SB 1156, Chap. 941; HB 2438, Chap. 923

Makes it a felony for a person who maintains a custodial relationship over a child to allow that child to be present during the manufacture of methamphetamine.

2005 Wash. Laws, SB 5763, Chap. 504

Secs. 303, 305. Requires the Departments of Social and Health Services and the Department of Health to develop comprehensive services for drug-affected and alcohol-affected mothers and infants. Requires the Department of Social and Health Services to contract for chemical dependency specialist services at each Division of Children and Family Services office to enhance the timeliness and quality of CPS assessments and to better connect families to treatment services.

2005 Wash. Laws, SB 6090, Chap. 518

Appropriates \$2.2 million to fund the requirement of SB 5763 that chemical dependency specialist services be offered in each Children's Administration field office.

Transition from Foster Care

2005 Cal. Stats., AB 824, Chap. 636

Raises the age limit for receipt of transitional housing placement program services by an emancipated foster youth from 21 to 24 years.

2005 Cal. Stats., SB 436, Chap. 629

Requires the county department of social services, in counties that provide transitional housing placement services, to include in their annual Independent Living Program reports a description of currently available transitional housing resources in relation to the number of emancipating pregnant or parenting foster youth in the county, and a plan for meeting any unmet transitional housing needs of the emancipating pregnant or parenting foster youth.

2005 Fla. Laws, SB 1314, Chap. 179

Sec. 1. Allows a youth who is in the legal custody of the department immediately before his or her 18th birthday to petition the court at any time before his or her 19th birthday to request the court's continued jurisdiction. Specifies that the continued jurisdiction may not exceed one year following the youth's 18th birthday and that this time may be used for the purpose of determining whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, and mental health and developmental disability services are being appropriately provided to the youth. Requires the court to encourage the Statewide Guardian Ad Litem Office to provide greater representation to those children who are within one year of transferring out of foster care.

Sec. 2. Requires the department to include, in its judicial review social study report, written verification that the youth received information to assist in his or her transfer out of foster care. Includes information on applying for Medicaid upon reaching age 18, eligibility for the Road to Independence Scholarship Program, a notice that he or she may petition the court for the court's continuing jurisdiction for one year after reaching age 18, encouragement to attend all judicial review hearings after reaching age 17 and information on the fact that he or she may reside with a foster family.

Sec. 3. Requires the department to enroll eligible young adults formerly in foster care and who are age 18 but not yet age 19, into the Florida KidCare Program outside the open enrollment period.

Sec. 4. Requires the Independent Living Services Advisory Council to conduct a study on the most effective way to address the health insurance needs of young adults who are in the Independent Living Program once they are no longer eligible for the KidCare Program. Requires the department and the Health Care Administration to assist the council and prepare a report on recommendations by January 2, 2006. Sets an appropriation.

2005 Ga. Laws, HB 272, Chap. 81

Authorizes the development of a program of grants, funded by the General Assembly, for the payment of postsecondary tuition, ancillary fees and living expenses for Georgia foster and adopted children who meet entrance requirements and maintain academic eligibility. Requires students to be in receipt of state-funded adoption assistance, in the care of the department, in a family foster home or in independent living.

2005 Ind. Acts, SB 481, P.L. 133

Sec. 2. Allows the department to provide a transitional services plan to individuals who are or will become age 18 or who will be emancipated while receiving foster care. Requires the plan to include information about education, housing, employment and health care services, development of problem-solving skills, and available federal, state and local assistance.

Sec. 3. Allows the state Office of Medicaid Policy and Planning to apply to the federal Department of Health and Human Services (HHS) for approval to amend the state Medicaid plan. Specifies that the amendment will include expanding services to Medicaid-eligible individuals who are between the ages of 18 and 21 and who were receiving foster care or were emancipated when they reached age 18.

La. Acts 2005, HB 341, Act 82

Requires the department's Office of Community Services to provide vocational testing and counseling on higher education and employment for individuals in long-term foster care at the youngest age deemed appropriate to process the information. Specifies that the program is to include a minimum of three one-hour counseling sessions annually and that it should encourage and help individuals find part-time work while they still are in high school as a means of discovering their interests and capabilities, as well as fostering a sense of independence.

2005 Mich. Pub. Acts, SB 271, Act 147

Sec. 552. Establishes the Interdepartmental Task Force on Services to At-Risk Youth Transitioning to Adulthood. Requires that the task force assess existing service coordination among programs, identify methods to enhance such coordination and identify potential public and private fiscal resources. Specifies membership. Requires reports to the Department of Human Services and the Legislature.

2005 Nev. Stats, AB 580., Chap. 482

Sec. 51. Requires that the state Medicaid plan include a requirement that independent adolescents formerly in foster care be eligible for Medicaid.

2005 N.Y. Laws, SB 5805, Chap. 3

Provides that placement may not continue beyond the child's 18th birthday without his or her consent and in no event beyond the child's 21st birthday.

2005 N.C. Sess. Laws, SB 622, Chap. 276

Sec. 9.30(a). Waives tuition at the University of North Carolina or any community college in the state for a youth between the ages of 17 and 23 who is a ward of the state or was a ward at the time the youth reached age 18.

2005 Or. Laws, SB 1034, Chap. 679

Provides that commitment of a child to the custody of the Department of Human Services (DHS) continues until the court dismisses the commitment or until the child reaches age 21. Requires that if a ward is between the ages of 14 and 21, the court may dismiss the commitment only if it makes the following findings: 1) that DHS has provided appropriate case planning for the child's successful transition to independent living; 2) that DHS has provided adequate services to the child to support the child's transition; 3) that DHS has involved the child in the development of the case plan; and 4) that the child has safe and stable housing and is unlikely to become homeless as a result of dismissal of the commitment.

2005 Tex. Gen. Laws, HB 614, Chap. 183

Requires the DFPS to continue to pay the cost of foster care for a child until the later of the child's 18th birthday or the date that the child either graduates from or ceases to be enrolled in high school.

2005 Tex. Gen. Laws, HB 404, Chap. 175

Requires that the Family and Protective Services Council include a person who was a child in the foster care system.

2005 Tex. Gen. Laws, SB 6, Chap. 268

Secs. 1.01, 1.02. Requires the Texas Education Agency and the Texas Higher Education Coordinating Board to develop outreach programs to ensure that students in grades 9–12 in foster care or other residential care are aware of the availability of their exemption from the payment of tuition and fees for higher education. Includes adopted students in grades 9–12 who were formerly in foster or other residential care.

Sec. 1.41. Requires placement review reports for children age 16 or older to include the following:

- A discharge plan that identifies specific tasks to assist the child in making the transition from substitute care to adult living;
- A description of services available through DFPS' Preparation for Adult Living Program;
- An evaluation of the child's current educational placement; and
- A description of efforts made by the DFPS or another authorized agency to provide for the child adoption promotion and support services as defined by 42 U.S.C. Section 629a and consistent with the Adoption and Safe Families Act of 1997(ASFA).

Sec. 1.51. Requires the DFPS to expand efforts to improve discharge planning for foster children who must make the transition to independent living and increase the availability of transitional family group decision making to such youth age 16 or older. Requires the DFPS, with authority from the Health and Human Services Commission, to extend foster care eligibility and transition services to age 21 and to extend Medicaid coverage for foster care youth and former foster care youth up to age 21. Requires the department to develop a policy to permit eligible youth up to age 21 to return to foster care. Requires the department to enter into agreements with the Texas Workforce Commission and local workforce development boards to ensure that services are prioritized and targeted to foster care and former foster care children.

2005 Wash. Laws, HB 1050, Chap. 215

Creates the foster care endowed scholarship program to help students who were in foster care attend a postsecondary institution in the state of Washington. Creates the foster care endowed scholarship advisory board to assist in publicizing the scholarship program, to solicit grants and donations to the program and to assist in program development and for other purposes. Creates the foster care endowed scholarship trust fund for deposit of funds appropriated by the Legislature. Creates the foster care scholarship endowment fund to receive private donations, among other funds.

2005 Wash. Laws, HB 1079, Chap. 93

Amends the statute creating an oversight committee to develop strategies for maintaining foster children in the schools they were attending at the time they entered foster care in the following ways:

- Expands the membership of the oversight committee to include the higher education coordinating board, foster youth, former foster youth, and foster parents;
- Expands the purpose of the committee to include promotion of opportunities for foster youth to participate in postsecondary education or training; and

- Expands the duties of the committee to include assessing the need among foster youth for assistance in pursuing post-secondary education, identifying funding sources for such education, reviewing the effectiveness of activities in the state to support foster youth in pursuing such education, identifying new activities to meet statewide needs, and reviewing progress.

Provides that eligible former foster youth shall be assured receipt of a state need grant for higher education.

2005 Wash. Laws, SB 5254, Chap. 355

Establishes the Legislative Youth Advisory Council to examine issues of importance to youth. Requires the council to advise the legislature on proposed and pending legislation; conduct periodic seminars for its members regarding leadership, government and the Legislature; and report annually to the Legislature.

Tribes

2005 Me. Laws, LD 415, Chap. 118

Establishes a committee to examine the extent to which the state complies with the federal Indian Child Welfare Act of 1978 (ICWA) and to identify ways in which to improve compliance. Sets committee membership and required a report, by December 7, 2005, to the Joint Standing Committee on Judiciary and the Legislative Council. The report must include findings and recommendations and suggested legislation.

2005 Minn. Art. 3, Sec. 8

Allows the Commissioner of Human Services to authorize projects to test tribal delivery of child welfare services to American Indian children and their parents and custodians living on the reservation. Authorizes grants to Indian tribes for that purpose.

2005 Mont. Laws, SB 86, Chap. 349

Defines terms related to the implementation of ICWA and clarifies the role of a qualified expert witness in cases involving Indian children in proceedings subject to ICWA.

2005 N.M. Laws, SB 233, Chap. 189

Sec. 37. Specifies the following placement preferences for Indian children taken into state custody: a member of the child's extended family, a foster home licensed and specified by the child's tribe, an Indian foster home licensed or approved by an authorized non-Indian licensing authority, or an institution for children approved by the child's tribe or operated by an Indian organization.

2005 N.M. Laws, SB 225, Chap. 26

Clarifies that the Safe Haven for Infants Act is not intended to abridge the rights or obligations created by ICWA. Requires that a hospital ask a person leaving an infant whether the infant has a parent who is a member of an Indian tribe. Requires the hospital to provide the Department of Children, Youth and Families with all available information regarding an infant left pursuant to the Safe Haven for Infants Act. Provides that a parent of an infant left at a hospital shall have standing to participate in all proceedings regarding the child.

2005 S.D. Sess. Laws, HB 1226, Chap. 139

Requires that, in any proceeding to which ICWA applies, the state's attorney notify the parent or Indian custodian and Indian child's tribe of the pending proceedings and of their right of intervention. Specifies requirements related to the form, timing and content of the notice.



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